

**Statement to be delivered by Per-Anders Sunesson - The Swedish Ambassador at Large for combating trafficking in Persons. The Swedish model: criminalising the purchase of sexual services and the government evaluation of the relevant legislation in practice (2010) and the penalties imposed (2016) - has demand been reduced or displaced?**

Colleagues, Ladies and Gentlemen it's an honor to be here today at this Academy of European Law seminar, co-funded by the European Commission, on countering trafficking in human beings and I would like to extend my thanks to the organizers for both arranging the event and also for inviting me.

My mandate as ambassador for combating trafficking in persons covers trafficking in humans for all sorts of exploitation but my government have told me to prioritize two things,

- trafficking for sexual exploitation and to
- advocate for what used to be called the Nordic Model but what I now think should be called the Nordic – French model

I am sure that most of you are very familiar with the Swedish regulation regarding trafficking and prostitution.

- Human trafficking is of course – in accordance to the Palermo protocol and other relevant international instruments criminalized.
- And buying sex is criminalized - but selling sex is not. Pimping, procuring and operating brothels are illegal.
- The law came in to force 1999 and was evaluated 2010.

The proposal to criminalize the purchase of sexual services was part of a Government Bill on Violence against Women. The bill proposed a large number of measures in different social sectors to combat violence against women, prostitution and sexual harassment in working life. According to the bill, one issue that was closely related to that of violence against women and a lack of gender equality was the issue of men who purchase sexual services, usually from women, namely, the issue of prostitution.

The most important insight regarding the issue of prostitution presented in the bill was that attention must be directed to the buyers. It was a matter of a shift in perspective, which can be summarized by stating the obvious: if there was no demand there would be no prostitution.

So the main reason for not criminalizing the selling of sex is that we view the seller as a victim, a victim of gender inequality, a victim of men's belief that it is ok to buy the bodies of women and girls and use them as objects.

It is also the knowledge that most of those who are in prostitution are not doing it voluntarily.

Most of you are probably also familiar with the evaluation of the Swedish law and the findings

- Evaluating the effects of the ban on the purchase of sexual services was a difficult task. Prostitution and human trafficking for sexual purposes are complex, multifaceted social phenomena that occur in part in secret. Increased internationalization and the Internet as a new arena for prostitution also make it difficult to assess its prevalence.
- that street prostitution was reduced to half
- the proportion of men reporting that they have paid for sex decreased substantially after the law came into effect; some studies suggest that this fell by almost half,
- Increased public support for the ban. Surveys were conducted before and after criminalization were introduced. Judging by the results of four population-based opinion polls, there has been a change of attitude with regard to the purchase of sexual services. In all three surveys conducted since the ban was introduced, more than 70 percent of those asked had a positive view of the ban.
- Sweden has a smaller market for human traffickers than many other European countries.

I have several times heard people say things about the Swedish law and the consequences of the law that are plain wrong.

For example, that there is more violence against them who are in prostitution today than it was before the law.

Let me tell you – we have no indications that this should be true. On the contrary

- the fact is that we have not had one single murder of persons selling sex in Sweden since the law came in to force.

Some time ago I was able to join a police team in Stockholm that works 100 percent with issues regarding prostitution. Their opinion is that the law really works. There are fewer buyers and it is easy for them to approach those who are selling sex. The persons who are selling sex are not afraid to talk to the police.

In their opinion are those who argue that the law that prohibits buying sex should make it more dangerous for the women totally wrong – they mean that the law actually protects those who are selling.

The police officers argued that the prohibition puts pressure on the buyer to behave.

The buyer knows that if he gets abusive the women can contact the police without risking to get punished.

But if the buyer is exposed he risks a lot more. He is of course getting a fine but he is also – in a land where it is not socially acceptable to buy sex - facing the risk of losing his job and losing his family. This risk makes most sex buyers want to be very discrete – they don't want to make a scene.

But of course – laws and paragraphs that prohibit trafficking and prohibit buying sex are not enough. The Swedish model is more than just the provisions that prohibits the buying of sex.

The model includes the providing of support services to help exit and it also requires close cooperation between police, Social services, prosecutors, migration officers and NGO:s

Organizations working closely together is one key element.

Another key element is – like I mentioned- to have good support and exit program for those who are have been trafficked and for those who are in prostitution. The society must be able to give good support.

Getting different authority's to work together with each other and also with NGO:s can be hard to achieve. The way we have arranged it in Sweden is that we have a national coordinator that are facilitating cooperation between authorities and between authorities and NGO:s.

The model has been very successful and the National coordinator have – together with law enforcement agencies, the migration authority and other stakeholders - produced manuals on how to detect victims of trafficking, manuals on how to manage a case of trafficking and we now also have a national referral system in place.

**The governmental inquiry** that evaluated the ban against the purchase of sexual Services proposed that the maximum penalty for the purchase of sexual services should be raised.

The reason - variations among different sexual purchase offenses are taken into account far too infrequently when deciding on a penalty.

Therefore, the governmental inquiry proposed that the maximum penalty for the purchase of sexual services should be raised from six months' imprisonment to imprisonment for one year.

The Swedish Parliament decided as proposed and the new law came in to force 1 of July 2011.

In September 2014 the Swedish government decided to put in place a new governmental inquiry. *The 2014 Human trafficking inquiry.*

The task for the inquiry was to:

- review current practice to clarify the application of the human trafficking provision and analyse how it has developed since 2010,
- highlight and analyse whether there are any particular problems with interpretation or other difficulties in applying the penalty provision;
- consider whether there is a need to clarify or otherwise amend the provision on human trafficking offences;
- examine and analyse how police and prosecutors investigate and otherwise handle cases involving human trafficking;
- consider measures to strengthen the quality and effectiveness of criminal investigations and increase prosecutions of human trafficking offences;
- review the scales of penalties for human trafficking and pro-curing;
- analyse and decide whether there is a need to clarify, broaden or in some other way amend the criminal law protection against forced labour or exploitation for other activities in situations that involve distress for the victims; and
- analyse and decide whether there is a need to clarify, broaden or in some other way amend the criminal law protection against improper economic exploitation of people in a vulnerable situation.

The inquiry was also asked to

- evaluate what impact the increase, introduced in 2011, of the maximum penalty for the crime 'purchase of sexual services' had had, with the aim of ensuring that the penalty in serious cases of purchases of sexual services fully corresponds to the seriousness of the crime;
- review the scale of penalties for the purchase of sexual acts from children and consider an increase of the minimum penalty with the aim of ensuring a scale of penalties that reflects the seriousness of the crime.

I will only comment on the findings of the evaluation of what impact the increase of the maximum penalty for the crime 'purchase of sexual services':

The purpose of stricter penalties for the purchase of sexual services was to create greater scope for a more nuanced assessment of penal value in serious cases of the purchase of sexual services.

According to statistics from the Swedish National Council for Crime Prevention (Brå) and the judgments the Inquiry obtained, it appears that the assessment of penal value and choice of penalty remains the same, despite the stricter penalties introduced in 2011. It is thus very unusual for the penalty to be set at anything other than a fine.

- this data indicates that the stricter penalties have not had the intended impact.

The Inquiry's assessment

- is that despite the stricter scale of penalties for the purchase of sexual services introduced in 2011, there is a need of further amendments to the penalty provision to ensure a more nuanced assessment of the penal value for the more serious cases of the purchase of sexual services.

The Inquiry proposed that the penalty provision be amended so that the crime 'purchase of sexual services' is divided into degrees and that a gross offence is introduced.

**To summarize:** Evaluating the effects of the ban on the purchase of sexual services was a difficult task. Prostitution and human trafficking for sexual purposes are complex, multifaceted social phenomena that occur in part in secret. Increased internationalization and the Internet as new arenas for prostitution also make it difficult to assess its prevalence.

The Swedish government and also researchers in Sweden who work with this issue however agree – the Swedish ban has reduced demand for girls and women to sexually exploit. The government, the political parties and a strong majority of the Swedish people are pro the law. Both because of its results when it comes to curbing prostitution but also because the law enhance gender equality, human rights and also because it is an effective instrument to fight human trafficking for sexual exploitation.

Thank You