

The Swedish Sex Purchase Law: evidence of its impact

Nordic Model Information Network¹
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In January 1999, Sweden enacted a law that criminalised purchasing sex, and decriminalised being paid for sex.² This Sex Purchase Law was part of an omnibus bill on violence against women, at the heart of which was a commitment to ending violations of women’s integrity (*kvinnofrid*). The law that prohibits the purchase of sexual services, placed within Sweden’s criminal code, currently reads as follows:

A person who, otherwise than as previously provided in this Chapter [of the penal code], obtains for themselves a casual sexual relation in return for payment, shall be sentenced for purchase of sexual service to a fine or imprisonment for at most one year.

*The provision[s] of the first paragraph also apply if the payment was promised or given by another person.*³

Attempts are addressed under Chapter 23 of the Swedish Criminal Code. The intention of the law is to address the prostitution system on the basis that in a society of equality between women and men it is ‘unacceptable that men obtain casual sex with women for remuneration’.⁴ The law is gender-neutral in its terms, but Sweden’s approach acknowledges that the prostitution system is profoundly gendered, in that the vast majority of those who buy sex are men and those who are paid for sex are women and girls. Under the law, those who are paid for sex are not criminalised; crucially, this is combined with provision of support for those who are bought and sold for sex, including assistance to exit prostitution, and public awareness campaigns that challenge the idea that the bodies of women and girls are for sale.⁵ In 2011, the maximum penalty under the law was increased from six months imprisonment to one year, and provisions were introduced to clarify that those who had been paid for sex could claim civil damages directly from sex buyers for having violated their person.⁶

This approach has become known as the ‘Nordic Model’ after laws inspired by the original Swedish legislation were passed in Norway and Iceland in 2009. Similar laws have also recently been adopted in Canada, Northern Ireland, and France, and are under consideration in Ireland, Israel, Latvia and Lithuania. In 2014 the European Parliament and the Parliamentary Assembly of the Council of Europe both passed, by large majorities, resolutions that recommended the Nordic Model approach as an effective way to tackle trafficking and prostitution in Europe.⁷

¹ The Nordic Model Information Network is a global alliance of researchers with deep and systematic expertise in researching the dynamics of prostitution and the sex industry, trafficking and violence against women. See <http://www.catwa.org.au/?q=node/72> for more information. We are hugely grateful to Max Waltman and Andrea Matolski for their input and support with this briefing. Any errors remain ours.

² Justitiekottets betänkande [Bet.] 1997/98:JuU13 Kvinnofrid [parliamentary committee report/proposal] (Swed.), endorsing Prop. 1997/98:55 Kvinnofrid [government bill] (Swed.).

³ Brottsbalken [BrB] [Criminal Code] 6:11 (Swed.).

⁴ Prop. 1997/98:55 Kvinnofrid, as noted in fn2, at 22.

⁵ Coalition against Trafficking in Women Australia, *Demand Change: Understanding the Nordic Approach to Prostitution* (Melbourne: CATWA, 2013).

⁶ Max Waltman, “Prohibiting Sex Purchasing and Ending Trafficking: The Swedish Prostitution Law,” *Michigan Journal of International Law* 33 (2011): 135, 155–57.

⁷ Respectively, Resolution on Sexual Exploitation and Prostitution and Its Impact on Gender Equality, *Eur. Parl. Doc.*, A7-0071 (Feb. 26, 2014) (passed 343 to 139, 105 abstentions), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=->

The fundamental premise of the Nordic approach is that the prostitution system is part of and is built on inequality, primarily that between women and men, since it rests on women's more limited options for economic independence and men's perceived entitlement to women's sexualised bodies. Lack of meaningful options to make a decent living, experiences of childhood and adult abuse, coercion and substance misuse are common features in the lives of women in the prostitution system. Prostitution, in turn, reinforces intersecting inequalities of race/ethnicity, class, nationality, sexuality and other markers of social hierarchies as well as gender. The Nordic model, then, is more than a law against paying for sex; it is an approach for more broadly dismantling inequality and promoting equality.

Official evaluations of the approach in Sweden, as well as research studies, recognise the complexity of identifying the impacts and consequences of the law.⁸ Nevertheless, a wide range of evidence from Sweden indicates a reduction in prostitution and its associated harms, fewer men buying sex, and widespread public support. The key findings are summarised here.

1. Reducing the size of prostitution markets

Since the sex purchase law was enacted in 1999, independent evaluations have found significant decreases in the size of prostitution markets.⁹ In 1995, a national government report published estimates that there were approximately 2500 to 3000 prostituted women in Sweden, of whom 650 were in street prostitution.¹⁰ In 1998, street prostitution was estimated even higher, at 726.¹¹ By 2008, a study estimated that approximately 300 women were prostituted on Swedish streets, while 300 women and 50 men were identified in Swedish online prostitution advertisements.¹² Prostitution increased in Denmark and Norway during the same period, gauged using similar measurements as in Sweden.¹³

Further comparative analyses with the neighbouring countries in a Nordic study, using similar measurements across all countries, indicate how Sweden has been effective in restraining the growth of prostitution markets.

//EP//TEXT+TA+P7-TA-2014-0162+0+DOC+XML+V0//EN; Resolution 1983 (2014) Final version: Prostitution, trafficking and modern slavery in Europe, esp. Para 12.1.1 (passed 82 to 17, 25 abstentions), <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=20716&lang=en>.

⁸ Swedish Institute, *The Ban against the Purchase of Sexual Services: An Evaluation 1999-2008* (2010): 7 (selected extracts available in English at https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/the_ban_against_the_purchase_of_sexual_services_an_evaluation_1999-2008_1.pdf).

⁹ For this section generally, see data and analysis in the synoptic research of Max Waltman, "Sweden's Prohibition of Purchase of Sex: The Law's Reasons, Impact, and Potential," *Women's Studies International Forum* 34 (2011): 458-60; cf. Waltman, "Prohibiting Sex Purchasing and Ending Trafficking," 146-51. For updates, see Max Waltman, *The Politics of Legal Challenges to Pornography: Canada, Sweden, and the United States*, Stockholm Studies in Politics 160 (PhD Diss., Stockholm University, 2014), 471-506, available at <http://ssrn.com/abstract=2539998>.

¹⁰ SOU 1995:15 *Könshandeln: Betänkande av 1993 års Prostitutionsutredning [The Sex Trade: Final Report of the 1993 Prostitution Inquiry]* [government report series] 22 (English summary), 98-99 (Swed.).

¹¹ Socialstyrelsen [SoS] [Nat'l Bd. of Health & Welfare], Swed. Gov't, *Prostitution in Sweden 2003* (Stockholm: SoS, 2004), 23, archived at <https://perma.cc/0vWJVmQN1Ea>.

¹² Charlotta Holmström, "Prostitution och människohandel för sexuella ändamål i Sverige: Omfattning, förekomst och kunskapsproduktion," in *Prostitution i Norden: Forskningsrapport*, ed. Charlotta Holmström and May-Len Skilbrei (Copenhagen: Nordic Council of Ministers, 2008), 314.

¹³ In Denmark, where purchase of sex is legal, an increase was observed from 3,886 persons being prostituted in 2002 to 5,567 visibly prostituted persons in 2007. See Jeanett Bjønness, "Holdninger til prostitution i Danmark," in *Prostitution i Norden*, ed. Holmström and Skilbrei, 108. An increase over the same period has also been observed in Norway: Marianne Tveit and May-Len Skilbrei, "Kunnskap om prostitusjon og menneskehandel i Norge," in *Prostitution i Norden*, ed. Holmström and Skilbrei, 220-21.

In 2007, the number of prostituted persons in Denmark, where buying sex is legal, was estimated to be about 15 times higher per capita than in Sweden.¹⁵ Estimates for Norway, before a law that criminalised the purchase of sex was introduced there in 2009, suggested that there were eight or nine times the per capita number of prostituted persons than Sweden.¹⁶ Although these figures may not be exact, given the difficulties in calculating the numbers of those involved in prostitution, the huge per capita difference cannot be explained by any increase in so-called 'hidden' or 'underground' prostitution.

'While there has been an increase in prostitution in our neighbouring Nordic countries in the last decade, as far as we can see, prostitution has not increased in Sweden.'¹⁴

As Swedish political scientist Max Waltman has pointed out, women must be visible and advertised to buyers for any significant sex trade to occur.¹⁷ The role of the Internet in facilitating the prostitution system is well documented in many contexts.¹⁸ A 2015 report on Sweden found that while information about sexual services had increased significantly online, there was no evidence of an increase in the actual number of prostituted people.¹⁹

2. Violence and safety

That prostitution markets are reduced, and that there are fewer women in the prostitution system in Sweden, results in fewer women experiencing the common and pervasive sexual and physical violence of prostitution. In other words, reducing the size of the sex industry, as Sweden has demonstrably done, diminishes prostitution as a conducive context²⁰ for other forms of sexual and physical violence experienced by those from whom sex is bought.

The Swedish government, since it passed the sex purchase law in 1998, has argued that prostitution is strongly related to violence against women.²¹ Given this perspective, less prostitution necessarily means less violence in the 'ordinary course' of prostitution transactions. This violence or violation in the course of being bought and sold for sex is omitted from most calculations of the assessment of the level of violence in prostitution systems. Reports of levels of violence often also fail to include coercion and threats of violence by pimps and sex buyers.²² In terms of physical harm, since 1999 when the law

¹⁴ Swedish Institute, *The Ban against the Purchase of Sexual Services: An Evaluation 1999-2008* (2010): 9.

¹⁵ For a breakdown of the Nordic study's figures and general population statistics, see Waltman, "Sweden's Prohibition of Purchase of Sex," 458–59; Waltman, "Prohibiting Sex Purchasing and Ending Trafficking," 146–47; and Waltman, *The Politics of Legal Challenges*: 479–80.

¹⁶ See fn 15.

¹⁷ For example, see Max Waltman, "Evidence Shows that Ending Demand Works," Op-Ed, [Rabble.ca](http://rabble.ca), 11 October 2012, available at <http://rabble.ca/> (search for "Max Waltman").

¹⁸ Today, it is not possible to measure the size of the online prostitution market in Sweden because of the increased difficulties with assessing the ratio between websites and persons that has occurred over the last years with more diversified advertisement forums (cf. Länsstyrelsen Stockholm (2015). However, there are indications that online prostitution is also much more prevalent in Denmark than in Sweden (Kelly & Lovett, "Demand Reduction: Sweden Case Study, 2016)

¹⁹ Länsstyrelsen Stockholm, *Summary: The Extent and Development of Prostitution in Sweden* (Stockholm: Länsstyrelsen, 2015).

²⁰ Liz Kelly, "A Conducive Context: Trafficking of Persons in Central Asia," In *Human Trafficking*, ed M. Lee (Cullompton: Willan Publishing, 2007): 73–91.

²¹ Prop. 1997/98:55 Kvinnofrid, *supra* note **Error! Bookmark not defined.**, at 22 (Swed.). For further analysis of this position, see Waltman, "Law's Reasons," 450–58.

²² We are mindful here of the definition of violence adopted in the 1993 UN Declaration on the Elimination of Violence against Women, "For the purposes of this Declaration, the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including

came into force, there has been no known instance of a person in prostitution murdered in Sweden as a direct result of their being in prostitution. The only fatality of a woman in prostitution since 1999 (Eva Marree Smith Kullander, sometimes referred to as Petite Jasmine) was a domestic violence homicide; she was murdered by her ex-boyfriend in 2013 during a custody visit.

It is often claimed by its critics that the Swedish law has made women who remain in prostitution less safe, or made them *feel* less safe. There is no robust evidence that women *are* less safe. A 2003 government report by the Swedish Board of Health and Welfare found that police investigations did 'not' reveal 'any evidence of an increase' in violence, concluding instead that violence is closely associated with prostitution 'regardless of what laws may be in effect'.²³

It is important to address figures on levels of violence very carefully. First, because what counts as 'violence' is not always universally agreed upon, especially where forms of violation are not classified as criminal offences. Second, a higher level of violence may reflect not an actual rise in acts of violence, but a rise in reporting them to police, in which case it may indicate that the approach is working. In this context, police in Sweden argue that women are more likely to seek support after violence, given that sex buyers commit a crime in buying.²⁴

In 2003 the Swedish Board of Health and Welfare's informants mentioned examples of prostituted persons who reportedly 'dared to file rape complaints against clients, thanks to the law against purchasing sex which, in these cases, had been a source of strength and support'.²⁵ Similar, noting the change in leverage between buyers and those who are bought under the new law, a Swedish NGO working with LGBT people reported that several prostituted persons they interviewed explained how the Sex Purchase Law gave them more advantages since the buyer knew that they could be reported; thus, buyers were more careful now not to cross agreed boundaries.²⁶ Convictions per year for buying sex have increased from 11 in 1999 to 391 in 2013. All of those who have been convicted are men.²⁷

3. Reducing men's demand

Evidence on the proportion of men who pay for sex in Sweden is commensurate with the data showing a reduction in prostitution markets. Smaller prostitution markets and fewer buyers are two sides of the same impact. Even many of those who criticise the law accept that it has reduced demand.²⁸

In 1996, a survey found that 13.6% of Sweden's population – one in seven – reported buying sex at some point in their lives. A poll in 2008 found this proportion had fallen to 7.9%, and research

threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." UN General Assembly, *Declaration on the Elimination of Violence against Women*, 20 December 1993, A/RES/48/104, <http://www.refworld.org/docid/3b00f25d2c.html>.

²³ Socialstyrelsen, *Prostitution in Sweden 2003*.

²⁴ Whether fines collected from buyers can be redistributed to support services and exiting projects for those in prostitution is an ongoing discussion in Sweden (CATWA, 2013, note 5).

²⁵ Socialstyrelsen, *Prostitution in Sweden 2003*.

²⁶ For example, see Suzann Larsdotter, Jonas Jonsson, and Mina Gäredal, *Osynliga synliga aktörer: Hbt-personer med erfarenhet av att sälja och/eller köpa sexuella tjänster* (Stockholm: RFSL, 2011) 98, 260; Niklas Eriksson and Hans Knutagård, *sexmänsäljer.se/x – nöje blir funktion*. Rapportserie 2005:1 (Malmö: RFSL Rådgivningen Skåne, 2005), 54.

²⁷ Limited numbers of convictions are not an argument against the law, of course, but argue for more robust enforcement (CATWA, 2013, note 5).

²⁸ Liz Kelly & Joanna Lovett, "Demand Reduction: Sweden Case Study" in Walby, S, Apitzsch, B, Armstrong, J, Balderstone, S, Follis, K, Francis, B, Kelly, L, May-Chahal, C, Rashid, A, Sahire, K, Towers, J. & Tunte, M., *Study on the Gender Dimension of Trafficking in Human Beings* (Luxembourg: European Union, 2016).

conducted in 2014 showed 7.5%.²⁹ While the exact precision of these figures is contested, they do provide evidence of a decrease in men buying sex.

Comparative analysis of large scale surveys in Sweden, Norway and Denmark, published in 2014, concluded that ‘fewer people report that they have bought sex in Sweden (where buying sex has been criminalised since 1999) than in Norway (where buying sex has been criminalised since 2009), and that more people report that they have bought sex in Denmark (where it is not a criminal act to buy sex).’³¹

Criminalising the purchase of sex can, and does, change behaviour.

A 2014 survey found that 0.8% of the population in Sweden have paid for sex in the last 12 months. This is very low compared to other Nordic and European countries.³⁰

4. Trafficking

International and European instruments on human trafficking require countries to discourage the demand for sexual exploitation that feeds trafficking. Prostitution and trafficking for sexual exploitation cannot be separated – women are trafficked into prostitution because that market exists.

As such, sex buyers’ demand for access to women’s bodies fuels both prostitution and the trafficking that supplies it, and trafficking can therefore only be reduced and ultimately eliminated if demand for prostitution is addressed. The ‘Nordic model’ approach, by targeting and demonstrably reducing demand, most directly and effectively addresses countries’ legal obligation to reduce trafficking for sexual exploitation.

For instance, the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children of 2000 (Palermo Protocol) requires States Parties to ‘discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking’.³² The UN Recommended Principles on Human Rights and Human Trafficking (2002) specify that ‘strategies aimed at preventing trafficking shall address demand as a root cause of trafficking’.³⁴ A more explicit recognition of the link between trafficking and prostitution by the European Parliament in 2014 called upon Member States to reduce demand as part of ‘an integrated strategy against trafficking’, and set out that one way to do so is to criminalise the purchase of sex as in Sweden, Norway and Iceland.³³ Resolution 1983 adopted by the Council of Europe Parliamentary Assembly in April 2014 went further, requesting states to consider criminalising the purchase of sex as ‘the most effective tool’ to address trafficking.³⁴ The Council of Europe report *Prostitution, trafficking and modern slavery in Europe*, on which Resolution 1983 was based, endorses the Nordic Model as the best legislative practice across Council of Europe members.

²⁹ Länsstyrelsen Stockholm, *Summary: The Extent and Development of Prostitution in Sweden* (Stockholm: Länsstyrelsen, 2015).

³⁰ Länsstyrelsen Stockholm (2015).

³¹ A. Kotsadam & N. Jakobsson, “Shame on you, John! Laws, Stigmatization and the Demand for Sex” *European Journal of Law and Economics* 37 (2014): 393-404.

³² Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, *opened for signature* Dec. 12, 2000, 2237 U.N.T.S. 319 (entered into force Dec. 25, 2003) [hereafter Palermo Protocol].

³³ European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI)). Para 6, at

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2014-0162>.

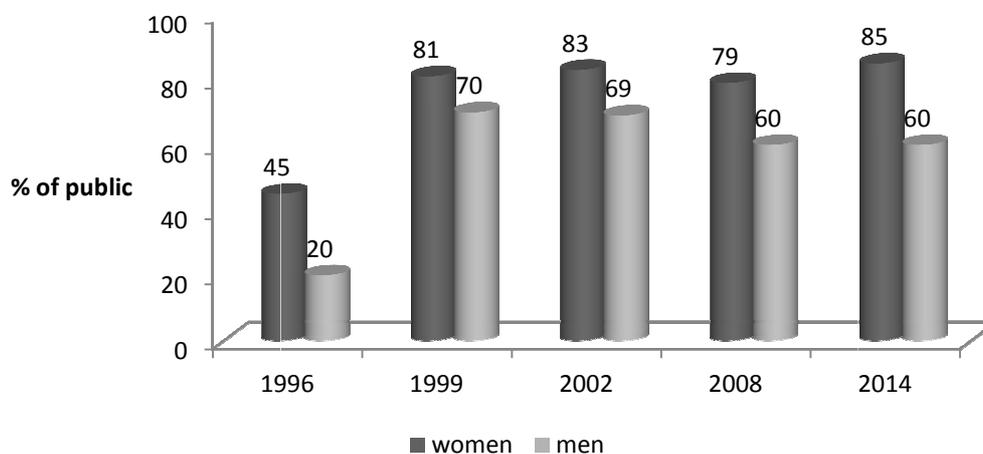
³⁴ Resolution 1983 (2014) Final version: Prostitution, trafficking and modern slavery in Europe. Para 12.1.1, <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=20716&lang=EN>.

Police surveillance indicates that traffickers are deterred from Sweden as a destination country, because they are ‘disappointed with Sweden’s market for prostitution’.³⁵ This contrasts with contexts where prostitution is legalised; a review of 150 countries shows ‘expansion[s] of the prostitution market’ and larger inflows of trafficking in legalised policy frameworks.³⁶ In other words, available evidence suggests that reducing demand for paid sex through criminalising it discourages trafficking, while encouraging demand through legalising it cultivates trafficking to meet that demand.

5. Public support for the law

Support for the sex buyer law in Sweden from the general public has increased significantly: from 20% of men and 45% of women in 1996 (before the enactment of the law)³⁷ to 60% of men and 85% of women in 2014.³⁸ Methodological differences mean the results are not all directly comparable, but the continued high level of majority support for the approach is clear.

Public support for the sex buyer law in Sweden³⁹



More women support the law than men. Studies in different countries, including Sweden and Norway, show strong correlations between attitudes supporting gender equality and a critical view of the prostitution system.⁴⁰ Younger people are more likely to support the law, which is even more indicative that the practice of buying sex can be changed through strong statements of its social unacceptability.⁴¹ Shifting the law and policy focus to men’s demand is, in itself, a reframing of the issue to change attitudes which have all too often identified women as the ‘problem’ of prostitution. By pioneering the Nordic approach, Sweden has set out ways in which laws on prostitution can align with both public opinion and international obligations on equality and human rights to promote the safety and dignity of women and to recognise prostitution as cause and consequence of gender inequality.

³⁵ Waltman, “Law’s Reasons, Impact, Potential,” 459.

³⁶ S-Y Cho, A. Dreher & E. NeuMayer, “Does Legalized Prostitution Increase Human Trafficking?” *World Development* 41 (2012): 67–82.

³⁷ S.-A. Mansson (2000) cited in Waltman, “Law’s Reasons, Impact, Potential,” 459-60.

³⁸ Länsstyrelsen Stockholm, *Summary* (2015).

³⁹ Data cited in Waltman, “Law’s Reasons, Impact, Potential,” 459 and Länsstyrelsen Stockholm, *Summary*.

⁴⁰ N. Jakobsson. & A. Kotsadam, “Gender Equity and Prostitution: An Investigation of Attitudes in Norway and Sweden” *Feminist Economics* 17.1 (2001): 31-58.

⁴¹ Swedish Institute, *The Ban against the Purchase of Sexual Services: An Evaluation 1999-2008* (2010), 31.