

**FACT SHEET**  
**ON**  
**GOOD PRACTICES**  
**ADDRESSING**  
**DEMAND THROUGHOUT THE**  
**WORLD**  
**NATIONAL LEGISLATIONS**



## SWEDEN'S LEGISLATIVE FOCUS ON DEMAND

Similar to other countries throughout the world, Sweden has been concerned about the problem of prostitution and sex trafficking. Studies in Sweden show that one man in eight buys sex at least once in his lifetime. The buyers, who are men of all ages and social classes, are frequently married or cohabitating and have children.

An example of a good practice toward eliminating this form of violence and in targeting the demand is violence against women legislation in Sweden. **Sweden has adopted a law that recognizes that without male demand there would be no female supply.**<sup>i</sup>

In combating the problem of prostitution, Sweden has taken a stand and recognized that **prostitution is a form of male violence against women, and “is harmful not only to the individual prostituted women or child, but also to society at large.”**<sup>ii</sup> In examining why prostitution exists, the Swedish government concludes that “Prostitution and trafficking in human beings requires a demand among men for women and children, mainly girls. If men did not regard it as their self-evident right to buy and sexually exploit women and children, prostitution and trafficking in human beings for sexual exploitation would not exist.”<sup>iii</sup> Thus prostitution and trafficking are seen as harmful practices that cannot and should not be separated.

Since January 1, 1999, purchasing, or attempting to purchase, sexual services has constituted a criminal offense in Sweden. The punishment is a fine or up to six months imprisonment. On April 1, 2005, the legislation prohibiting the purchase of a sexual service was extended to include cases where the payment has been promised or made by some one else. (Swedish Penal Code, chapter 6, section 11).

This offence comprises all forms of sexual services, whether they are purchased on the street, in brothels, in so-called massage parlors, hotels, etc. While the buyer is criminalized, the person in prostitution, usually a woman or girl, is not. **The law is gender neutral** and is a fundamental part of the comprehensive Swedish strategy to combat prostitution and trafficking in human beings, and polls show that approximately 80% of the Swedish population supports the law.

The law's primary purpose is to prevent the purchase of sexual services. Accordingly, the Swedish police are to intervene before a crime is committed. However, arrest and prosecution of the perpetrators is of equal importance.

Between January 1999 and April 2004, 734 men had been arrested under the Law. Around 140 male individuals have been convicted of purchasing sexual services or have pleaded guilty in 1999 to 2002. The oldest man arrested was 70 years of age and the youngest 16 years. The average age of the buyers was 44 years old. There has been criticism that the number of arrests and convictions has been low, but that overlooks the purpose of the Law, which is normative. **The specific task of the police in enforcing the Law is to work preventively – to intervene before a potential buyer commits a crime rather than when the crime is a *fait accompli*.**

Moreover, since the law came into force, over a thousand male buyers have been punished with fines under this law although none have been sentenced to jail. The number of men who buy sexual services has decreased as has the recruitment of women into prostitution. Further, there has been a dramatic drop in the number of women in street prostitution, according to police and social service agencies. Swedish NGOs that work with women in prostitution maintain that, since the law's passage, increased numbers of women in prostitution contact them for assistance.

**According to the National Criminal Investigation Department the law acts as a deterrent to trafficking and deters traffickers from establishing in Sweden.** The Swedish government has found that there are clear indications the law has had direct and positive effects in limiting the trafficking of women for prostitution in Sweden. For instance, Sweden's neighbors have had higher numbers of trafficking victims.

Enforcement of the law by the police has been a key to its success. Initially, representatives of the police were critical of the law, saying that it would be difficult to enforce. In order to increase the police's competence and knowledge about prostitution and trafficking in human beings, the National Criminal Police in collaboration with the Division for Gender Equality and with local community groups established educational programs for police personnel. This brought positive results and the initial criticism about the Law being difficult to enforce has ceased. One year after the program began in 2003, there was a 300% increase in arrests.

There have been educational programs for police on prostitution and trafficking. When the law came into force and then again in 2003, there was funding allocated for the police to enforce the law and combat trafficking.

## **PHILIPPINES LEGISLATIVE FOCUS ON DEMAND**

The Philippines, has national legislation to eliminate trafficking in persons which criminalizes the act “to maintain or hire a person to engage in prostitution or pornography.”<sup>iv</sup> . This clearly emphasizes the organized nature of trafficking and attempts to counter trafficking by penalizing traffickers and buyers.

## **UNITED STATES LEGISLATIVE FOCUS ON DEMAND**

In the United States, where any laws against buyers of commercial sex are in the jurisdiction of the individual states, there is national legislation requiring the federal government to publish information about best practices for State and local law enforcement to target demand.<sup>v</sup> There is also federal funding for State and local law enforcement to initiate programs to investigate and prosecute buyers.

## **UNITED KINGDOM and WALES LEGISLATIVE FOCUS ON DEMAND**

The Home Office in England and Wales has addressed demand in its strategy to tackle sexual exploitation, particularly street prostitution. The section on demand states that “Tackling kerb crawling must be at the heart of local enforcement strategies,” particularly since “Evidence suggests that relatively low-resource operations will have a significant deterrent effect.”<sup>vi</sup>

## **EAST TIMOR LEGISLATIVE FOCUS ON DEMAND**

Timor’s Immigration and Asylum Law specifically article 81 “Human Trafficking” states that all persons who under threat of force or any other form of coercion, fraud, deceit, abuse of power or by taking advantage of the victim’s vulnerability, recruit, transfer, lodge or keep persons with the purpose of exploiting them or placing them in sexual exploitation, forced labor, slavery or human organ trafficking networks, shall be punished by imprisonment of not more than 8 years or fewer than 3 years. **The same penalties shall apply to those who, through payment either in cash or in kind, buy consent from a third party in control of the victim, to perform the activities provided for in item 1 of the present Article.**

This is further emboldened by a corresponding legislation of the Penal Code specifically Article 124 which deals with Trafficking and enslavement of persons.

**List of countries that have addressed Demand successfully: (A synopsis)**

#	Country	How it addresses Demand	Success
1	Sweden	To prevent the purchase of sexual services along with arrest and prosecution of the perpetrators	A 300% increase in arrests, one year after the program began in 2003
2	Republic of Korea	Tougher penalties on brothel owners and buyers, while protecting prostituted victims	Increase in arrest of traffickers instead of victims
3	Philippines	Anti-Trafficking in Persons Act of 2003 makes it a crime to hire any person to engage in prostitution or pornography	Discouragement to brothel owners as onus shifts from victim to business.
4	Chile	A criminal law which penalizes prostitute-users who exploit prostituted children	New law, so success has to be documented over a year.
5	East Timor	The Immigration and Asylum laws imposes penalties on all those who directly or indirectly buy (both in cash or kind) consent for sexual exploitation,	”
<p>India has proposed revisions to its anti-trafficking legislation by introducing The Immoral Traffic (Prevention) Amendment Bill, 2006 in which it has included a subsection on criminalizing demand. However, this amendment needs to be expanded to include penalizing all prostitute-users, not just those who knowingly use trafficked women.</p>			

## LEGISLATION—TARGETING DEMAND FOR SEX TOURISM

The growing demand for sex tourism is one of the reasons for the increase in sex trafficking in various regions throughout the world. In addition to committing an offense in the host country, a child sex tourist may be violating the laws in the country of which he is a citizen or resident. **Countries such as Canada, Finland, Sweden, and United States have national legislation to prosecute their own citizens and permanent residents for sexual abuse of children while outside the country.**

The United States, for example, is targeting American sex tourists abroad in Brazil, Cambodia, Costa Rica, Mexico and Thailand by funding media campaigns in these countries to deter child sex tourists and warn them that they could be prosecuted and convicted in the US for their actions abroad. An American child sex tourist is subject to a maximum sentence of 30 years imprisonment (18 U.S.C. § 2423(c)). The US state of Hawaii has passed its own legislation against the sex tourism business by making the promotion of travel for the purpose of prostitution a felony crime and grounds for revoking a travel agent's license. In its findings, the Hawaiian act recognizes that sex tourism contributes to trafficking in persons, and declares its opposition “to any form of sex tourism”—both of children and adults.

## MILITARY INITIATIVES ADDRESSING DEMAND

Further, both the United States and Norway have banned their military personnel from buying prostituted sex. Additionally, Norway has prohibited its civil servants from buying anyone in prostitution during official travel.

## POLICIES AT THE UNITED NATIONS AND NATO – PROHIBITING SEXUAL EXPLOITATION

The United Nations has similarly begun to recognize that the demand for prostitution must be targeted to curb trafficking and the exploitation of women and girls. On October 9, 2003, the Secretary-General released a Bulletin regarding *Special measures for protection from sexual exploitation and sexual abuse*, which applies to all UN staff. (ST/SGB/2003/13) In the Bulletin, the Secretary-General emphasizes that “sexual exploitation and sexual abuse violate universally recognized international legal norms and standards” and thus prohibits the “[e]xchange of money, employment, goods or services for sex.”

The UN Department of Peacekeeping Operations has also adopted a trafficking policy addressing demand: “The use of prostitutes by UN personnel in mission areas constitutes exploitation and is prohibited. Even where prostitution is not a crime, the purchase of sexual services by UN peacekeeping personnel constitutes an act of sexual exploitation.” (UN DPKO *Stop Abuse Report Abuse* pamphlet.) This code of conduct is similarly significant as it does not distinguish between the sexual exploitation in prostitution and trafficking.

Further, the 26 country members of the North Atlantic Treaty Organization (“NATO”) have an anti-trafficking policy on discouraging the demand created by their military and civilian personnel as well as guidelines prohibiting personnel from facilitating trafficking, such as by going to prostituted women known to be controlled by traffickers.<sup>vii</sup>

#### **LOCAL LEGISLATION AND OTHER EFFORTS TO STOP DEMAND**

Many jurisdictions are considering or have adopted legislation against buyers for soliciting or patronizing another person for prostitution. Police in these jurisdictions, from Harare, Zimbabwe to Detroit, United States, have implemented operations targeting men, often employing undercover female officers to catch the buyers. In addition to facing the deterrent of arrest, men who drive around and solicit or commit other prostitution offenses may have their vehicle seized and impounded.

Some jurisdictions have also used other laws on the books against the buyers. In Perugia, Italy, officials invoked an old law for the crime of “reducing anyone to a state of slavery” against men who sexually use trafficked women and girls. In some cities in France, men have been arrested under a law prohibiting sexual exhibition in public places for such incidents as performing a sexual act in their cars.

“Naming and shaming” buyers has increasingly been used by the police and other community members. Buyers’ names and their photos or videos have been published in newspapers, on television and/or the Internet. The aim of these operations has been to out and make public those who buy women for prostitution, thus attempting to deter both those men who are publicized as well as others. In some jurisdictions the publicized buyers have been convicted; in others they have not.

Various cities, particularly in the United States and Canada, have adopted “Johns School” programs, in which first time offenders (people arrested for patronizing) attend a one-day course to educate them about the health risk of prostitution, such as sexually transmitted diseases, the adverse impact on the local community, and the negative effect on the women in prostitution. While preliminary studies in cities with “Johns Schools” indicate that offenders are rarely re-arrested in these areas, there is concern, such as by some women’s organizations, that such programs are diverting men out of the criminal justice system and allowing men to escape responsibility for the abuse of women in prostitution. Thus some NGOs advocate that buyers should attend “Johns Schools” as part of a rehabilitation program only after a criminal conviction.

## EDUCATIONAL EFFORTS – CHALLENGING AND CHANGING MEN’S PRACTICES AND ATTITUDES

Another approach has been to educate men and boys about the harm of prostitution and trafficking and a form of masculinity based on the inequality and exploitation of women of girls. For instance, the Coalition Against Trafficking in Women-Asia Pacific has initiated an educational project in the Philippines targeting boys and young men in communities known for prostitution to reduce the demand side of trafficking. The project aims to change the sexual attitudes and practices of young men who purchase or are potential buyers of women in prostitution through popular education.

Campaigns have also targeted potential buyers and tried to change their behavior in other ways, such as a poster campaign that was launched in Batam Island in Indonesia, where there are many sex tourists from Singapore and Malaysia. The posters stated: “How would you feel if someone did this to your daughter?” Approximately 40% of those in prostitution are girls under 18 years of age.

Sweden has focused on preventing the demand for prostitution by ingenious public activities such as opening a campaign against trafficking and prostitution at a racetrack, which generally attracts a large population of men who are potential and actual buyers of women for sex acts, and by displaying posters in public transport vehicles and stations, which state that “it is a crime to buy sex.”<sup>viii</sup> One of the posters, for example, had a well-dressed Swedish sex tourist, wearing a wedding band, who travels to Baltic countries. The caption states “Time to flush the johns out of the Baltics”. Another poster showed a young man at a computer, stating “More and more Swedish men do their shopping over the Internet”.



- <sup>i</sup> Gunilla Ekberg, *The Swedish Law that Prohibits the Purchase of Sexual Services: Best Practices for Prevention of Prostitution and Trafficking in Human Beings*, Violence Against Women 1187-1218 (2004).
- <sup>ii</sup> Ministry of Industry, Employment and Communications, “*Prostitution and trafficking in human beings*,” *Fact Sheet*, (April 2005).
- <sup>iii</sup> *Id.*
- <sup>iv</sup> “Anti-Trafficking in Persons Act of 2003.” Republic Act 9208.
- <sup>v</sup> “Trafficking Victims Protection Act of 2005.”
- <sup>vi</sup> Home Office, “*A Coordinated Prostitution Strategy and a summary of responses to Paying the Price*” (January 2006).
- <sup>vii</sup> NATO, “*NATO Policy On Combating Trafficking In Human Beings*” (Aug. 2004); NATO, “*NATO Guidelines on combating trafficking in human beings for military forces and civilian personnel deployed in NATO-led operations*”(Aug. 2004).
- <sup>viii</sup>