

# **Analyzing the Swedish Model on prostitution**



*“When one considers the life of a prostitute, seldom do we consider the abuse and violation she endures. At worst, we say they are happy prostitutes, and at best we call them victims. But they are survivors. Survivors deserve a voice. Survivors deserve a dialogue. Survivors deserve their due of justice.”<sup>1</sup>*

## **INTRODUCTION**

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<sup>1</sup> See ‘Prostitution in Denmark, Societies blind eye.’ At [http://www.humanityinaction.org/docs/Library/2002%20Extracted/Armario\\_\\_Dollner,\\_2002.pdf](http://www.humanityinaction.org/docs/Library/2002%20Extracted/Armario__Dollner,_2002.pdf)

*“We think that prostitution is one of the worst expressions of the unequal division of powers between men and women and this does not only bear on the prostitutes or those who buy the prostitutes’ services but the whole of society. This is why we are now suggesting a criminalisation of the sex buyers. We are convinced that it will change attitudes and decrease violence in society. We are convinced that it will also decrease prostitution.”*<sup>2</sup>

In 1999 Sweden introduced an innovative law that prohibits the purchase of sexual services.<sup>3</sup> In essence this means that only the buyers of sexual services and not the women involved in prostitution, are criminalized. The principles behind the law is that, in Sweden, prostitution is regarded as violence against women and children, it is intrinsically harmful not only to the individual prostituted woman or child, but to society at large, and represents a significant barrier to the Swedish goal of full gender equality. From this premise it was necessary to implement a strategy of zero tolerance to end this intrinsically harmful behaviour in society.

The Swedish approach to prostitution is unique as it attempts to address the root causes of prostitution by encapsulating the reality of what is experienced in the course of a prostituted women’s life. From research and analysis the Swedes found that, unlike the men that exploited them, prostituted women had lead severely marginalized lives and experienced severe violence within prostitution. Hence the Swedish model recognized the incongruity of penalising “the weaker partner who is exploited by those who only want to satisfy their sexual desires”.<sup>4</sup> Rather they realised that the responsibility for generating

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<sup>2</sup> See Anne Maria Holli ,(2004) ‘Debating prostitution and trafficking in Sweden and Finland’ at <http://www.jhubc.it/ecpr-bologna/docs/561.pdf>. Equality Minister’s Ulrica Messing, the Social Democratic Party, Protokoll 1997/98: 114, 41.) description of the situation in Sweden.

<sup>3</sup> (Law that Prohibits, 1998:408) Under the Act Prohibiting the Purchase of Sexual Services (1998:408), a person who obtains casual sexual relations in exchange for payment shall be sentenced comprises all forms of sexual services, in brothels, so called massage parlours ‘prostitution and trafficking in women’. See Swedish factsheet at <http://www.sweden.gov.se/content/1/c6/01/87/74/6bc6c972.pdf>

<sup>4</sup>See ‘prostitution and trafficking in women’ Swedish factsheet <http://www.sweden.gov.se/content/1/c6/01/87/74/6bc6c972.pdf>

and sustaining prostitution had to lie with the people who sought the services of women involved in prostitution.

However the Swedish model acknowledged that legislation repressing the demand would not alone solve this complex issue. A fundamental part of the Swedish model was to implement initiatives and empowerment strategies that aim to support the women concerned and to provide them with genuine opportunities and alternatives to exit the industry. Furthermore, to reinforce all elements of the law the Government provided additional funding to educate society to provide greater awareness and understanding about this harmful practice. As a result in Sweden today over 80% of the population “support the law and the principles behind its development”<sup>5</sup>

In contrast to those countries that seek to regulate or legalise prostitution, Sweden have adeptly managed this complex and controversial issue and have had successful results. In the six years that the law has been in effect it has dramatically reduced the numbers in prostitution.<sup>6</sup> It has deterred buyers and deterred traffickers as “the number of foreign women now being trafficked into Sweden for sex work is almost nil”.<sup>7</sup> Furthermore it has had a significant positive effect on women involved in prostitution as “sixty percent of the prostitutes in Sweden took advantage of the well-funded programs and succeeded in exiting prostitution”<sup>8</sup> The results have achieved the aspirational goal of any comprehensive prostitution strategy, which is to reduce prostitution and eventually eradicate it.

The Swedish model is a holistic approach to the issue of prostitution placing the victim and their needs at the centre of all initiatives. The model stands as a beacon of light in one countries determination to have a zero tolerance approach to the oppression of

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<sup>5</sup> See Ekberg, Gunilla (2005) ‘The Swedish law that prohibits the purchase of a sexual service: Best practice for prevention of prostitution and trafficking in human beings’(update of article in journal of Violence Against Women 2004) at 15

<sup>6</sup> Ibid, “The Law in Sweden has been in effect for 6 years. During that time, street prostitution has declined in all parts of the country, and the majority of the prostitution buyers have disappeared. At 18

<sup>7</sup> See ‘Opposing prostitution as a form of male violence’  
<http://www.peaceworkmagazine.org/pwork/0506/050616.htm>

<sup>8</sup> See [www.peaceworkmagazine.org](http://www.peaceworkmagazine.org)

women. As Janice Raymond surmises, “ the principles behind the Swedish prostitution policies makes clear that prostitution is officially acknowledged as a form of male violence against women, a harmful practice and a serious threat to gender equality and a tangible expression of the belief that in one country, at least, women and children are not for sale”.<sup>9</sup>

## **OUTLINE**

By analysing briefly the demand and supply of prostitution, this paper will outline the rationale behind the Swedish approach of penalizing the purchasers and not the sellers of sexual services. This paper will then briefly outline other approaches to prostitution currently employed by other governments worldwide such as the criminalization and legalization of prostitution. Finally this paper analyses the Swedish model’s approach to Prostitution. It will outline the results and its effect on the users and profiteers of prostitution, on the prostituted women, and the general effects in society.

## **THE RATIONALE**

A fundamental part of the comprehensive Swedish strategy to combat prostitution was to recognize that it is the users of prostituted women who should be criminalized and not the women. The Swedish rationale for punitive measures for the demand and not supply becomes clear when analysing the background and experiences of those who are prostituted in contrast to those who purchase prostituted women. As stated by an MP in the Swedish government, “but it is the women who prostitute themselves who have social problems. We do not want to criminalize them. Many of those who buy sexual services have no social problems. They are established men with both a job and a family who anyway use sexual services. This is the relevant difference and this is the argument why

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<sup>9</sup> See Janice Raymond ‘Guest editors introduction’ at <http://action.web.ca/home/catw/attach/RaymondIntro2.pdf>

we want to criminalize the sex buyers only”.<sup>10</sup> The Swedish government believed therefore that, “it is not reasonable to punish the person who sells the sexual services. In the majority of cases at least this person is the weaker partner who is exploited by those who only want to satisfy their sexual desires”.<sup>11</sup> Furthermore the Swedish Government believed it was important to motivate prostituted women to exit the industry without fear or risk of punishment.

### **Who are the women and what are the effects?**

The women entering prostitution have been socially marginalized throughout their entire lives. They have been faced with a paucity of alternatives which highlights that in reality rarely does a woman decide or chooses she wants to be a prostitute, rather prostitution is seen as a ‘survival strategy’.<sup>12</sup> From Ruhama’s experience, as well as extensive international research, it is known that a clear majority of women in prostitution (around 80%) have suffered some form of sexual abuse in their childhood.<sup>13</sup> In addition the vast majority of prostituted women suffer gender inequalities, are poverty stricken, are drug addicted<sup>14</sup>, homeless<sup>15</sup>, and/or are discriminated against based on their ethnicity, race, colour and/or religion.<sup>16</sup> Furthermore a large portion of women enter prostitution in their youth, an international study showed that the median age for the entrance of girls into prostitution is 14 years of age. As stated by the UN Special Rapporteur for trafficking,

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<sup>10</sup> See Anne Maria Holli,(2004) ‘Debating prostitution and trafficking in Sweden and Finland’(MP Kia Andersson, the Green Party, Protokoll 1997/98: 114, 21)at <http://www.jhubc.it/ecpr-bologna/docs/561.pdf> at 8

<sup>11</sup>See ‘prostitution and trafficking in women’Swedish factsheet  
<http://www.sweden.gov.se/content/1/c6/01/87/74/6bc6c972.pdf>

<sup>12</sup>See Janice Raymond, 2003. *10 Reasons for Not Legalizing Prostitution*.

<sup>13</sup> Farley, Factsheet on Human Rights Violations, Prostitution Research and Education. See also Swedish factsheet , “International studies show that between 60 and 90 per cent of prostituted women were sexually abused by male relatives or acquaintances as girls”, at  
<http://www.sweden.gov.se/content/1/c6/01/87/74/6bc6c972.pdf>

<sup>14</sup> “as many as 95% of those involved in street-based prostitution are believed to use heroin and/or crack”  
See Crime and public protection Steering Group  
<http://www.londoncouncils.gov.uk/upload/public/Files/1/ProstitutionConsultationResponse.doc>

<sup>15</sup> See ibid “many report having run away from home, or having suffered periods of homelessness”

<sup>16</sup> See generally Ruhama’s report ‘The next step initiative: research report on barriers affecting women in prostitution’.

“put simply, the road to prostitution and life within “the life” is rarely one marked by empowerment or adequate choices”.<sup>17</sup>

Documented research has uncovered that for women working in prostitution, physical and sexual violence is the normative experience.<sup>18</sup> Violence is pervasive and endemic in the sex industry and for prostituted women involves, “a lifelong continuum of sexual exploitation and violence which begins with sexual assault or prostitution in childhood”.<sup>19</sup> It could be surmised that asides from Post Traumatic Stress Disorder and STD’s, other damaging effects include rape, beatings, torture, pregnancy, infertility, organ damage from addictions, as well as psychological damage such as anxiety and depression.<sup>20</sup> Women who are prostituted are essentially“...subjected to sexual torture in the guise of particular sexual practices such as sadomasochism, systematically humiliated, sexual harassed, threatened, raped, beaten, and sometimes kidnapped”. The violence experienced by prostitutes can be so grievous as to often violate the most fundamental human right, that of the right to life, as “a Canadian Commission found that **the death rate of women in prostitution was 40 times higher than that of the general population**”<sup>21</sup>

The lifelong debilitating effects of prostitution are immeasurable, the trauma of repeated beatings and unwanted sex takes its physical and psychological toll in their past, present and future lives. Due to their marginalized histories and present helplessness prostituted women are enslaved by the industry and cannot escape without adequate support.

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<sup>17</sup> See Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, February 2006, entitled ‘Integration of the Human Rights of Women and a Gender Perspective’

<sup>18</sup> See Farley, Melissa, (2004), ‘Bad for the body, bad for the heart: prostitution harms women even if legalised or decriminalised’ in *Violence Against Women* 10, 1083-1125, At 1094

<sup>19</sup> See Farley and Kelly, 2000. “Prostitution: A Critical Review of the Medical and Social Sciences Literature”, *Women and Criminal Justice*, vol. 11 (4): 29-64

<sup>20</sup> Ibid .See also Holsopple, 1999. *Fundamentals of Prostitution Community Learning Curriculum*, [www.angelfire.com/mn/fjc.learningpacket.html](http://www.angelfire.com/mn/fjc.learningpacket.html), 22/12/2004.

<sup>21</sup> See n 19, (Special Committee on Pornography and Prostitution,1985)\_Farley, Melissa, (2004)

## Who are the demand?

Remedies for prostitution have been consistently and incongruently directed at the women in prostitution, for example, “research attention has, in the main, focused on the women, with their involvement in prostitution considered problematic, while the actual seeking out, and the buying of sex, had been treated as a normal aspect of male sexual behaviour”.<sup>22</sup> Who are these men that sexually exploit vulnerable women?

One popular misconception of the characteristics of the demand is that they are assumed to be lonely segregated men who would not be able to have sexual relations otherwise. In fact, the contrary is true as, “men who have or have had many sexual partners are the most common buyers of prostituted persons, effectively dispelling the myth that the buyer is a lonely, sexually unattractive man with no other option for his sexual outlet than to buy prostituted women.”<sup>23</sup> Research has shown that buyers have money, stability, education and power, showing that in general “studies indicate that prostitute-users are not marginalized men, unlike the women they use and abuse”.<sup>24</sup>

The actual statistics of the numbers of men who sexually exploit women in prostitution can vary, but “various statistics, ranging from lower to higher, indicate that large-enough numbers of men buy women and children to satisfy their sexual demands”.<sup>25</sup> In Sweden only 12 percent of men admit to having engaged a prostitute at least once in their life.<sup>26</sup> Comparative figures in countries where it is legalized or “tolerated”, paints a disturbing picture, for example, “...it was reported that 18% of German men regularly pay for sex (stolen youth, 2003). A German doctoral Thesis in process finds that **one million prostitutes-users** buy women **daily** in Germany for sexual activities”.<sup>27</sup> These figures

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<sup>22</sup> See Ruhama ‘next step initiative’ (weitzer 2000)

<sup>23</sup> See Ekberg, Gunilla(2004), ‘The Swedish law that prohibits the purchase of a sexual service’ at 1194

<sup>24</sup> See Raymond G. Janice, (2004), ‘Prostitution on Demand : legalizing the buyers as sexual consumers’ at <http://action.web.ca/home/catw/attach/Raymond1.pdf>, At 1170

<sup>25</sup> Ibid At 1166

<sup>26</sup> See ‘No to Prostitution and Trafficking’ at [http://www.sweden.se/templates/cs/CommonPage\\_13325.aspx](http://www.sweden.se/templates/cs/CommonPage_13325.aspx)

<sup>27</sup> See Raymond G. Janice, (2004) ‘Prostitution on Demand : legalizing the buyers as sexual consumers’ at <http://action.web.ca/home/catw/attach/Raymond1.pdf> At 1166

demonstrates that an increasing amount of men will exploit women in prostitution not due to certain traits such as loneliness or high sex drives but more simply, because they can.<sup>28</sup>

One of the cornerstones of Swedish policies against prostitution is the recognition that the existence of prostitution is not possible without the demand for the use of vulnerable women and girls for sexual exploitation, nor would the industry be able to flourish and expand.<sup>29</sup> The research demonstrates that the demand side must take its share of the responsibility for maintaining the existence of women in prostitution.

## **THE ALTERNATIVE MODELS**

### **Criminalisation**

Many countries criminalize both the victims of prostitution and the buyers through solicitation laws. The laws governing prostitution in these countries are usually not about concern for the women in prostitution as such but are primarily put in place as public order offences. For example, in Ireland, “the new law was extended to customers and third parties and it was framed to “protect the public against the unacceptable nuisance caused by soliciting”.<sup>30</sup> These soliciting laws are not designed to prevent prostitution nor do they provide support mechanisms for prostituted women to exit the industry, on the contrary, the victims “have rarely been given access to services that could assist them to leave prostitution”.<sup>31</sup> Although these laws appear gender neutral on the surface, in general “the effects of such legislation have been that these laws are applied mainly to the victims”<sup>32</sup>, furthermore “the buyers usually escape punishment”.<sup>33</sup>

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<sup>28</sup> See Raymond G. Janice, (2004) *ibid* , At 1162 Barry(1979,1995)

<sup>29</sup> See Ekberg, Gunilla (2005) ‘The Swedish law that prohibits the purchase of a sexual service: Best practice for prevention of prostitution and trafficking in human beings’(update of article in journal of Violence Against Women 2004)’

<sup>30</sup> See Juilie Bindel and Liz Kelly (2003) ‘A Critical Examination of Responses to Prostitution in Four Countries : Victoria,Australia, Ireland, the Netherlands and Sweden’

<sup>31</sup> See n 29, Ekberg at 15

<sup>32</sup> See note 30



## Legalization

Countries such as Holland and Germany that have legalized prostitution recognize prostitution as part of the economic sector. The rationale proffered for legalising prostitution as work is that it will remedy the many illegal and abusive aspects associated with prostitution and hence make it safer for women involved in prostitution. Extensive research however demonstrates that far from making prostitution a regulated and respectable profession, legalisation in fact exacerbates the problems, and gives rise to additional problems.<sup>34</sup> Legalization of prostitution results in the normalizing of this intrinsically harmful treatment. As Gunilla Ekberg notes, countries that have legalized prostitution have a higher instances of sexually exploiting women, as “...the idea is normalized. It is then perfectly acceptable that men go to brothels to buy and sexually exploit women.” Research has shown in countries such as Netherlands and Australia (Victoria) that have legalized or decriminalized prostitution have seen a sharp increase in prostitution, an increase in the number of illegal brothels, more involvement of organized crime and greater incidence of child prostitution and violence.<sup>35</sup>

Normalising prostitution has the concomitant effect of increasing the demand. Hence countries that have legalised prostitution experience the highest numbers of trafficking for sexual exploitation, with numerous women trafficked into existing legalised sex industries and being sexually exploited within them. It could be surmised therefore that the “limitations of prostitution policies become in turn, a factor in the lack of response to trafficking.”<sup>36</sup> For example, a report found “that 80% of the women in the brothels in the Netherlands are from other countries, most of them recruited and trafficked to

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<sup>33</sup> See n 29, Ekberg at 15

<sup>34</sup> For more information on legalized sex industries see Ruhama’s paper ‘Uncovering the misconceptions: the realities of legalized prostitution’ at [www.ruhama.ie](http://www.ruhama.ie)

<sup>35</sup> *ibid*

<sup>36</sup> See Juilie Bindel and Liz Kelly (2003) ‘A Critical Examination of Responses to Prostitution in Four Countries : Victoria,Australia, Ireland, the Netherlands and Sweden’

Holland”.<sup>37</sup> In Denmark where the purchase of sexual services is not prohibited “5,000 to 7,800 women are prostituted every year. It is estimated that 50% or more of these women are victims of trafficking in human beings.”<sup>38</sup> This is in direct contrast to Sweden where only an estimated 400 to 600 women are trafficked into Sweden every year.<sup>39</sup>

Similar to the criminalization approach, legalization of the sex industry does little to support marginalized women’s desire to exit the industry, for example, “a survey of legal prostitutes working under the conditions of the Netherlands legalization policy finds that 79% say they want to get out of the sex business. And though each of the legalization/regulation programs promised help for prostitutes who want to leave prostitution, that help never materialized to any meaningful degree.”<sup>40</sup> Essentially the benefits of legalised prostitution only accrue for the people that exploit and capitalise on these marginalized women and children as legalisation makes the act of buying and selling women for exploitative sexual purposes legitimate.

In general both the criminalization and legalization approaches to remedy prostitution fail to fully appreciate “the sexual violence and psychological harm which both precede and are intrinsic to prostitution”. The Swedish approach to prostitution should be emulated instead as it has proven that it is “an effective alternative to state-legitimated systems of prostitution”<sup>41</sup>

### **THE SWEDISH MODEL**

According to Chapter 6s.8 of the Swedish Penal Code, anyone who “promotes or encourages or improperly exploits for commercial purposes casual sexual relations entered into by another person in exchange for payment is guilty of a criminal offence

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<sup>37</sup> See Janie Raymonds ‘Guide to the new UN protocol’ at 7,8, 9

<sup>38</sup> See n29, Ekberg at 10

<sup>39</sup> See n29 Ekberg at 9

<sup>40</sup> See [www.peaceworkmagazine.org](http://www.peaceworkmagazine.org)

<sup>41</sup> See n 29 Ekberg at 15

and shall be sentenced for procuring to imprisonment for at most four years”.<sup>42</sup> The latest statistics have shown that between 1999 and March 2005 in Sweden, 914 male individuals have been reported under the law.<sup>43</sup> The maximum sentence for buyers of sex is six months’ prison and charges have been brought against some 750 men. It is thought that two-thirds of those charged will be sentenced.<sup>44</sup> The law that prohibits the purchase of women in Sweden has resulted in ,“...the number of women in street prostitution has been reduced by two thirds, and the number of “johns” has been reduced by 80%. There are other major Swedish cities where street prostitution has all but disappeared.”<sup>45</sup>

But the Swedish models success does not lie solely in the prosecution of the buyers, rather it is this component in tandem with initiatives to empower women to motivate them to leave the industry and the education of society to recognise that prostitution is violence against women. Outlined below are the effective results of the Swedish model.

### **Empowering women: the results**

In addition to funding the successful implementation of the new legislation, the Swedish model ensured provisions for funding realistic exit strategies for prostituted women. They included research into addressing the root causes for entry into prostitution and factors which can inhibit permanent exit, for example, “monies were made available to NGOs and statutory agencies for drug rehabilitation programmes, exit strategies and longer term reintegration.” As aforementioned other approaches to prostitution such as legalization do not support women to empower them to exit prostitution. This is in contrast to the Swedish model where, “the government followed through with ample social service funds to help those prostitutes who wanted to get out.”<sup>46</sup> The results were that, **“Sixty percent of the prostitutes in Sweden took advantage of the well-funded programs**

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<sup>42</sup> See Swedish factsheet at <http://www.sweden.gov.se/content/1/c6/01/87/74/6bc6c972.pdf>

<sup>43</sup> See n 29 Ekberg at 7

<sup>44</sup> See No to prostitution and trafficking’ at [http://www.sweden.se/templates/cs/CommonPage\\_13325.aspx](http://www.sweden.se/templates/cs/CommonPage_13325.aspx)

<sup>45</sup> See n 29 Ekberg

<sup>46</sup> See [www.peaceworkmagazine.org](http://www.peaceworkmagazine.org)

**and succeeded in exiting prostitution”.**<sup>47</sup> The numbers involved in street prostitution today is no more than 500, (Sweden has 9 million inhabitants) this is a reduction from 650 in 1999 before the law was implemented.<sup>48</sup> This number should be compared with the number of women involved in street prostitution in Denmark (where prostitution as such is legal) which was 5,500 to 7800 in 2004 (with 4.5 million inhabitants).<sup>49</sup>

The positive effect of the law for prostituted women is two fold and self reinforcing. In addition to providing the incentive “for women wanting to escape prostitution to seek the assistance that they need”<sup>50</sup>, Swedish NGO’s report that that prostituted women and girls, “contact them in greater numbers to get assistance to leave prostitution”. Furthermore it also acts as a preventative measure for a future generation of marginalized girls who could be vulnerable to entering the industry, for example NGO’s in Sweden have reported, “that the existence and the enforcement of the law deter young women who are not yet in prostitution but who are runaways or soft drug abusers.”<sup>51</sup>

### **The Normative effect of the law: societal attitudes**

The Swedish prostitution law depenalises the victims of sexual exploitation, hence it is not illegal to be a prostitute but it is illegal to exploit them, thus criminalizing the profiteers and customers. But this approach is not just simply about punishing demand but is part of a programme of raising awareness in society and improving gender equality, “The Swedish regime is not simply a piece of ideological legislation, but a holistic approach to the problems of prostitution. There is as much emphasis on raising awareness about the realities and consequences of prostitution as there is on enforcing the criminal law”.<sup>52</sup> Sweden viewed the previous approach to prostitution as a barrier to equality between the sexes in that, “...that young men growing up in a culture where prostitution is acceptable will often form detrimental views of women and sexual relationships, which

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<sup>47</sup> *ibid*

<sup>48</sup> See n 29 Ekberg at 6

<sup>49</sup> *ibid*

<sup>50</sup> See n 29 Ekberg at 14

<sup>51</sup> See n 29 Ekberg at 14

<sup>52</sup> See Juilie Bindel and Liz Kelly (2003) ‘A Critical Examination of Responses to Prostitution in Four Countries : Victoria,Australia, Ireland, the Netherlands and Sweden’ at 25

in turn can become a barrier to equality between man and women”<sup>53</sup> Hence the Swedish law, “...would send out a clear message to boys and men that prostitution use is unacceptable”. In addition, through raising awareness campaigns the model attempts to change the hoary mindset of society, importantly instead of perpetrators or “nuisances” women in prostitution, “...are viewed as victims of a crime. This not only changes their legal status, but how they are seen and treated by others” and indeed induces the creation of holistic measures to help them. By removing this barrier of simply arresting prostitutes, the Swedish model allows the health services and police to adopt a range of comprehensive strategies addressing root causes and providing realistic exit strategies, “...instead they [women in prostitution] have the right to assistance to escape prostitution”.<sup>54</sup> The law is a catalyst for changes in societal attitudes and by eradicating the social prejudice it facilitates women in prostitution accessing societal and medical services. This is demonstrated in Sweden where 80% of the population support the law and “the issue today is more about how the law is enforced, than questioning the existence of the law itself”.<sup>55</sup>

### **Reduces trafficking for sexual exploitation**

“While no one claims it [the law] has eliminated prostitution, it has certainly stemmed its growth and acts as a deterrent to traffickers.”<sup>56</sup> The Swedish model deters sex traffickers on numerous levels. Having stringent laws in place to penalize the purchasers of sexual services deters and reduces demand, this in turn reduces the domestic sex market, and makes it more risky and less profitable for traffickers to locate there. Evidence has shown that in Sweden, “both police and prosecutors believe that the regime deters traffickers”. As stated by Detective Inspector K. Wahlberg, “Traffickers are choosing other destination countries where their business is more profitable and not hampered by similar laws”.<sup>57</sup> The numbers of women trafficked into Sweden are low compared with other

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<sup>53</sup> *ibid* ‘at 24(winberg 2003)

<sup>54</sup> See Ekberg, Gunilla(2004) At 1189

<sup>55</sup> See n 29 Ekberg,(2005) at 15

<sup>56</sup> See Ekberg, Gunill (2004)

<sup>57</sup> See n 29 (Detective Inspector K. Wahlberg, personal conversations, April 18, 2002 at 12

countries, for example, “2 and 5 hundred women are trafficked into Sweden each year, compared with an estimated 17000 in Finland.”<sup>58</sup>

### **Compliance with International Law**

In targeting the demand the Swedish law complies with both the Council of Europe’s Convention (See Article 19: ‘Criminalisation of the use of services of a victim’) and article 9.5 of the UN protocol which states, “States Parties shall adopt or strengthen legislative or other measures ... to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking”. The UN Special Rapporteur on trafficking commends the use of the Swedish model in her report to the UN High Commissioner in understanding demand as both a global and a local harm, “Since expressive condemnation of harmful conduct is one of the central functions of the criminal legal systems, it stands to reason that states parties should be encouraged to criminalize the use of prostituted person as a way of fulfilling their obligations under article 9, paragraph 5 of the [Trafficking] protocol”.<sup>59</sup> Furthermore by placing the victims and their needs at the centre of all initiatives the Swedish model implements a holistic approach to prostitution and therefore abides by the intentions of all international human rights law.

### **Effect on other countries**

The success of the Swedish model is not unnoticed. Law and policy makers worldwide are being influenced by its results. For example, South Korea, the second such country worldwide to enact legislation to prohibit the purchase of sexual services is hoping to emulate the laws positive effects as part of their “comprehensive program of measures to

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<sup>58</sup> See Julie Bindel and Liz Kelly (2003) ‘A Critical Examination of Responses to Prostitution in Four Countries : Victoria,Australia, Ireland, the Netherlands and Sweden’ at 25

<sup>59</sup> See Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, February 2006, entitled ‘Integration of the Human Rights of Women and a Gender Perspective’

combat prostitution and trafficking in human beings”.<sup>60</sup> Iceland too is set to enact a law that criminalizes the buyers of sex. Talks about implementing similar legislation to the Swedish model are under way in both Finland and Norway.<sup>61</sup> Even as an ideology the model is still proving very influential, for example the Russian Government had been considering the legalization of prostitution, “but changed its mind after learning more about the Swedish model”.<sup>62</sup> Furthermore French and Belgium parliamentarians, “have repeatedly raised the need for legislation that prohibits the purchase of a sexual service.”<sup>63</sup>

## CONCLUSION

*“In Sweden it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold and sexually exploited by men”*<sup>64</sup>

The Swedish model by recognizing prostitution as a form of violence against women strives to implement a three pronged strategy. It employs repressive legislation for purchasers and profiteers who sexually exploit women in positions of vulnerability. Coupled with that the model recognises prostituted women as victims in need of help, and employs realistic empowerment strategies to motivate and support exit. Finally the model strives to re-educate society through awareness campaigns to facilitate all elements of the law and to eradicate anachronistic myths on prostitution that have previously inhibited a holistic solution. It is precisely because of these interconnected components that the Swedish model of best practice is effective.

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<sup>60</sup> See n 29 Ekberg at 15

<sup>61</sup> See [www.peaceworkmagazine.org](http://www.peaceworkmagazine.org)

<sup>62</sup> See ‘No to prostitution and trafficking at [http://www.sweden.se/templates/cs/CommonPage\\_13325.aspx](http://www.sweden.se/templates/cs/CommonPage_13325.aspx)

<sup>63</sup> *ibid*

<sup>64</sup> See n 29 Ekberg at 2

Any initiative employed by the international community or domestic states concerning prostitution and trafficking must be based on this framework, in other words with a view to holistically eradicating all forms of sexual exploitation (and prevent it happening to a new generation of women and children), and not tolerate or manage or even legitimize it as some countries and organizations currently do.

The Swedish law against the buying of sexual services should be emulated. To implement it is to reduce holistically the numbers in prostitution through exiting and prevention and ensures and that the practice of sexually exploiting women is socially reprehensible as violence against women. This is the goal of any comprehensive and holistic anti-prostitution strategy.

The paid abuse of women is intolerable. It is the duty of Governments and societies to be brave enough to implement the Swedish model which sees prostitution for what it is, a particularly lethal form of violence against women. Adopting the Swedish model is a holistic human rights approach to prostitution which recognises prostituted women as subjects of rights. Crucially it allows their specific needs economically, socially, psychologically and educationally to be addressed and provides the survivors of sexual exploitation with the social and legal justice, that is their due. Implementing the Swedish model allows the law to play its dialectical role, it clearly sets the example that the oppression of women in any form will not be tolerated. This premise will facilitate and support the change in mindset of societies worldwide that could create a positive future for victims and potentially end this ageless plight for a new generation of vulnerable women.

As Janice Raymond notes, “We cannot tell women and girls in prostitution that they must continue to do what they do because prostitution is inevitable. Rather, our responsibility is to make men change their behaviour by all means available — educational, cultural, and through legislation that penalizes men for the crime of sexual exploitation.”<sup>65</sup>

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<sup>65</sup> See Janice Raymond ‘Guide to UN protocol’ at [http://action.web.ca/home/catw/attach/un\\_protocol.pdf](http://action.web.ca/home/catw/attach/un_protocol.pdf)