

Speech by Kajsa Wahlberg, Swedish National Rapporteur on Trafficking in Human Beings at the Conference on Trafficking in Human Beings and Prostitution "How to Prevent and Combat Sex Trade in Finland", Helsinki, Finland, March 14-15, 2012.

Good afternoon!

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

Today, I will talk about the situation concerning trafficking in human beings in and to Sweden and in particular about our efforts to prevent and combat this type of organized crime.

In 1998, the Swedish Government appointed me as National Rapporteur on Trafficking in Human Beings following a joint declaration of the European Union in 1997. At the time, knowledge about the scale, forms and consequences of this heinous crime was limited, in the EU as well as in Sweden. Hence, 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. My mandate also gives me the responsibility to ensure that the Swedish police forces are given continuing training in how to investigate these crimes. I also represent Sweden at meeting of regional and international law enforcement bodies and cooperation schemes, including as a former member of the European Commission Expert Group on Trafficking in Human Beings and the European Commission Informal Network on National Rapporteurs.

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 give recommendations. The reports are widely distributed, and are used both by government authorities and civil society in Sweden and elsewhere in their work to prevent and combat human trafficking.

In Sweden, we take a comprehensive approach to human trafficking. Not only do we focus our legal and practical efforts on the investigation and prosecution of traffickers and their associates, and to give adequate protection and assistance to victims. We also focus a lot of our efforts on the prevention of trafficking in human beings for the purpose of sexual exploitation, forced labour or for the commission of petty crimes. 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, article 6 of CEDAW and the different legal instruments developed within the European Community are of course important guideline for our work. Swedish anti-trafficking legislation covers all forms of human trafficking including for sexual exploitation, forced labour or exploitation for removal of organs, and targets trans-border as well as internal trafficking. The punishment is imprisonment for a minimum of two and a maximum of ten years. By Swedish standards this penalty scale is quite severe.

In addition, we follow, and are in compliance with the, for States Parties, obligatory article 9.5 of the UN Protocol, which emphasize the duty of parties to adopt legislative or other measures, to discourage the demand for trafficking in human beings. Unlike in many countries, Swedish penal legislation is not only directed against traffickers, intermediaries and procurers, but also against those who demand women and children for sexual exploitation, the buyers of sexual services, through legislation from January 1999 that prohibits the purchase of a sexual service.

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 violence against women, especially targeting those who are female, 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.

In July 2010, a government-appointed Special Inquiry chaired by Justice Chancellor, Anna Skarhed, 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 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 has 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 effective against the trafficking in human beings for sexual purposes to Sweden.

In order to strengthen the enforcement of the legislation, the Special Inquiry recommended that the maximum sentence for the purchase of a sexual service should be increased from six months to one year in prison. The harm to victims is also recognized by the Special Inquiry. It proposes measures and financing that allow for increased access to exit program as well as a new measure ensuring that those who are exploited in prostitution are seen as plaintiffs in cases of the purchase of a sexual service allowing them to receive support and compensation.

So what is the current state and scale of trafficking in human beings to, within, and through Sweden?

The majority of cases of trafficking in human beings to and within Sweden since 1999 concern the exploitation of women and girls for the purpose of prostitution. These cases have been discovered in major towns and cities as well as in smaller communities. Trafficking for the purpose of forced labour to Sweden mainly concerns exploitation of men and women in the construction industry, through domestic work, or agricultural work. As is the case in other countries, it is difficult to estimate of the number of victims of trafficking in human beings, mainly because the number of discovered victims is dependent on the resources devoted by the police to detecting this type of crime.

What we can say, however, is that in comparison with our neighbouring countries Finland, Norway and Denmark, the number of cases/victims of human trafficking for sexual purposes in and to Sweden, is considerably lower. It is clear that this is due to the successful enforcement of the law that prohibits the purchase of a sexual service, which, according to a number of studies, functions as an effective barrier to the establishment of traffickers in Sweden.

Most of the victims of trafficking for the purpose of sexual exploitation to Sweden are recruited by traffickers in Estonia, Romania and Hungary. They are all females and between are 13-36 years of age. Individual girls and women have also been trafficked from Albania, Bulgaria, Thailand, Lithuania, Nigeria, the Czech Republic and the Slovak Republic. The majority of these girls and women belong to discriminated ethnic minority groups in their home countries, and/or come from an abusive home environment. The bulk of victims of trafficking for forced labour are men, often living in the margins of society in their countries of origin, who were recruited for construction work purposes. A small number of investigations initiated in Sweden are related to human trafficking in which children from South-eastern Europe are exploited for theft and begging throughout Europe and in Sweden.

Most of the traffickers who were investigated and/or convicted during the period 1999-2011 are male and have strong ties to the country of origin of the victims. Some of the perpetrators have resided in Sweden for many years and are integrated into Swedish society. They exploit the vulnerability of their victims in order to get them to leave their home environment, for example by offering them attractive livelihoods in Sweden, but will then exploit them in prostitution and in some cases also through different other criminal activities while in Sweden. The traffickers are often members of smaller organized operations. The larger crime networks in Europe that organize trafficking in human beings for the purpose of sexual exploitation or for other purposes are not established in Sweden.

Who are the men who purchase a sexual service and what is the impact on individual men of the ban on the purchase of a sexual service?

According to academic research, the majorities of men who purchase a sexual service are involved in a committed partnership – married or common law – and have children. They represent all ages, while the majority are between 25-55 year of age, all income classes and all ethnic backgrounds. 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 women or men for prostitution purposes.

Since the coming into force of the legislation that prohibits the purchase of a sexual service in 1999, the number of men who have attempted to or who have purchased a sexual service has decreased considerably in Sweden, while the apprehension rates consistently have increased. Between January 1999 and December 2011, 4 225 men have been apprehended; many more have been dissuaded from purchasing someone by the direct or indirect invention of the police. According to recent academic research, the legislation has direct impact on Swedish men's prostitution behaviour - the number of Swedish men who have bought someone for the purpose of prostitution has decreased from 13.6 % in 1996 to only 7.8% in 2008.

As in most countries in the EU, the sale and purchase of sexual services takes place largely over the Internet and is organized by criminal networks, often from outside of Sweden. This is due to the creative use by the prostitution industry of online tools and technology, in order to increase profitability and decrease expenses. However, as much as the Internet is an accessible, anonymous and open medium for those involved in the sexual trade in women and girls, it is equally accessible for law enforcement to track and locate the perpetrators and, importantly, those men who attempt to purchase a sexual service. It is obvious to us that if the sex buyers can find these women, the police certainly can do so too.

Some of the major websites are, unfortunately, hosted in the Netherlands, which makes it difficult for the Swedish police to investigate and intervene. Something I am sure we can solve through closer collaboration.

Legislation, such as this law, that is put into place to prevent crimes from being perpetrated will also have an impact on general attitudes in a society. In fact, during the past 13 years of its enforcement, the legislation that prohibits the purchase of a sexual service has consistently been supported by a large majority of the Swedish public.

How does the Swedish police use this legislation in anti-trafficking operations?

First of all, I want to emphasize that the police in Sweden clearly understand the role of the sex buyer as one of the most important actors – in fact the root cause - in the human trafficking chain. Without men who wish to purchase a sexual service, the prostitution industry and the networks that are responsible for its operation, could and would not continue to operate. The market would be closed down. We want these male buyers to take responsibility for their actions, and we do remind them, that in, addition to seriously harming the victims, they support international organised crime with their money.

Before the law came into force, we were approached with concerns that if the purchase of a sexual service would be prohibited, this would lead to increased violence against women in prostitution. We have looked in to that specifically, but the police and the social service do not report any increase of violence regarding this issue. After having

met with persons exploited in prostitution and different public agency representatives, the Special Inquiry concurs that this is, indeed, not the case.

Most convictions under the legislation are obtained by using confessions and evidence collected in situ, but also through our recurring Internet investigations. Some men plead guilty in order to get things over with quickly and to avoid that their partners or wives find out about their criminal behaviour.

It is important to emphasize that a law cannot be evaluated solely by counting convictions and police reports. The police intervene in many cases where we assume that someone is planning on buying sexual services, and inform potential buyers that this is prohibited. Such interventions are not included in the statistics but have a direct preventative effect on the overall problem.

If the law causes men to refrain from buying sexual services and fewer women enter into prostitution, this is a true success. It should be noted that in Sweden we also have three counselling centres for men who have purchased a sexual service, but who want to take responsibility and stop their criminal, harmful behaviour.

Notably, the prohibition against the purchase of a sexual service has had a direct effect on trafficking in human beings. Today, traffickers and procurers are forced to build up networks with buyers of sexual services, finance and find suitable brothel locations, and organize transportation of women to the male buyers' homes, hotels or workplaces, while dealing 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 profits, 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.

Those who are critical to 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 takes place, the police can. 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 organisations.

Laws are not created solely for the purpose of sending people to prison or to fine them. Laws are 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 to follow suit – because if you do, we will end the trafficking in human beings for sexual purposes.

Thank you!