

Audrey Nicoll
Convener
Criminal justice Committee
The Scottish Parliament
Via e-mail only

Dear Ms Nicoll,

Thank you for your questions about the Swedish sex purchase legislation!

Background and aims of the Swedish legislation (The Swedish model or The Nordic model)¹

The following can be mentioned as a background to the Swedish sex purchase legislation. On 1 January 1999 Sweden was the first country in the world to introduce legislation that criminalizes buying sex, but not selling it. The provision criminalized anyone who obtained casual sexual relations in return for payment. Attempted offences were also criminalized. Before that time, it had only been punishable to obtain, or attempt to obtain, a casual sexual relationship in return for payment with a person under 18 years of age (*seduction of youth*).

The criminalization was intended to fulfil a norm-setting function and make it clear that prostitution is not socially accepted in Sweden. It was also considered to fulfil an important mark towards other countries regarding Sweden's position on the issue. The Swedish government considered that it was not fair to criminalize someone who in most cases is the weaker party and who is exploited by others who want to satisfy their own sexual urges. It was also considered important that people who are victims of prostitution, without risk of punishment, should be able to seek help to get out of prostitution.

Initially, the penalty was a fine or imprisonment for a maximum of six months. On 1 July 2011, the maximum penalty for *purchase of sexual services* was increased from six months in prison to imprisonment for at most one year. The current penalty scale for purchase of sexual services was introduced on 1

¹ See current legislation in attached appendix

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August 2022, when the minimum penalty was increased from a fine to imprisonment. On 1 July 2025, the classification of the crime was changed from *purchase of sexual services* to *purchase of a sexual act*. At the same time, the criminalized area was expanded so that purchasing sexual acts that are conducted at a distance, for example over the internet, is now also covered by the provision. Previously, physical contact between the parties was required for the act to fall within the criminalized area regarding purchasing sex from adults. Acts against children committed from a distance were already criminalized, see more about crimes against children below.

In Sweden, prostitution and human trafficking for sexual purposes are seen as a part of men's violence against women and their existence is an obstacle to gender equality. It is considered a serious and widespread social problem that causes great physical and psychological suffering.

The ultimate purpose of the legislation is to protect the interests of both the individual and society. The purchase of sexual acts is therefore considered a crime, not only against the individuals concerned, but also against the state and the public order.

Evaluations of and interviews with men who purchase sex have shown that the ban on the purchase of sexual services has had a deterrent effect. The legislation has a strong support among the public in Sweden and has led to significant positive changes in attitudes. The legislation also acts as an obstacle for larger organized crime networks that traffic in people for sexual purposes to establish in Sweden. Thus, a ban on the purchase of sexual services has had both normative and direct effects.²

Crimes against children³

The provision on *seduction of youth* was established in connection with the introduction of the Swedish Criminal Code in 1962 and included anyone who, in return for payment, procured a temporary sexual relationship with a person under the age of 18. In 2005, the classification of the crime was changed to

² Police Authority, report "*Why did you choose us? Everyone is doing it! – final report from the Human Trafficking project*" ("*Varför tog ni just oss? Alla håller ju på med det! – slutrapport från projekt Människohandel*"), 2023, page. 65

³ See current legislation regarding children in attached appendix

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purchase of a sexual act from a child, meaning that anyone who, in return for payment, induced a child under the age of 18 to undertake or submit to a sexual act could be convicted of the crime. This is regardless of whether the sex buyer or someone else paid for the act. The changes were made to give children as comprehensive criminal protection as possible against being drawn into prostitution. The penalty could be a fine or imprisonment for a maximum of two years. On 1 January 2020, the classification of the crime was changed to *exploitation of a child through the purchase of a sexual act*. At the same time, fines were removed from the penalty scale and the maximum sentence was imprisonment for at most four years. The reason for the change of the classification of the crime was to highlight that the purchase of a sexual act from a young person should never be seen as a business transaction between two equal parties. On 1 August 2022, the penalty scale was further increased so that the minimum penalty became imprisonment for a at least six months. If the crime is less serious, a maximum sentence of one year can be imposed.

It is possible to investigate and prosecute purchases of sexual acts as more serious sex crimes

Since 2018, the sex crime legislation in Sweden is based on voluntary participation. This means that purchases of sexual acts of adults may be investigated and prosecuted as rape or other serious sex crimes. A sex buyer can be convicted of rape if he or she goes beyond what was agreed upon regarding the purchase of the sexual act (for example, by exceeding the agreed duration or by carrying out sexual acts other than what was agreed upon), if violence or threats are used to get the prostitute to participate in sexual acts, or if the prostitute is, for example, a victim of human trafficking. It is not that common, but it does happen that Swedish sex buyers are instead convicted of rape based on this.

Furthermore, in Sweden it is possible to convict a person of rape even though he or she is not the person performing the sexual act itself, which means that a procurer who uses violence or threats to induce a person to sell sex to others can also be convicted of rape. The same applies if the procurer exploits the fact that the person is in a particularly vulnerable situation, for example due to mental disturbance or addiction, or that the prostitute is in a position of dependence on the procurer, for example because he or she supplies them with drugs. However, we are not aware of any such case being tried in court so far.

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As regards to crimes against persons under the age of 18, the provision on the *exploitation of children through the purchase of a sexual act* has been subsidiary to the more serious sexual crimes until 1 July 2025. This means that anyone who buys sex from a person under the age of 15 is usually convicted of *rape of a child*, provided that it can be proven that the perpetrator had intent or was negligent regarding the circumstance that the other person was under the age of 15. Since 1 July 2025, there are also greater possibilities of convicting a person of *rape of a child* for sexual acts committed against persons aged 15–17. The fact that a child is offered payment for participating in a sexual act is a circumstance that must be taken into account when assessing whether the child has had an impaired ability to protect their sexual integrity. If so, a perpetrator may be convicted of *rape of a child*, given that her or she have improperly exploited this.

Statistics and analysis of statistics

In general, it is very difficult to obtain a statistically accurate picture of the extent of prostitution in Sweden. The unreported number is considered to be high. However, it can be stated that sex for payment and sexual exploitation is a clearly gendered phenomenon, where those who buy sex in Sweden are primarily men. A clear majority of those who are being sexually exploited in Sweden are women. Transgender people and people who do not identify as heterosexual are also overrepresented among those who sell sex. This has also been the case over time.

In a population study conducted by the Public Health Agency of Sweden (Folkhälsomyndigheten) in 2017, 1.5 % of the women surveyed and 1 % of the men surveyed aged 16–84 stated that they had at some point received payment for sex. More gay, bisexual and queer people (7 %), compared to heterosexuals, had received payment.⁴ The Public Health Agency of Sweden also conducted a survey on young people's health, relationships and sex life (UngKAB23), which was presented in February 2025. The study shows that a total of 3 % of young people aged 16–29 responded that they had had sex for payment at some point in their lives. A slightly higher proportion of girls (4 %) than boys (2 %) stated that they had received payment for sex. As for people with a different gender identity, 11% of those within the relevant group who

⁴ <https://nspm.jamstalldhetsmyndigheten.se/prostitution-och-manniskohandel/prostitution/>

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responded to the survey stated that they had had sex for payment (however, there were fewer than 30 people in that group who responded to the survey).⁵

Certain groups in society are particularly vulnerable to being exploited and the figures are significantly higher in these groups. For instance, a screening of female inmates in correctional facilities has shown that 24 % of them had had sex for payment. With regards to children who had been subject to compulsory care under the Act (1990:52) on special provisions on the care of young people (in short LVU), 13 % of girls and 5 % of boys stated that they had had sex for payment.⁶ It should be noted that migrants, who are perceived to be a large part of those exploited in prostitution, are not reached by these surveys.

In the above-mentioned population study from the Public Health Agency of Sweden in 2017, 10 % of men stated that they *had paid* for sexual acts, while the corresponding figure for women was 0.5 %.⁷ The survey UngKAB23 also showed that 1 % of all respondents aged 16–29 had paid for sex – among boys the figure was 2 %.⁸ This age group consists of people who were only children or not even born when the sex purchase legislation was introduced. The fact that pornography is so easily accessible now compared to then may have an impact on the prevailing tendency to purchase sexual acts from others. A survey conducted by the Public Health Agency of Sweden in 2017 showed that 7 out of 10 men aged 16–84 consume pornography, while 7 out of 10 women never do so. One in five men consume it frequently, most of whom are aged 16–29. The survey claims that pornography use is associated with risk factors for sexual health, such as experience of paid sex. However, no conclusions could be drawn about causality. Some studies show that men who frequently use pornography may be more likely to try things they have seen in

⁵ <https://www.folkhalsomyndigheten.se/publikationer-och-material/publikationsarkiv/u/ungas-halsa-relationer-och-sexliv-resultat-fran-ungkab23/?pub=141028>

⁶ The Swedish Gender Equality Agency (Jämställdhetsmyndigheten, in short JÄMY), report "Prostitution and human trafficking - Final report on the assignment to strengthen the work against the exploitation of children and young people and adults in prostitution and human trafficking, and to map the extent of prostitution and human trafficking" ("Prostitution och människohandel - Slutredovisning av uppdrag att stärka arbetet mot att barn och unga respektive vuxna utnyttjas i prostitution och människohandel, samt kartlägga omfattningen av prostitution och människohandel"), 2021:23, page 15

⁷ The Swedish Gender Equality Agency, report 2021:23, page 16

⁸ <https://www.folkhalsomyndigheten.se/publikationer-och-material/publikationsarkiv/u/ungas-halsa-relationer-och-sexliv-resultat-fran-ungkab23/?pub=141028>

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pornography, take sexual risks and have a more trivializing attitude towards men's violence against women.⁹

A government-appointed investigation in 2010, about 10 years after the legislation first came into force, found that street prostitution had decreased significantly and, apart from in metropolitan regions, had basically disappeared completely since the introduction of the legislation. However, it was assessed that the dominant arena for prostitution contacts had instead become the internet.¹⁰ In a survey conducted in 2020 regarding prostitution mediated over the internet, it was found that there were 12,474 unique advertisements and profiles on 32 different websites that mediated sexual services.¹¹ In an ongoing study at Stockholm University aimed at mapping websites that market sexual acts for payment, 46 pages were identified in 2025 that were aimed at the Swedish market. 34 of the pages were analyzed, of which 14 had a primary focus on the Swedish market while 20 of them had an international focus with a presence in several countries. A total of 12,032 sales profiles could be identified.¹² However, it may well be that several profiles belong to the same person and it is therefore not possible to say anything certain about the number of people in prostitution based on these figures.

Furthermore, it is clear that many contacts aimed at sex for payment are made via traditional social media platforms, such as Instagram, Snapchat, TikTok, Kik, Tinder, Grindr, Badoo and Onlyfans.¹³ In these cases, the communication takes place only between the parties and therefor it is more difficult for the authorities to get a fair idea of the extent to which this occurs. Given that the Swedish legislation on the purchase of sex was introduced over 25 years ago and the public's access to the internet largely occurred at the same time, it is difficult to answer whether the development regarding the movement of prostitution from the streets to the internet has mainly had to do with criminalization or with societal development in general and digital development in particular.

⁹ The Public Health Agency of Sweden, "Results from the SRHR 2017 survey" ("Resultat från undersökningen SRHR 2017") (<https://www.folkhalsomyndigheten.se/contentassets/66f208e76acc4824a2bd6f1da981a969/pornografianvandning-sexuell-halsa.pdf>)

¹⁰ State public investigations (Statens offentliga utredningar), SOU 2010:49, page 105 and following

¹¹ The Swedish Gender Equality Agency, report 2021:23, page 16

¹² Ongoing research by Lisa Kaati at Stockholm University

¹³ The Swedish Gender Equality Agency, report 2021:23, page 18

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A report from the Swedish Police Authority also shows that the purchase of sexual services occurs in about 80 % of Sweden's 2,000 Thai massage parlors. Often, the people exploited in prostitution in these places are women from Thailand who are subjected to multiple exploitation and are often also subjected to human trafficking. Sex for payment at massage parlors is believed to have existed in Sweden since the 1960s. Though at that time, most of the people who worked in the parlors were Swedish-born women with previous experience of prostitution.¹⁴

We have produced statistics from the Swedish Prosecution Authority on the number of incoming criminal suspicions regarding *purchase of sexual services* by adults and *exploitation of children through the purchase of a sexual act*, the number of criminal suspicions decided and the number of criminal suspicions that have led to prosecution over the past ten years, see the attached excel file. The term *prosecution* refers to different types of decisions where a prosecutor has found that the sex buyer has committed a sex purchase crime.

The statistics in the attached excel file only regards suspicions that has come to the knowledge of the Swedish Prosecution Authority. It should be noted that preliminary investigations concerning *purchase of sexual acts* may be led by the Swedish Police Authority. If the police authority closes a preliminary investigation, for example because there is not enough evidence, it will not appear in the statistics of the Swedish Prosecution Authority.

From reviewing the statistics in the attached file it can be concluded that approximately 70 % of the incoming suspicions regarding crimes involving adults in 2024 led to decisions to prosecute. The corresponding figure for crimes against children in 2024 was only approximately 30 %. In contrast, the latter figure was approximately 90 % in 2023. Over the past ten years, the number of incoming suspicions regarding *purchase of sexual services* from adults has increased, as well as the number of prosecutions for the same crime. Regarding crimes against children, the number of suspicions and prosecutions has fluctuated more over the years, which could be due to the fact that the number of cases is so low that a few extensive cases with multiple suspicions of crime have a big effect on the statistics. This could also explain the big differences between prosecution decisions in 2023 and 2024.

¹⁴ PMY report 2023, pages 15 and 45

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Unfortunately, the Swedish Prosecution Authority does not keep statistics on the extent to which the prosecutions have led to convictions. Statistics available on the website¹⁵ of the Swedish National Council for Crime Prevention (Brottsförebyggande rådet, in short Brå) show that there were 557 successful verdicts in 2024 where *purchase of sexual services* from an adult was the main crime. The majority were sentenced to prison or an alternative sentence to prison. This can then be compared to the figures in the Swedish Prosecution Authority's statistics, which show that prosecution decisions have been made regarding 837 suspected crimes. It is important to realise that the Swedish Prosecution Authority's statistics are based on the number of individual suspected crimes, while Brå's statistics are based on the number of convicting verdicts, approved penalty orders and waivers of prosecution. It is therefore possible that a person has been convicted of several separate suspicions of crime in one and the same verdict, which is why the conclusions about how many actual suspected crimes have been dismissed has to be made with caution. In 2013, there were 238 prosecutions regarding *purchase of sexual services* by an adult, according to Brå's statistics. According to the Prosecution Authority's statistics, prosecution decisions were made regarding 323 suspected crimes. In 2000, there were 29 prosecutions for *purchase of sexual services*, all of which resulted in fines. In summary, there has been a significant increase in the number of prosecutions since the law was introduced.

Many of the crimes related to prostitution only come to the attention of the judicial system if the police conduct surveillance or other outreach activities and therefore the number of registered criminal suspicions and prosecutions depends heavily on the police resources available. The crimes are rarely reported by those involved themselves. It appears that a relatively large number of people exploited in prostitution in Sweden come from countries outside the EU. These people have a great fear of being deported themselves if they contact the Swedish authorities, which is why many of them refrain from doing so.¹⁶

Furthermore, there is a large discrepancy across the country in the extent of the police resources allocated for targeting sexual exploitation. In metropolitan regions, the police work more intensively to discover and prevent these crimes than in smaller cities. It is therefore not possible to draw any firm conclusions

¹⁵ <https://bra.se/english/statistics/statistics-from-the-judicial-system>

¹⁶ Brå, report "*Purchase of sexual services – a follow-up of the application of the law*" ("*Köp av sexuella tjänster – en uppföljning av lagens tillämpning*"), 2022:3, page 32-33

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about the development of the number of sex purchases, since the hidden statistics is considered to be large. It is also clear that contact between buyers and the person exploited in prostitution is increasingly taking place digitally, which further complicates the police's ability to detect them.

Violence in connection to sex purchases

The Swedish Prosecution Authority does not keep any specific statistics on violence that is carried out specifically in connection with sex purchases. However, it is our opinion that it clearly occurs and that women and girls in prostitution run a high risk of physical and psychological harm. There has not been any statistical data or other information showing that prostitutes are exposed to deadly violence. An ongoing study at Stockholm University, which has looked at reviews left by sex buyers on escort sites after buying sex, shows that it is common for men to buy sex in order to be able to do things they cannot do with their wives or girlfriends, such as strangulation and violent sex.¹⁷ As mentioned above, pornography consumption can contribute to this, especially since a large part (90 %) of commercial pornography contains violent elements.¹⁸ According to Swedish law the use of violence in connection to the purchase of a sexual act can lead to the crime being investigated as *rape* instead. But it can also be a question of other crime classifications such as *robbery* or *assault*. This affects the statistics kept on the number of sex purchases because a situation such as the one just described does not end up in the sex purchase statistics, but in the statistics for the more serious sexual crimes or violent crimes, and there is no special category for crimes committed in connection with prostitution.

The application of the law by the judiciary

Attached to this letter are two reports that Brå has produced as a follow-up on the application of the law. The reports were published in 2022. One of them concerns *the purchase of sexual services* by adults and the other concerns *exploitation of children through the purchase of sexual acts*. The reports are in

¹⁷ Ongoing research by Lisa Kaati at Stockholm University

¹⁸ <https://www.unizonjourer.se/aktuellt/rapporter/10-punkter-fran-forskningen-om-porr-och-porrindustrin/>

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Swedish, but also attached are the English summaries. Since the reports were published, as mentioned above, the legislation has been further amended in such a way that fines are no longer included in the penalty scale and that the purchase of sexual acts without physical contact by adults has also been criminalized.

In the reports from Brå they conclude, among other things, that the judiciary generally does not sufficiently take into account aggravating circumstances that exist in the cases regarding purchase of sex and that they also do not investigate *rape* in all cases where it is possible. The study also shows that it is often difficult to find and prosecute individuals controlling the organizations behind the sex trade and human trafficking as well as procurers and other enablers. Brå states that in order to have a broader deterrent effect and create conditions for protection and support, the work of the law enforcement authorities needs to be more continuous and broadened to more arenas. Furthermore, support for victims of crime needs to be improved and collaboration with social authorities needs to be expanded.¹⁹ We ourselves have noted that a decisive factor in achieving successful prosecutions is the victim's trust in the judicial system and that they are treated with respect for their situation and their person.

As a general rule, sex buyers in many cities are offered support, advice and treatment in connection with their crimes being brought to the attention of the authorities in order to influence them to change their behaviour.

The work of the Swedish Prosecution Authority

The Swedish Prosecution Authority is actively working to ensure that more cases than today are investigated and, if possible, prosecuted as more serious crimes than *purchase of a sexual act*. We are currently writing a legal guidance, a methodological support, on the handling of the crimes of purchase of sexual acts, procuring and the connection of the crimes to human trafficking. The purpose of the methodological support is to provide police and prosecutors with clearer guidance on the investigation of these cases and to ensure that other, more serious criminal charges are considered in more investigations and that we all become better at highlighting aggravating circumstances

¹⁹ Brå, report 2022:3, page 11 and following

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surrounding the purchase of sex, so that the penalty scales are applied in a more nuanced way. It is also important that the organizations behind the sexual exploitation is discovered and prosecuted.

In our assessment, the work against prostitution and other sexual exploitation is threefold and it is important that society in general and the legal system in particular work on all three parts – firstly to offer people who are exploited in prostitution support and help to get out of the situation and redress in cases where they have been subjected to crime, secondly to identify and prosecute the organized crime behind prostitution and thirdly to prosecute the buyers in order to thereby reduce the demand for sexual acts for payment.

If it would be of interest, we would be happy to get back to you when the guidance is finished, which is expected to be next year.

Do not hesitate to get back to us if you have further questions.

Best regards,

Eva-Marie Persson
Director of Public Prosecution

Carolin Roos
Senior Public Prosecutor

The Swedish legislation – Chapter 6 in the Swedish Criminal Code (brottsbalken)

Section 9

A person who induces a child under eighteen years of age to undertake or submit to a sexual act in return for payment, is guilty of *exploitation of a child through the purchase of a sexual act* and is sentenced to imprisonment for at least six months and at most four years.

If the offence is less serious, the sentence is imprisonment for at most one year.

The provisions in the first and second paragraphs also apply if the payment was promised or made by another person.

Act 2025:586.

Section 11

A person who, in cases other than those previously referred to in this Chapter, induces a person to undertake or submit to a sexual act in return for payment with the main purpose of participating or being shown the act is guilty of *purchase of a sexual act* and is sentenced to imprisonment for at most one year.

The provision in the first paragraph also applies if the payment was promised or made by another person.

Act 2025:586.

Statistics Purchase of sexual services and Exploitation of a child through the purchase of a sexual act (Sweden)

Number of incoming suspicions of crime to the Swedish Prosecution Agency (Antal inkomna brottsmisstankar)		Number of criminal suspicions decided (Antal beslutade brottsmisstankar (exkl Administrativa beslut och FU-åter till Polis))		Number of prosecuted criminal suspicions (including order of summary punishment and waiver of prosecution) (Antal lagförda brottsmisstankar (åtal,	
		Beslutsgrupp	(flera objekt) ▾	Beslutsgrupp	(flera objekt) ▾
Radetiketter ▾	Summa av Antal	Radetiketter ▾	Summa av Antal	Radetiketter ▾	Summa av Antal
0610 Exploitation of a child through the purchase of a sexual act (Utnyttjande av barn under 18 år genom köp	1643	0610 Exploitation of a child through the purchase of a sexual act (Utnyttjande av barn under 18 år genom köp	1416	0610 Exploitation of a child through the purchase of a sexual act (Utnyttjande av barn under 18 år genom köp	822
2013	133	2013	72	2013	46
2014	74	2014	93	2014	32
2015	98	2015	70	2015	40
2016	179	2016	95	2016	53
2017	110	2017	151	2017	98
2018	240	2018	126	2018	79
2019	180	2019	277	2019	225
2020	149	2020	116	2020	57
2021	202	2021	145	2021	55
2022	89	2022	61	2022	23
2023	95	2023	136	2023	86
2024	94	2024	74	2024	28
4024 Purchase of sexual services (Köp av sexuell	8444	4024 Purchase of sexual services (Köp av sexuell	7712	4024 Purchase of sexual services (Köp av sexuell	6163
2013	426	2013	398	2013	323
2014	472	2014	424	2014	331
2015	401	2015	451	2015	361
2016	417	2016	388	2016	324
2017	385	2017	357	2017	252
2018	612	2018	468	2018	369
2019	603	2019	545	2019	383
2020	763	2020	715	2020	582
2021	1331	2021	1210	2021	998
2022	938	2022	980	2022	753
2023	903	2023	781	2023	650
2024	1193	2024	995	2024	837
Totalsumma	10087	Totalsumma	9128	Totalsumma	6985



Purchase of sexual services

A follow-up of the application of the law

**The Swedish National Council for Crime Prevention (Brå) -
centre for knowledge about crime and crime prevention measures**

The Swedish National Council for Crime Prevention (Brå) works to reduce crime and improve levels of safety in society. We do this by providing factual information and disseminating knowledge on crime and crime prevention work, primarily for the Government and agencies in the criminal justice system.

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This report is a summary of the Swedish report Köp av sexuella tjänster Rapport 2022:3
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Purchase of sexual services

A follow-up of the application of the law

English summary of Brå report 2022:3

Summary

Brå was commissioned by the Swedish government to follow up how the criminal justice system applies the prohibition on the purchase of sexual services (Chapter 6, Section 11 of the Swedish Criminal Code). The commission includes shedding light on several aspects of how the criminal justice system handles sex purchase crimes from police report to verdict and how the criminal justice system and social services cooperate. Brå's commission also encompasses analysing the possible effects of routinely giving injured party status to the seller of sexual acts. In the follow-up, we have reviewed 292 cases of reported sex purchase crimes (preliminary investigations and verdicts), interviewed several representatives of the criminal justice system and social services, conducted participant observation of police work and analysed documents, literature and crime statistics.

The prohibition on the purchase of sexual services was introduced in 1999 and currently reads:

§1. A person who, in cases other than those previously referred to in this Chapter, obtains casual sexual relations in return for payment, is guilty of purchase of sexual services and is sentenced to a fine or imprisonment for at most one year.

§2. The provision in the first paragraph also applies if the payment was promised or made by another person.

At the time of publication of this report, the Swedish government has submitted a bill proposing to increase the minimum penalty for the purchase of sexual services from a fine to imprisonment. The stricter penalty is proposed to enter into force on 1 August 2022 (government bill 2021/22:231).

Sex is purchased in a number of arenas

Brå has not been commissioned to analyse the extent of sex purchase crimes, but on the basis of our interviews and previous research, we can conclude that such offences are committed on a large scale and in a number of different arenas.

Since the introduction of the offence, the number of reported sex purchase crimes has increased steadily, especially over the past two years. Since the purchase of sex is an offence that the police primarily learn about through proactive policing, the number of reports essentially reflects the scope and focus of the associated police work. This is confirmed by the cases that Brå has reviewed, with two thirds of them arising from proactive police work and one third arising from someone tipping off or reporting a crime to the police, including the concerned seller.

Efforts to curtail sex purchase crimes vary across the country

In recent years, efforts by the police to curtail sex purchase crimes have been given a higher priority. At the same time, the extent to which the police work with such initiatives varies greatly across the country. In some places hardly any such work is conducted, while in other places such work is characterized by resources, commitment and structure. The interview material gives the impression that work to curtail the purchase of sexual services is still far too dependent on dedicated individuals or smaller teams. Within most police operations, efforts are also sporadic and scheduled for short periods of time, rather than forming a continuum that can act as both a deterrent to buyers and a point of contact with sellers.

The work of the police to curtail sex purchase crimes is focused on crimes linked to human trafficking, with efforts to curtail the purchase of sexual services mainly based around the human trafficking teams found in five of the seven police regions. However, moving forwards, the idea is for local police districts to work on curtailing individuals from purchasing sexual services while the human trafficking teams focus on the underlying, more serious, crime.

Training initiatives have been conducted in recent years and are considered to have yielded results in the form of significantly more reported sex purchase crimes.

Discovery and investigation of offences

The police mainly work by targeting escort sites

The main focus of police work to curtail sex purchase crimes involves targeting escort sites. Escort sites are public websites with advertisements wholly or partly intended to mediate contact for the purchase of sexual services. A considerable proportion of the sellers on these escort sites are women living temporarily in Sweden in order to sell sexual acts. The police believe that such escort sites are an arena for mediating prostitution through which they can find human trafficking victims. Moreover, the police have established a method for targeting escort sites that has proven successful in enabling the relatively quick and easy prosecution of buyers of sexual services. In brief, it involves arresting the offender more or less in the act, which often results in an immediate confession.

Escort sites are also the dominant arena in the cases that Brå has studied. In these cases, the suspected buyer has generally made contact, often via text message, with the seller or a third party using a telephone number provided in the website advertisement to agree on the time, place, sexual act and price.

Other arenas are considerably less common. In just under one in ten of the cases, the buyer made contact with the seller via other internet forums, such as social communication platforms, dating sites or websites with diverse forms of sexual content. In a few cases, contact was made via a sugar dating site. Contact on the street or in other public places also occurs, but this is relatively uncommon. In only two cases is there a clear link to what is commonly referred to as street prostitution. Four cases of completed offences can be linked to sex purchase crimes involving a massage parlour.

Crimes also discovered by backtracking

Another way for the police to learn about crimes is through backtracking, that is, from information that has come to light during the investigation of a crime that can be used to identify further crimes. For example, the police can discover sex purchase crimes and identify suspected buyers in connection with investigations into human trafficking and procuring. Sex purchase crimes have also been discovered after the police have gained access to the content of a buyer's phone.

A substantial percentage of reported sex purchases are cleared

In 58 per cent of the cases studied by Brå, the police have been able to complete their preliminary investigation and present it to the prosecutor. The highest clearance rate is seen in those cases where the crimes were discovered during proactive policing, with nine out of ten cases being reported to the prosecutor. Other cases often present less favourable conditions with a higher proportion of cases closed.

Of the cases that the police have presented to the prosecutor, in most the prosecutor has issued a summary fine, although a considerable proportion result in prosecution. A decision to prosecute rather than issue a summary fine is most often made when the suspected buyer has not confessed to the crime or when the case has been coordinated with other cases requiring a court verdict, such as for procuring. In the vast majority of the cases decided by the courts, the suspected offender has been convicted. Common to the dozen or so cases where the accused has been acquitted is that the suspect has largely denied the crime and the seller has not been heard in court, which has contributed to the weight of the accused's testimony.

Common practice remains 50 day-fines

As in previous reviews of the penalties imposed for the purchase of sexual services, Brå's case study shows that 50 day-fines are common practice for a single sex purchase crime. In only one case where the penalty concerned a single sex purchase crime did the district court impose a more severe fine. The stricter penalty was decided on the basis that it must have been obvious to the buyer that the seller was in a particularly vulnerable situation. All in

all, only two verdicts on sex purchase crimes have detailed aggravating circumstances, otherwise no reasoning for the chosen penalty is generally given.

Male buyers and female sellers

In the cases Brå has reviewed, essentially all suspected buyers are men. The median age is 35 years, 65 per cent are single, just under a quarter are married or cohabiting and the rest live in the same household as their parents. Education and employment levels among buyers are lower than those of the general population.

One third of the suspected buyers are foreign citizens and about half have a foreign background regardless of citizenship. The proportion of suspected buyers who have a foreign background is higher in cases discovered through proactive policing targeting escort sites than in other cases. The age of the suspected buyers is also lower in these cases. Interviewees from the police and social services say that men who are well established in Sweden are often well aware of the focus of police work. To minimise the risk of getting caught, they choose arenas other than escort sites for their sex purchases.

Among the sellers in the cases studied, all but four are women. The median age is 27 years. Some 43 per cent of the sellers are foreign nationals while 36 per cent are Swedish nationals. There was insufficient information to establish the nationalities of the other sellers. The percentage of sellers who are foreign nationals is particularly high on escort sites and in cases discovered through proactive policing.

The fact that the work of the police is almost exclusively focused on a specific arena means that other arenas with other groups of sellers are excluded from this work. These include, for example, financially vulnerable women living permanently in Sweden, people with substance abuse problems, LGBTIQ people, men in prostitution and sex purchases involving massage parlours.

Aggravating circumstances not considered in the legal chain

The case study includes several examples of cases involving diverse types of aggravating circumstances in connection with the sex purchase crime. For instance, the seller may have been under the influence of drugs or alcohol and the sex purchase may have been arranged by a third party. These are circumstances that, according to the legislative history of the sex purchase legislation, justify a more severe penalty than day-fines for the concerned sex purchase crime. It also means that, due to the lack of proper consent, the sex purchase crime could possibly have been investigated and tried as rape or negligent rape.

However, Brå's review of the cases shows that these types of circumstances have rarely resulted in more severe penalties or any documented suspicion of rape. Interviews and conversations in conjunction with Brå's participatory observation also confirm that the entire legal chain could improve at considering aggravating circumstances.

Rape convictions in connection with sex purchase crimes uncommon

Brå has also specifically studied suspected rapes in connection with sex purchase crimes. The 2018 sexual offences reform broadened the crime of rape. One change of particular relevance to sex purchase crimes is the broadening of the criminal liability for rape to even encompass situations in which the victim has been threatened by someone other than the person performing the sexual act. Human trafficking for sexual purposes is a concrete situation in which this broadened criminal liability could be relevant (government bill 2017/18:177 p. 39).

Of the cases of reported purchases of sexual services in Brå's review, sixteen cases also include a report of rape. A qualitative analysis of these cases shows that in the majority of them, a prearranged sex purchase has resulted in rape due to the buyer's actions. The only case that has resulted in a rape conviction involved the perpetrator using physical force to perform sexual acts other than those previously agreed. None of the reported rapes can be considered to involve a situation in which the arranged sex purchase *itself* constitutes rape as a result of the seller being threatened by someone other than the person who performed the sexual act, nor as a result of the buyer knowing that the seller's participation in the sex purchase was not voluntary or exhibiting gross negligence in whether this was the case.

A quarter of cases have documented links to procuring

In 25 per cent of the cases studied, there is documentation indicating that the sex purchase crime is linked to human trafficking, procuring or human exploitation. The most common link is to procuring, whereas only one case has documented links to human exploitation. Brå's analysis has been based on a strict interpretation in which we have only included clearly documented links. Based on the interview material, the actual percentage of cases in which the seller is linked to such crimes is probably much higher.

Massage parlours are highlighted by interviewees as an arena where there is often reason to suspect procuring, human trafficking and human exploitation. Despite intensified efforts to target these types of arenas, according to interviews and observations it is still difficult for law enforcement to successfully target human trafficking, procuring and sex purchase crimes involving massage parlours because they are hiding behind a

legal business. Several interviewees believe that the number of unreported sex purchase crimes involving massage parlours is high.

Regional coordinators key to cooperation between police and social services

Brå has also studied the cooperation between the police and social services seen in connection with proactive policing targeting escort sites. When the police and social services cooperate in proactive policing, social services can, among other things, provide immediate support to sellers and try to help them to escape from human trafficking. The regional coordinators play a key role in this cooperation. Regional coordinators are social workers who are specialised in human trafficking and work closely with the police, with responsibility for an entire police region. According to interviewees, the cooperation between the police and the regional coordinators is considered extremely successful.

However, the regional coordinators are unable to physically attend all police operations targeting sex purchase crimes. The idea is for local social services to get involved instead and to provide immediate and long-term support. However, this does not always work. In some places, cooperation between the police and local social services is well-established, but in many other places such cooperation is non-existent. Cooperation may also be hampered by the fact that local social services sometimes lack the knowledge and resources needed to help victims of human trafficking.

There are also several arenas for the purchase of sexual services for which there is hardly any cooperation at all, such as sex purchase crimes involving sellers who are addicts. Specific support for buyers of sexual services is lacking in many places as well.

Sellers rarely given injured party status in sex purchase crimes

Since the introduction of the prohibition on the purchase of sexual services, the penal provision has had dual protective purposes: the law is to protect both the public and the individual seller. This means that there is the possibility of giving the seller injured party status in the sex purchase crime. However, Brå's study shows that common practice is to treat the seller as a witness. Only one in ten sellers in completed and attempted crimes have been given injured party status, and in these cases there are usually other crimes associated with the sex purchase.

Difficulties in routinely giving injured party status to sellers of sexual acts

Brå has analysed the possible effects of routinely giving injured party status to the seller of sexual acts, including whether this would improve the support provided to the seller of sexual acts in the legal process. According to the analysis, routinely giving injured party status would have effects on several levels. For the individual seller, this would mean increased access to support and information throughout the legal process. At the same time, these additional rights place greater demands on the authorities comprising the criminal justice system and, as a result, increase the resources required to handle this type of crime. It should also be noted that people who sell sexual acts are not a homogeneous group. While injured party status would help to highlight the vulnerability experienced by many sellers, there are others who may find it offensive to be made a victim unwillingly.

The introduction of injured party status would also impact proactive policing initiatives and investigations. On the one hand, according to interviewees, it could lead to the crime being given higher priority and improved investigations of aggravating circumstances. On the other hand, it would be more difficult for the police to wait for the crime to be completed before arresting a suspected sex buyer. In turn, this could lead to problems with evidence and difficulties in prosecuting offenders. The opportunities for proactive policing in human trafficking cases may also be impacted if the possibilities to delay intervention are limited.

The report also identifies a broader criminal law dilemma with a possible change in injured party status in sex purchase crimes, in terms of both the balance between the various protective interests of the law and the ability of the seller to give exonerating consent.

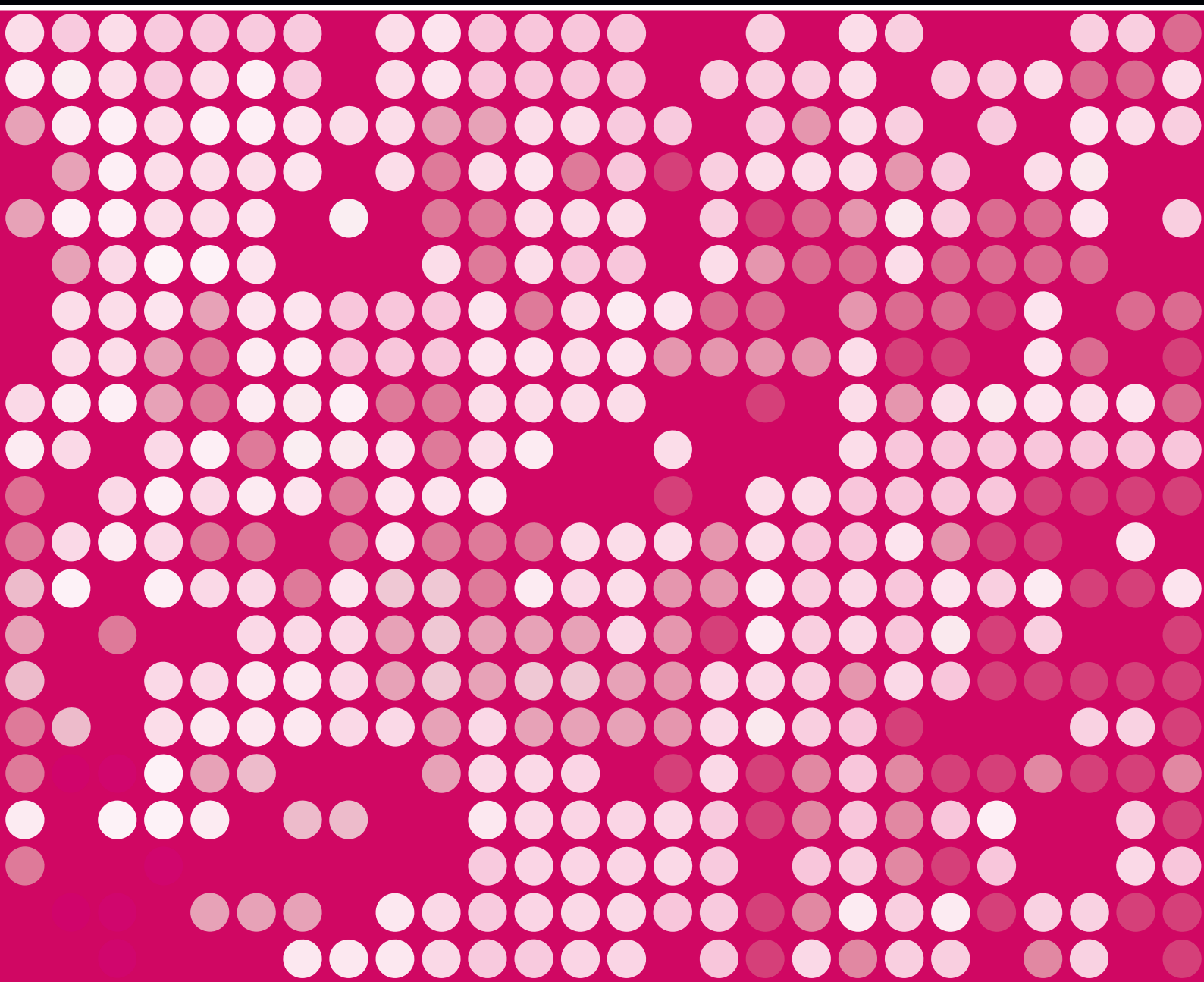
Brå's assessment

Based on the fact that the prohibition on the purchase of sexual services is to help to curtail human trafficking and other organised prostitution activities, the police focus on escort sites is reasonable. This method of targeting escort sites also makes it possible to relatively quickly and easily discover, investigate and prosecute a large number of sex purchase crimes. At the same time, in many places the work is characterised by sporadic efforts and certain arenas fall completely outside the work of the police.

To act as a broader deterrent and create the right conditions for protecting and supporting more groups of vulnerable sellers, the work needs to be more ongoing and widened to encompass more arenas. This is work that benefits from being conducted at local police district level. Police plans for more locally based work to curtail the purchase of sexual services should therefore be implemented. Brå's material includes good examples of how local ongoing

efforts involving cooperation between the police and social services have acted as a powerful deterrent against sex purchase crime.

Furthermore, the pursuit of resource- and time-efficient legal proceedings in police work methods must not hamper the investigation of aggravating circumstances or other crimes against the seller when there are grounds for such investigation. In such situations, there is already the possibility to give injured party status to the seller of sexual acts. Brå's assessment is that improved investigations of aggravating circumstances and injured party status for sellers in such cases is better than routinely giving injured party status to sellers of sexual acts. This needs to be combined with generally improved support for people in prostitution through increased cooperation between the police and social services and increased knowledge within social services of the situation faced by sellers and the help they need.



Exploitation of a child through the purchase of a sexual act

A follow-up of the application of the law

**The Swedish National Council for Crime Prevention (Brå) -
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Exploitation of a child through the purchase of a sexual act

A follow-up of the application of the law

English summary of Brå report 2022:4

Summary

The Swedish government has commissioned Brå to follow up and analyse the application of the prohibition on the exploitation of a child through the purchase of a sexual act (Chapter 6, Section 9 of the Swedish Criminal Code). The commission includes shedding light on several aspects of how the criminal justice system handles sex purchase crimes against children from police report to verdict as well as the cooperation between the criminal justice system and social services.

In the follow-up, Brå has reviewed documents from 69 cases of reported purchases of a sexual act from a child (preliminary investigations and verdicts) from 2019, conducted multiple interviews with representatives of the criminal justice system and social services, conducted participant observation of police work and studied documents, literature and crime statistics.

The prohibition on the purchase of a sexual act from a child was introduced in 2005 and in 2020 was given the current classification of exploitation of a child through the purchase of a sexual act. The penal provision is regulated in Chapter 6, Section 9 of the Swedish Criminal Code and reads as follows:

§1. A person who, in cases other than those previously referred to in this Chapter, induces a child under eighteen years of age to undertake or submit to a sexual act in return for payment, is guilty of exploitation of a child through the purchase of a sexual act and is sentenced to imprisonment for at most four years.

§2. The provision in the first paragraph also applies if the payment was promised or made by another person.

At the time of publication of this report, the Swedish government has submitted a bill proposing to increase the minimum penalty for exploitation of a child through the purchase of a sexual act to imprisonment for six months. The proposition also includes a special range of punishments of imprisonment for at most one year for the exploitation of a child through the purchase of a sexual act that is less serious. The stricter penalty is proposed to enter into force on 1 August 2022 (government bill 2021/22:231).

Few crimes discovered and a large number probably go unreported

Several Swedish surveys have studied child and youth experiences of providing sexual acts in return for payment. In the most recently published study (Svedin et al. 2021), just over one per cent of pupils in the third year of upper secondary school reported having performed sexual acts in return for payment at some point, and this was slightly more common among girls than

boys. Based on the Public Health Agency of Sweden's survey on sexuality and health among young people in Sweden (2017), the Swedish National Audit Office has estimated that in 2020 there were about 10,000 children in Sweden with experience of sexual acts in return for payment (2021).

This can be compared to the fact that according to Brå's crime statistics, only 234 sex purchase crimes against children were reported in 2021. Interviewees also believe that there is a large number of unreported crimes, with many more crimes each year than appear in the report statistics.

Limited proactive policing initiatives

According to the interview material, it is seldom the children themselves who report being victims of crime. Instead, the crimes that are reported are often discovered by the police in the course of other investigations, such as when analysing the content of mobile phones or other storage media. Proactive policing initiatives to discover sex purchase crimes against children are limited in extent. However, there is a proactive work method aimed at preventing and discovering sex purchase crimes against children. This approach involves the police using an alias to interact with children on sugar dating sites to arrange meetings with them. The primary aim is to prevent children from being subjected to sex purchase crimes, although these efforts can also help to discover crimes that have already been committed. Within the police organisation, this method has generated debate concerning, for example, the legal and ethical aspects, and it is used by only a few police officers in Sweden. At the same time, this is currently the only work method the police have at their disposal for identifying children who already are or risk being exploited for the purchase of sexual acts.

Cooperation between police and social services in proactive efforts

When the police do use this proactive work method, they do so in cooperation with social services and, based on the interview material, this cooperation seems to work well. The role of social services includes providing the child with support when contact is made, attending the handover to and duty-of-care talk with the parents, and acting as a link to longer-term support from local social services.

At the same time, interviewees had differing opinions on whether the police or social services should have overarching responsibility for actively seeking out children who are or risk being exploited for the purchase of sexual acts. In Stockholm, the police and the municipality have signed a cooperation agreement on work to curtail the purchase of sexual services and exploitation of a child through the purchase of a sexual act. Such formalised cooperation, whereby the police and social services benefit from each other's expertise and

assume joint responsibility for these proactive initiatives, can aid both the prevention and the discovery of sex purchase crimes against children.

To identify vulnerability, social services, like other organisations who come into contact with children and youth in their day-to-day activities, also need to improve at asking questions about sexual acts in return for payment. There is a need for efforts to improve knowledge as well as procedures for reporting to the police when made aware that a crime has been committed, provided that filing a police report is not contrary to the best interests of the child.

Staff shortages in teams investigating this type of crime

The formal recommendation of the Swedish police authority's National Operations Department (NOA) is that the exploitation of a child through the purchase of a sexual act is to be investigated at one of the regional cybercrime centres (RC3). However, according to interviews, in four out of seven police regions, other investigation teams are responsible for this type of crime, such as teams for crimes in intimate relationships at police district level. The variation in how the work is organised risks creating problems in how these efforts are managed, and thereby also within method development and follow-ups (Swedish National Audit Office 2021). Moreover, sex purchase crimes against children are described in interviews as crimes that risk being overshadowed by increasing reports to the police of other sexual assault crimes against children. There are also staff shortages in the teams investigating sex purchase crimes against children, and for several years there have been too few internal training courses on the subject.

At the same time, the expertise required to investigate sex purchase crimes against children is judged to be wholly adequate among the staff who actually investigate them. Key to these investigations is to establish a good relationship with the injured party, so that they are willing and able to participate in the legal process. Factors important to successfully achieving this are trained child interviewers and prompt access to counsel for the injured party.

Reported crimes often involve serious exploitation

Brå has reviewed 69 cases of reported purchases of sexual acts from children from 2019. The review shows that about four out of five of the injured parties are girls while one out of five are boys. The average age of the injured parties is 15 years. The suspects are all male and the average age is 35 years.

The circumstances and investigations in these cases are often complex, for example because the same injured party is the victim of several different offences, or because several different injured parties are suspected of being

the victims of sexual offences against children by the same offender. The review also shows that many cases involve serious sexual exploitation. Often, it can be seen that the child's boundaries have been shifted, such as through gradual normalisation and manipulation and by the perpetrator simply taking advantage of the power imbalance between child and adult.

Previous studies have shown that children and youths with experience of sexual acts in return for payment are more likely than other youths to be vulnerable in numerous ways, such as due to substance abuse, mental illness and previous subjection to sexual assault (Swedish Agency for Youth and Civil Society 2009; Svensson et al. 2013; County Administrative Board 2015; Public Health Agency of Sweden 2017; Svedin et al. 2021). This picture is confirmed by the cases studied, in which many of the injured parties are not coping so well psychologically and find themselves in difficult and stressful life situations, both historically and as a result of being a victim of crime.

About a third of cases linked to sugar dating

The sexual acts are most commonly compensated financially, and the amounts vary greatly. There are also a large number of cases in which alcohol, tobacco or drugs were either the only compensation or part of the compensation for the sexual acts.

About one third of the cases are linked in some way to sugar dating. In most such cases, contact has been made via a sugar dating site, although it can also be via regular dating sites or social media or a continuation of earlier contact between the injured party and the suspected offender.

A relatively high percentage of the reported offences are attempted offences. These include cases in which the injured party found a proposal for sexual acts in return for payment offensive and had no intention of performing any sexual acts, as well as cases in which other circumstances led to the offence not being completed.

In only a few cases is there any documented link to human trafficking or procuring.

About half of the cases have been closed

In more than half of the cases, the police report was made on the basis of the police's own information. This information has come to light in connection with either proactive policing initiatives or other police investigations. In almost a third of the cases, the report is based on information provided directly by the injured party.

About half of the cases have been closed. The highest percentage of closed cases is found among those concerning attempted offences. Also, all cases in

which the injured party did not participate in the investigation, or participated only to a limited extent, have been closed.

In all the cases decided in court that Brå has reviewed, the accused has been convicted of a crime. However, in some cases, the offence has been classified as something other than purchase of a sexual act from a child in the verdict.

Probation the most common sentence

Just under a third of the 69 cases studied have resulted in a conviction for the purchase of a sexual act from a child. On 1 January 2020, the range of punishments for sex purchase crimes against children was increased from a fine or imprisonment for at most two years to imprisonment for at most four years. As a result, in addition to the verdicts in the original material, Brå has also conducted a secondary review of all verdicts on offences committed after the stricter penalties were introduced.

The government bill leading to the introduction of stricter penalties in 2020 stated that the legislator hoped that expanding the scope of the range of punishments would pave the way for more nuanced verdicts and stricter penalties for more serious offences (government bill 2018/19:157). A large age difference, dependency, the influence of alcohol and mental illness are examples of aggravating circumstances that are commonly seen in the case study and that could be taken into account to justify stricter penalties.

However, Brå's review shows that the full range of punishments is not used and that custodial sentences are uncommon. In the studied verdicts in which the exploitation of a child through the purchase of a sexual act is the main offence, no one has been sentenced to prison, either before or after the introduction of stricter penalties. Only a few cases have been decided since the introduction of the stricter penalties, but it seems that the penalty value is still considered too low to justify a custodial sentence. Instead, probation is the most common penalty.

Rape legislation could be tested more widely

To answer the question as to the extent to which persons are convicted of rape or negligent rape in sex purchase crimes against children, Brå has conducted a detailed analysis of the cases in which the police investigation also includes suspected rape. A total of three cases have resulted in convictions for rape or rape of a child. None of the rape convictions concern a situation in which the sexual acts in return for payment themselves constitute rape as a result of the offender knowing that the injured party's participation was not voluntary or exhibiting gross negligence in whether this was the case.

In sex purchase crimes against children, it is sometimes difficult to draw a line between circumstances that could only justify a stricter sentence for the actual sex purchase crime and those that could warrant investigation, prosecution and conviction for rape or negligent rape. Based on the case study, whether the injured parties have participated in the sexual acts voluntarily is in many cases questionable, and the adult offenders can be expected to have insight into this. Despite indications of a lack of proper consent, it is uncommon for these cases to include reports of suspected rape or negligent rape. In the light of this, it would be possible to test the rape legislation more widely in the context of sex purchase crimes against children.

Brå's assessment

Exploitation of a child through the purchase of a sexual act is a serious crime and the number of unreported cases is assumed to be high. Brå's assessment is that together the police and social services need to ensure that proactive efforts are conducted. If the police are unable to use the methodology they have already developed, then they need to develop new work methods for discovering and preventing crimes. Moreover, social services need to take greater responsibility for protecting children from sexual assault through outreach work. The cooperation between the police and social services can, as is the case in Stockholm, be formalised both at an overarching strategic level and in concrete activities within day-to-day operations. To ensure that this type of crime does not fall through the cracks, as well as to create the right conditions for follow-ups and methodological development, the work should be organised in a more uniform manner, both between and within police regions.

At the time of publication of this report, the Swedish government has submitted a bill proposing a further increase in the minimum penalty for the exploitation of a child through the purchase of a sexual act to imprisonment for six months (government bill 2021/22:231). In its response to the concerned government inquiry (SOU 2021:43), Brå does not state its position on the proposal for stricter penalties with reference to the knowledge that the present report is intended to contribute. Based on Brå's review of cases and verdicts, we can conclude that there are often aggravating circumstances and circumstances that bring into question whether the injured parties engaged in the concerned sexual acts voluntarily. Despite this, custodial sentences remain uncommon when exploitation of a child through the purchase of a sexual act is the main offence. It is also uncommon for the rape legislation to be tested when children are exploited by means of sexual acts in return for payment. Accordingly, Brå's assessment is that the proposed stricter penalties are justified.