

***Speech by Detective Superintendent Kajsa Wahlberg, Swedish National Rapporteur on Trafficking in Human Beings, Lithuania, 25 September, 2019.***

First of all, I wish to thank the organisers for inviting me to speak about a subject that is of my greatest concern, namely trafficking in human beings.

Today, I will talk about our efforts to prevent this type of crime, the implementation of the legislation that prohibits the purchase of a sexual service, the effects of the law and how it works.

**Introduction and my role as rapporteur**

I have been holding the position as the Swedish National Rapporteur on Trafficking in Human Beings since 1997, so almost 22 years now! Sweden was the first country in the European Union to appoint a National Rapporteur on Trafficking in Human Beings following a joint declaration (“The Hague Declaration”) of the European Union in 1997. This Declaration recommends all member states to appoint National Rapporteurs, who are “to report to governments on the scale, the prevention, and combating of trafficking in women.”

My most important task is to monitor, analyze, and present comparative data about the state of trafficking in human beings within and to Sweden, and to evaluate the effectiveness of law enforcement actions as well as legal, policy and practical measures and initiatives. I also report on crimes related to trafficking in human beings, including procuring, the purchase of a sexual service/sexual act from a child under 18 years of age, but also offences related to trafficking in human beings for forced labour, for begging etc.

With my team, I present annual monitoring reports to the Government on the state of the situation of all forms of human trafficking in Sweden, and, importantly I give recommendations.

**Penal legislation**

Unlike in many countries, Swedish penal legislation is not only directed against traffickers and procurers, but also against those who demand to use women and children for sexual exploitation, the buyers of sexual services, through legislation from January 1999 that prohibits the purchase of a sexual service.

With this comprehensive approach to human trafficking we do not only focus our legal and practical efforts on the investigation and prosecution of traffickers. We also focus a lot of our efforts on the prevention of trafficking in human beings for the purpose of sexual exploitation.

I cannot underline enough the importance of developing tools, legal, educational and practical, that allow interventions before women and men, girls and boys are drawn into, harmed and used for different forms of exploitation.

International agreements such as the UN anti-trafficking protocol from 2000, and the different legal instruments developed within the European Community are of course important guideline for our work. These instruments emphasize the duty of parties to adopt legislative or other measures, to discourage the demand.

#### **Why has Sweden as a society taken this step?**

Swedish society has a long-standing commitment to gender equality and to combat violence against women, prostitution and trafficking in human beings through innovative laws and policies. Our measures, both preventative and reactive, are informed by international human rights and Feminist principles underlining that prostitution is a serious form of male violence against women, especially targeting those who are female, socially, economically or ethnically marginalized. Prostitution is harmful both to victims and to society at large, and hence, a serious barrier to gender equality.

Those who are exploited for prostitution purposes in Sweden are not criminalized or subjected to any administrative penalties and have a right to access support and assistance through social service exit programs. Since January 1999, those who purchase or attempt to purchase a sexual service are prosecuted and convicted, but it is recognized that such legislation also have beneficial normative effects on the prostitution behaviour of individual men, as well as on general public attitudes towards prostitution and sex trafficking in Sweden.

The legislation has strong support in Sweden among the public, and has brought about significant positive changes in attitudes and interventions. Hence, the law has normative as well as direct effects on the reduction of crime.

**What does this mean?**

Paying for sexual acts is a criminal offence. It is also a criminal offence to attempt to pay for sexual services and to pay for sexual services on behalf of another person. Initially, the maximum sentence for paying for sex was six months imprisonment. In 2011 this was increased to one year to make a stronger connection between the severity of the crime and the maximum sentence. If a fine is issued instead of a suspended or prison sentence, Sweden's system for issuing so called day fines means its size will depend on the offender's income.

As I mentioned, in Sweden prostitution is regarded as a form of violence against women. It is both a cause and a consequence of inequality between women and men. The offence that ban the purchase of a sexual service is designed to tackle this form of violence by discouraging men from paying for sex, while supporting those exploited through prostitution to exit and rebuild their lives.

The effective delivery of support and exiting services for women exploited through the sex trade is essential to realising the objectives of the Sex Purchase Act.

It also means that we make extensive use of the procuring legislation to ensure that prostitution activities that are controlled by and take place at massage parlours and e.g. hotels are closed down and those responsible are prosecuted and convicted – which includes the owners/boyfriends/, the facilitators and of course the men that purchase sexual services in these venues.

**Evaluation of the law**

In July 2010, a government-appointed Special Inquiry chaired by the then-Justice Chancellor, looked into the effects of the offence that prohibits the purchase of a sexual service and released its report. The Inquiry report confirms our observations over time that the legislation is an effective tool for the prevention of prostitution and trafficking in human beings to and within Sweden. The Inquiry also verified that the number of individuals exploited in street prostitution in Sweden halved since 1999, unlike in the neighbouring countries where numbers are three times higher. The Inquiry underlined that there is no evidence of an increase of indoor prostitution, and that the legislation is particularly effective as a barrier against the trafficking in human beings for sexual purposes to Sweden.

### **Effects on human trafficking**

Today, traffickers and procurers are forced to build up contacts and establish men who want to buy sexual services, they have to finance and find suitable brothel locations – often apartments that are subletted, and organize transportation of women to the male buyers' homes, hotels or workplaces, while know how to deal with men who are afraid of arrest and negative publicity.

Victims of human trafficking for sexual purposes have told the police that traffickers and procurers talk about Sweden as a bad market for prostitution activities. The police also have evidence from wire-tapped conversations between members of organized crime networks, that these networks prefer markets in countries where prostitution activities are legalized or tolerated, and where demand legislation does not exist.

Criminals are businessmen; they calculate potential profits, analyze marketing factors, risks of getting caught etc before investing time and money into selling women in a particular place. Our job is to do everything possible to create a bad market for traffickers, procurers and prostitution users.

Those who are critical of the legislation are often accusing the Swedish police of pushing prostitution activities underground. I want to underline that prostitution activities are not and cannot be pushed underground. The profit of traffickers, procurers and other prostitution operators is obviously dependent on that men easily can access women, who they wish to purchase for prostitution purposes.

If law enforcement agencies want to find out where prostitution activities take place, the police can easily do so. It is more a matter of priorities and attitudes towards these issues. If the buyers can find the women in prostitution- the police can too. The Swedish police regularly search the Internet for, and find information about where prostitution activities take place. We also regularly process and analyze information from the public, public authorities and community organisations.

### **Implementation and lessons learned**

In order for its full potential to prevent commercial sexual exploitation to be realised, the law must be enforced, and it must be seen to be enforced - simply adding the Sex Purchase Act to the statute books is not the end point. Normative effects and implementation goes hand in hand. A controversial law does not implement itself. The Sex Purchase Act must be enforced, and it must be seen to be enforced.

An important component of the work to prevent and combat prostitution and trafficking in human beings in Sweden is regular training of law enforcement, prosecutors and judges. In Sweden, the training focuses not only on adequate investigation techniques, and but importantly also on **attitudes**, and **underlying principles** for legislation, policies and interventions regarding prostitution and trafficking in human beings.

Students at the Police Academy are also given access to training on prostitution and human trafficking-related legislation and policies, awareness-raising and effective investigation methods.

I concluded in my 2011 report on initiatives carried out under the National Action Plan that regular training of police and other key public agencies is a **core element** in the success of the Swedish law enforcement measures to prevent and combat prostitution and trafficking in human beings. But ensuring adequate, earmarked funding to stimulate enforcement is also key.

### **Government support**

For the implementation the Swedish government set aside:

1. 1999- 8 million SEK (grp Sthlm, Gbg, Malmö 99-05)
2. 2004-2006- 30 million SEK (Operational cases)
3. 2008-2010- 40 million SEK (10 training+30 operational cases)

The 8 million SEK was used to set up prostitution teams within Stockholm, Gothenburg and Malmö to start working with the law.

The 30 million SEK was designed for operational cases and should not be spent on fancy cars and computers. The purpose with this money was to get operational results and traffickers, pimps and buyers behind bars.

Of the 40 million SEK, 30 was spent on operational cases like described above. The additional 10 million SEK was spent on training, which I was responsible for.

### **Training of Police**

When the law was passed a lot of questions were raised within the Swedish Police. The Police is a male dominated world and there was a lot of stereotypical ideas about prostitution and it was mostly viewed as a social problem by the Police. There were questions and opinions like:

- This is an agreement between two adults. Why should the Police interfere?
- Why aren't the women criminalized (they are tempting the men)?
- The women like it and they need the money?
- This is a minor offence, nothing to spend resources on?
- The crime will be difficult to prove.
- None of the parties will be interested to talk to the Police.
- Men need to have access to women in prostitution!
- We (the Police), will ruin their (the buyer's marriages) (Elaborate on this)

Prostitution might be a social problem but is very much linked to various criminal activities, that are police matters:

- Trafficking in human beings
- Drugs
- Violence and even murder
- Money laundering
- Disturbance of the order etc. etc.

So, if we can reduce prostitution, we will see an reduction in these criminal activities too.

For better understanding of the significance of the law, police officers need training about the mechanisms around prostitution. Why do women end up in prostitution? Effects of prostitution? Risks with prostitution. The theatre behind. The imbalance between the man who buys and the woman exploited. Women look like they act "sexy and willing" in order to get the money, not because they like what the men do to them. The absolute majority of women in prostitution are, after all, forced forced by pimps and traffickers – whether or not the force is over violence or controlling behaviours.

We, the Police, look upon women in prostitution as a group at risk. There are often be somebody around who plans to hurt these women badly. It is therefor important that the women are not criminalized and subjected to any harrasment and punishment. They must feel free to report all kinds of information to the police without being punished, and also report violence and other serious crimes that they are subjected to by bouers, pimps and traffickers. The fact that the women are not criminalized removes the tension between the women in prostitution and the Police. One woman in street prostitution recently concludet that "The Police is bad for my business but good for me".

Chasing the buyers lead us to the victims and the traffickers. Most cases of THB are detected through the enforcement of the law. In Stockholm e.g. 75% + of the women who are exploited in prostitution originate from foreign countries= victims of THB.

Our prostitution and human trafficking teams, which are located in six of the seven regions in Sweden, consist of both police officers and social workers. The social workers offer the victims assistance and access to protection, shelter, counselling and health care – different shortterm and longterm measures to ensure that she can exit prostitution and rebuild her life away from the prostitution industry. When a man, who attempted or bought a sexual service is arrested he may also be offered assistance by the social service in order to ensure that he stops his criminal behaviour.

### **Finally**

These laws are not created solely for the purpose of sending men to prison or to fine them, although when men break these laws, they should and are punished. However, laws are also created because we want people to refrain from certain harmful acts. The legislation that prohibits the purchase of a sexual service came into being as one in a series of preventative laws and measures aimed specifically at the protection of vulnerable women and girls, men and boys against serious acts of sexual violence, but also to create a society where the culture of prostitution is changed into a culture where the human rights of all women and girls are protected. I want to encourage other countries – like Lithuania - to follow suit – because if you do, we will end the trafficking in human beings for sexual purposes.

Thank you!

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