

## **The 1999 Swedish Law on Prostitution**

### **Fact Sheet on Violence Against Women**

#### **The Ministry of Labour in Cooperation with the Ministry of Justice and the Ministry of Health and Social Affairs, Swedish Government Offices on Issues Related to Violence against Women.**

The proposals described in this Fact Sheet are a summary of the Swedish government's Bill on legislative provisions and other measures to counteract violence against women. The Bill was submitted to Parliament in February, 1998. A decision by Parliament is expected in May, 1998. The intention is for the proposed legislative changes to enter into force on 1 July 1998. The prohibition on the purchase of sexual services is however proposed to enter into force on 1 January 1999.

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Sweden is by many regarded as a society in which there is a relatively high degree of equality between women and men. This goes, for instance, concerning women's representation in Government (50 per cent), in Parliament (40 per cent), in County Councils (48 per cent) and in Municipalities (41 per cent). Swedish women also have a relatively high employment rate (70 per cent) and thereby good possibilities to support themselves. Both women and men have ample possibilities to combine employment with parental and household responsibilities.

In many areas, however, there is a considerable imbalance in the power relations between women and men. The most extreme example of such an imbalance is the occurrence of men's violence against women. Despite several measures, particularly in recent years, thousands of women in Sweden are subjected to violence. Over the last decade, the number of reported assaults and various forms of sexual offences has increased markedly. Often, these offences are committed by a man who has a close relationship to the woman concerned (domestic violence).

Violence against women is therefore an obstacle to the ongoing development towards equality between women and men. Violence against women is also a serious social problem. To take action against this form of criminality is thus a task which has been declared by the government to be given priority in the criminal justice system.

The government's Bill for action against violence against women, deals with a number of issues and entails three essential points of departure:

Legislation is to be further improved and made more rigorous Further preventive measures are to be undertaken Women victims are to be dealt with in better ways than hitherto

In total, the government is allocating SEK 41 million for 1998 for use on a variety of measures. The proposals mean that Sweden fulfils obligations arising from the Fourth World Conference on Women, held in Beijing in 1995. The government does however not exclude that further measures may be called for.

## **New and More Rigorous Legislation**

### **Gross Violation of a Woman's Integrity - A New Offence**

A new offence is to be introduced into the Penal Code. Its purpose is to deal with repeated punishable acts directed by men against women having a close relationship with the perpetrator (gross violation of a woman's integrity), but also covers children and other closely related persons (gross violation of integrity).

In short, gross violation of a woman's integrity, means the following. If a man commits certain criminal acts (assault, unlawful threat or coercion, sexual or other molestation, sexual exploitation, etc) against a woman to whom he is or has been married or with whom he is or has been cohabiting, he shall be sentenced for gross violation of the woman's integrity, instead of for the crime that each of the acts comprise. A necessary condition for sentencing for the new offence is that the acts were part of a repeated violation of the woman's integrity and were suited to seriously damage her self-confidence. The punishment is imprisonment for at least six months and at most six years. Thereby, the new crime makes it possible for the courts to increase the penal value of the above mentioned acts, in situations where they are part of a process which constitutes a violation of integrity, which is often the case with domestic violence. It will thus also be possible, in a better way than with present legislation, to take the entire situation of the abused woman into account. The new crime does not exclude that the perpetrator simultaneously can be indicted for, for instance, aggravated assault or rape.

The crime gross violation of a person's integrity can be used in situations equivalent to the ones above mentioned. However, under this crime falls repeated violations directed against children or other closely related persons (such as parents and siblings to the perpetrator). The punishment is the same.

### **Definition of Rape to be Widened**

The provision of rape is widened so that sexual intercourse is to include other sexual acts, if having regard to the nature of the violation and other circumstances, the act in question is comparable to forced sexual intercourse. This means that certain acts which under present legislation are defined as sexual coercion, for example so-called fist-fucking, will therewith be considered as rape.

## **Neglecting to Report Certain Sexual Crimes to be Made Punishable**

Under certain circumstances, neglecting to report or otherwise reveal gross sexual offences (rape, gross rape, gross sexual exploitation of a minor or gross procuring) will be made punishable.

## **Prohibition on the Purchase of Sexual Services**

Obtaining casual sexual services (prostitution) against payment is to be prohibited. The punishment for this offence is to be fines or imprisonment for up to six months. The attempted offence is also to be made punishable. The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels, in so-called massage-institutes, etc.

This new prohibition marks Sweden's attitude towards prostitution. Prostitution is not a desirable social phenomenon. The government considers, however, that it is not reasonable to punish the person who sells a sexual service. In the majority of cases at least, this person is a weaker partner who is exploited by those who want only to satisfy their sexual drives.

It is also important to motivate prostitutes to seek help to leave their way of life. They should not run the risk of punishment because they have been active as prostitutes. By prohibiting the purchase of sexual services, prostitution and its damaging effects can be counteracted more effectively than hitherto. The government is however of the view that criminalisation can never be more than a supplementary element in the efforts to reduce prostitution and cannot be a substitute for broader social exertions.

The government estimates that the proposal will mean increased costs for the police of the order of SEK 10 million from the beginning of 1999 when the prohibition is to enter into force.

## **Social Welfare Legislation to be Supplemented**

The present social welfare legislation is to be supplemented by a new provision which will mean that local social welfare services must act to provide women, who are or have been exposed to violence or other abuse in the home, with help and support in order to change their situation.

The responsibility of the social services is made plain by this provision. In consequence, the competence and readiness of the social services to provide help and support to women who have been subject to such acts should be further developed.

The National Board of Health and Welfare is also required to draw up general guidelines for social work in the light of the new provision.

## **Increased Punishment for Genital Mutilation**

The term "genital mutilation" is to replace that of "circumcision" in the law. The serious nature of the offence means that fines are to be removed from the scale of punishment. The scale is also to be made more rigorous by making imprisonment for at most four years the punishment for the normal crime instead of the present two years. For the gross form of the crime the minimum punishment is to be two years, instead of one year as at present.

Preparation, conspiracy to commit the offence, together with neglecting to report or reveal genital mutilation is also to become punishable. Furthermore, the government has announced that an extension of the area of criminal responsibility to comprise also a person performing genital mutilation abroad, will be considered later.

### **Provisions on Sexual Harassment in Working Life to be Made More Rigorous**

In Sweden, the Equal Opportunities Act contains provisions concerning equality between women and men in working life. This Act is made up of two parts. The first part consists of provisions which makes it incumbent upon an employer to take certain active measures in order to promote equality at the work place. The employer who does not comply, runs the risk of being ordered to do so under the penalty of a fine. The other part of the Act consists of several provisions prohibiting discrimination based on sex. The Equal Opportunities Ombudsman has the task of overseeing compliance with the Act and can also bring cases of discrimination to the Labour Court.

The government now proposes that the present rules concerning sexual harassment in the Act be strengthened. Firstly, a definition, as follows, is to be inserted into the Act: By sexual harassment is meant unwelcome behaviour of a sexual nature or other unwelcome behaviour based on sex, that violates the employee's integrity at work. The Act is also to be improved so that it becomes fully evident that every employer is obliged to take active measures to prevent and hinder an employee from being exposed to sexual harassment. The employer must make clear in a general staff policy statement that sexual harassment involving employees cannot in any way be tolerated. This policy must be made known to the employees. It is equally important that routines are devised for dealing with alleged or factual sexual harassment. The employer who does not fulfil his or her obligations run the risk of having to do so under the penalty of a fine. Furthermore, an employer who receives information that an employee has been exposed to sexual harassment by another employee must investigate the circumstances surrounding the alleged harassment. Where necessary, the employer must take such steps as can be reasonably required to prevent continued sexual harassment. An employer who fails to fulfil these obligations shall be liable to pay damages to an injured employee. Damages shall be payable for the violation which the neglect of required measures occasioned.

Already under the present Equal Opportunities Act, an employer may not subject an employee to harassment because the latter has rejected the employers sexual advances or lodged a complaint about the employer for sex discrimination. In cases where the employer is the one sexually harassing an employee, the rules in the Penal Code

concerning molestation or sexual molestation are applicable.

## **A Gender-Neutral Language in the Penal Code**

In a number of the provisions on, inter alia, assault and sexual crimes of the Penal Code, the words he, his or him are used to refer to persons of both sexes. These words are to be modified in favour of expressions such as his or hers or similar. The government attaches importance to a gender neutral language as a whole in the Penal Code. Work on this question is started by overhauling the chapters referred to and continue as far as possible when the opportunity arises.

## **A Law Commission on Sexual Offences to be Set Up**

The Law Commission, which will shortly be set up, is to undertake a complete review of the provisions on sexual offences. A certain number of recently rendered judgements concerning rape and sexual exploitation of young women have attracted much attention. They have given rise inter alia to questions about where the boundary lies between different offences in chapter on sexual crimes in the Penal Code.

The Commission will also be charged to examine to what extent the offence of rape should focus on consent rather than force. The provisions on rape in relation to children will be reviewed. The Commission will furthermore be required to undertake a study of the courts' practice in the determination of punishment and of the reasoning employed about penal value where sexual offences are concerned.

## **Preventive Measures**

### **Common Tasks to be Undertaken by Certain Administrations**

By special decision, the government charges certain administrations to undertake common tasks concerning violence against women. The aim is to give concrete expression to the administrations' responsibility and duty to take appropriate measures on issues concerning violence against women. The tasks concern the Office of the Prosecutor-General and all prosecution administrations, the National Police Board and all police administrations, the National Council for Crime Prevention, the National Prison and Probation Administration, the Crime Victims Compensation and Support Authority, the National Board of Health and Welfare, the county councils and, in certain respects, the National Courts Administration.

Each of these administrations is required to:

- increase its efforts to prevent violence against women,
- draw up an action programme or policy document for its work on this question,
- engage in mutual collaboration with other administrations and with the relevant voluntary organisations,
- follow international developments concerning violence against women, and

- report regularly to the government on the steps taken.

Certain administrations are furthermore charged with specific tasks. Some of these tasks are described later on in this Fact Sheet.

## **Improved Statistics**

The government believes it necessary to improve statistics on violence against women. Current statistics, for example, contain no information on the sex of victims, only on the perpetrator of various crimes. Nor is it easy with the help of statistics to follow cases through the reporting and investigating phases and on to the courts and the prison and probation services.

The National Council for Crime Prevention is currently working on an improvement of the official crime statistics. This will, inter alia, make it possible to ascertain the sex of both perpetrator and victim, the age of the latter and his or her relationship with the perpetrator. The government is charging the Council to complete this work speedily. The government is also charging the Office of the Public Prosecutor to present regular reports on the number of restraining orders issued and to make suggestions as to how such statistics can be co-ordinated with statistics concerning breaches of restraining orders.

## **A Special Research Study**

Official crime statistics on reported offences can never give a complete picture of the scope of violence against women. A special research study is necessary for an assessment of the true nature of this form of criminality and the resources necessary to halt it. Such a study, directed specifically towards investigating the occurrence of violence against women, is now to be carried out. The Crime Victims Compensation and Support Authority has received the financial means for this purpose.

## **A Gender Perspective in Criminological Research**

Women's studies in Sweden and other countries have contributed much to new knowledge on violence against women - its causes and consequences. Criminological and legal research is however still lacking a gender perspective.

The National Council for Crime Prevention is a governmental expert body, which works as a center for research and development work in the field of crime prevention within the judiciary and is also responsible for the official crime statistics. The Council is now charged inter alia to develop research on violence against women as well as to incorporate a gender perspective in its present research and development work. This means inter alia that the Council must set aside resources for method development, and arrange for an increased exchange of information with the women's studies.

## **An Inventory of Police Efforts**

The National Police Board is charged with making an inventory of efforts made by the police concerning violence against women and to report them to the government. The inventory shall also include an investigation into the extent to which correct and good information is provided for victims of crime.

### **Electronic Monitoring to be Studied**

The National Council for Crime Prevention is charged with making a study of the practical and technical conditions necessary for electronic monitoring of men who breach a restraining order.

The increased risk of detection which such a form of monitoring implies, can have a deterrent effect as well as providing greater security for the woman concerned. It would also mean a limitation of the freedom of movement of the perpetrator, instead of, as is often the case today, the woman bearing the responsibility of reporting the breach to the police. The setting up of such a project necessitates however having reliable technology and that the surveillance can be carried out practically.

### **Development Work Concerning Violence Against Women and Prostitution**

The National Board of Health and Welfare is charged to undertake development work on questions concerning violence against women and on prostitution.

The work will seek to facilitate the expansion of competence and improvement of methods within the social and health services. Included in this task is the initiation and support of collaborative projects and of the dissemination of information and the following of international developments.

For the above mentioned tasks, the National Board will be allocated extra financial support for the period 1998-2000. Thereafter, the tasks are to become a part of the routine work of the National Board.

### **Treatment Methods for Men are to be Surveyed and Evaluated**

Increased attention must be given to those men who commit acts of violence against women.

The National Prison and Probation Administration is therefore charged, in consultation with the National Board for Health and Social Welfare, to survey existing methods of treatment for men sentenced for violent offences against women. Consideration shall also be given to the need to provide more adequately for such treatment. The result of the survey should be reported at latest by 31 December 1998.

In order to ascertain what methods are suitable and effective, the government will also initiate and fund evaluation of existing methods of treatment for men who commit violent offences against women.

In the forthcoming evaluation it will be especially important to direct attention to the available international experience. Knowledge of the causes of male violence against

women which has been acquired by women studies in Sweden and other countries must obviously be taken account of in such an evaluation.

### **A National Rapporteur on Trafficking in Women**

The question of trafficking in women for the purposes of their sexual exploitation, has been taken up in recent times by the European Union. A national rapporteur on this question is recommended to be appointed in all Member States, in accordance with a declaration signed jointly by the Ministers of Justice and the Ministers of Equality Affairs. The National Police Board is charged with being the national rapporteur for Sweden. The National Police Board shall inter alia collect information on the extent of trafficking in women in Sweden as well as between Sweden and other countries, including outside of the European Union, and consider how such trafficking can be prevented and counteracted. It shall report regularly to the government.

### **Information to Those Seeking Residence Permits**

Sweden has, in comparison with many other countries, far-reaching legislation on violence and aggression against those in close relationship. Thus, for example, it is forbidden for parents to physically punish their children or treat them in humiliating fashion. Rape in marriage is also forbidden and domestic violence can be indicted even if the victim has made no formal accusation.

The Immigration Board will now be charged with drawing up information material on Swedish legislation relating to violence in close relationships. This information is to be disseminated among those seeking residence permits in Sweden.

### **Support for Certain Voluntary Organisations**

**Men** The government considers it important to support preventive work among men. In recent years, several men's organisations have been created in Sweden for the purpose of helping and supporting men running the risk of or having committed violent crimes against women. Among these, emergency centres, run by men for men, and a Male Network against Male Violence, can be mentioned. The government will now allocate financial support to these organisations for projects with the aim to further develop ways and means, including information, to men about violence against women. The money will be allocated after considering applications from the organisations concerned.

**Youth** It is especially important to reach out to youth on questions concerning violence against women. Funding will therefore be available for projects that relate to, and are initiated by, young people and their organisations on issues related to violence against women.

**Immigrant and disabled women** Organisations working on behalf of immigrant and disabled women will also receive financial support for projects and other efforts in this field.

## **Financial Contribution to the United Nations**

The government will allocate around SEK 2 million to the UN Centre for Human Rights and the Special Rapporteur on violence against women in order to support the ongoing work concerning the human rights of women.

## **Improved Ways and Means of Supporting Women Victims**

### **Nation Wide Further Training for Professional Groups**

Women victims must in the future be better understood and supported by the professional groups with which, in various ways, they come in contact. This can be achieved if personnel receive training in matters concerning violence against women, the mechanisms behind this violence and on ways and means to prevent it and support women victims of violence.

The government is therefore charging the National Police Board, in consultation with the National Courts Administration, the Prosecutor-General and the National Board of Health and Social Welfare, to carry out a nation wide training at central, regional and local levels. The training will be financed through extra funding from the State Budget.

A similar training was last carried out in 1992. Nearly 20,000 persons from the criminal justice system and the social welfare and health services took part. The aim now is to bring about a more widespread training with a larger number of participants from the police, the prosecution, the social services, etc. Training and information for judges and lay judges will also be carried out.

Further training must normally be financed as part of an administration's ordinary work. The government has announced that this should be arranged in future on a larger scale than has hitherto been the case.

### **Improved Professional Education**

Questions of gender equality and violence against women should be emphasised in the education for professions in which the professional in question come in contact with women who have been victims of gender-related violence. It is a serious shortcoming that this is not the case today.

For this reason additions will be made to the examination requirements in the regulations governing college education in respect of the following professions or in the following professional /subjects:

- Midwifery, child and youth pedagogics, elementary school and high school teachers, law, medicine, psychology, psychotherapy, nursing, social care, social work, dentistry and theology.

The police training already today includes these issues.

The University College Administration will be required to follow up and evaluate the

new regulations. During a three-year period the Administration will follow up and evaluate how the new regulations have come to influence the teaching given. It is to report annually to the government.

### **The Annual Support for the Women's Shelters to be Increased**

There are presently 131 local women's emergency shelters in Sweden. They constitute a significant form of work to protect and help women subjected to violence and their children. The shelters are organised in two national umbrella organisations.

The available information shows that the local shelters receive about 14,000 calls a year for help from women in need. Approximately 1,500 women with their children live in the overnight apartments possessed by the shelters.

The shelters' national umbrella organisations receive an annual organisational support via the State budget. The local shelters receive funding by the municipality in which they are located, but the support varies from municipality to municipality. They can also receive State support for development work, after application.

Over and above the present financial help given, the State support to the shelters will now increase. A further SEK 6 million will be made available to the shelters and their umbrella organisations annually.

### **A Crisis Telephone Line for Women Victims**

The local women's shelters today offer telephone advise and support. A need for a national crisis telephone line, to further assist women in crisis situations or in some other way in need of urgent advise, support and help, has however been expressed. The telephone line should be open around the clock.

The National Board for Health and Social Welfare is therefore charged with the task to speedily study how such a central crisis telephone line for women victims of violence might be set up. The result of the study is to be reported at latest by 1 July 1998 so that implemen-tation may be started in short.

### **The National Centre for Battered and Raped Women to Receive Additional Support**

The National Centre for battered and raped women was set up in 1994 on the government's initiative. The government also provided initial funding for the Centre, whose activities fall under the auspices of the County Council of Uppsala, north of Stockholm. The Centre is attached to the Uppsala Academic hospital. Its purpose is to provide medical examination, treatment and support to women subjected to violence. Another important task of the Centre is to develop research and practical measures on ways and means with which the health and medical system receives women subjected to violence and to serve as a national resource in these matters. The Centre therefore devotes efforts to document and spread information on its work methods to other regions in Sweden.

The Centre's activities to develop routines and treatment methods within the medical system is decisive for enabling women subjected to violence to seek medical advice or medical treatment. Therefore the Centre will receive additional extra funding for 1998. Funding of the Centre's activities is otherwise a matter for the County Council.

### **Previous Measures to Combat Violence Against Women**

Efforts to prevent and eliminate violence against women have had high priority in Sweden in recent years and various measures have been implemented to this end. They include preventive measures, stricter penalties, procedural improvements and better support for women victims of violence.

#### **Some Milestones**

- **1965** Rape in marriage is forbidden.
- **1982** Changes in the rules concerning prosecution for battering and rape so that prosecution no longer is dependent on an accusation being made by the person subjected to the offence. Anyone who receives information about such an offence can report it to the police, thus marking that these offences are not a private matter between the parties involved.
- **1984** Reformation of the sexual crimes in the Penal Code. The definition of rape is widened to comprise also oral and anal intercourse as well as intercourse between homosexuals. In addition, also men can be the victims of rape committed by a female perpetrator. It is made clear that the behaviour of the victim prior to the rape is irrelevant. The provisions concerning procuring are strengthened.
- **1988** Law on Restraining orders is introduced in the Penal code. This law has since been strengthened. The law is presently being subject to an evaluation.
- The Injured Party's Counsel Act is introduced. Under this Act the victim of a crime of violence is entitled to free legal counsel during police investigation and trial. In 1991 and 1994 the possibilities of getting free legal aid was extended. The law is presently being subject to an evaluation.
- **1991** Rules on sexual harassment in working life are introduced in the Equal Opportunities Act.
- A nation wide training of personnel in the judiciary, the social services and the health care system is launched. The training, with the purpose of increasing the knowledge on issues related to violence against women - its causes and consequences, is given to appr. 20.000 persons.

- Projects are launched for a better cooperation between the police, the social services and other relevant parties at regional level.
- Every police station in Sweden is equipped with so called alarm kits which can be given to threatened women free of charge. These kits consist, inter alia, of alarm systems for the home, mobile telephones etc.
- The possibility for severely threatened women to receive body guards, free of charge, is introduced on a trial basis. This possibility is now permanent.
- A Chair in sociology - in particular violence against women - is introduced at the university of Uppsala, north of Stockholm, financed via the State budget.
- **1993** The punishment for battering, molestation, sexual molestation and unlawful threat is increased.
- **1994** A National Centre for raped and abused women is set up. The aim is to receive and treat women who are victims of abuse, rape etc. and to contribute to a better treatment of such patients within the health care system. This means that the Centre is also involved in development work, in research and in training etc. The Centre is available around the clock.
- **1995** The punishment for gross sexual exploitation is increased. The definition of sexual molestation is widened.
- **1998** The government presents a Bill to Parliament on violence against women. The Bill comprises, inter alia, new legislation, changes in existing legislation, measures for a more effective work within the police, the prosecution and the social services and increased financial support to the shelters.
- **2002 Update:**
  - The 1999 Swedish law prohibiting the "gross violation of a woman's integrity" which includes prostitution, is at:  
[http://naring.regeringen.se/pressinfo/faktablad/PDF/n2001\\_038e.pdf](http://naring.regeringen.se/pressinfo/faktablad/PDF/n2001_038e.pdf)
  - A 2001 summary of Swedish legislative reform regarding violence against women is at: [http://naring.regeringen.se/pressinfo/faktablad/PDF/n2001\\_002e.pdf](http://naring.regeringen.se/pressinfo/faktablad/PDF/n2001_002e.pdf)
  - Writings about Swedish legislation and social proposals which promote equality between men and women are at:

- [http://www.naring.regeringen.se/inenglish/areas\\_of/equality.htm](http://www.naring.regeringen.se/inenglish/areas_of/equality.htm)  
The Swedish Minister for Gender Equality Affairs is at the Ministry for Industry, Employment and Communications, Jakobsgatan 26, SE-103 33 Stockholm, Sweden Tel +46 8 405 10 00 Fax+46 8 411 36 16