

Assistance to women victims of trafficking for sexual exploitation in the Nordic and Baltic countries

A comparison of legislation

The following information regarding legislation, international as well as the legislation in the respective countries of the Nordic-Baltic region, has been gathered and compared as part of the Nordic Baltic pilot project. This document aims to give you an overview of the legal situation in the Nordic-Baltic region, the demands from international law, good practises from different countries, and areas where more or different legislation is needed to secure the rights of victims of trafficking (VOTs). In this document you will find information on legislation in relation to the following areas:

- Ratification status of international legal instruments
- National legislation against trafficking and the penalty for this crime
- Other national laws of relevance to combat trafficking
- Reflection period for VOTs, and the conditions for obtaining it
- Residence permit for VOTs, and the conditions for this permit
- Right to employment for VOTs when having a temporary residence permit, and the conditions for obtaining this right
- Right to compensation for VOTs
- Legislation on prostitution

As you will see, we are observing progress in the Nordic-Baltic region in the area of legislation, and there are many good practises to take up on. But there still remain challenges, whereas legislation can serve as a tool to increase and ensure the rights of victims of trafficking, such as the right to an unconditional reflection period, residence permits on the ground of having been trafficked, and the right to compensation.

The information recorded in this document has been provided by the Nordic Baltic network partners. Updates will be made available on the Nordic Baltic network website: www.nordicbaltic-assistwomen.net.

Comparison on the fight against trafficking in the Nordic Baltic region

	Denmark	Estonia	Finland	Iceland	Latvia	Lithuania	Norway	Sweden
LEGISLATION AND POLICY								
Council of Europe Convention on Action against Trafficking in Human Beings	Ratified 2008	-	Signed 2006	Signed 2005	Ratified 2008	Signed 2008	Ratified 2008	Signed 2005
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	Ratified 2003	Ratified 2004	Ratified 2006	Signed 2000	Ratified 2004	Ratified 2003	Ratified 2003	Ratified 2004
Existence of national program/plan to combat trafficking	Yes	Yes	Yes	No	Yes	Yes	Yes	No

	Denmark	Estonia	Finland	Iceland	Latvia	Lithuania	Norway	Sweden
National legislation against trafficking	Yes	No specific legislation	Yes	Yes	Yes	Yes	Yes	Yes
Penalty	Maximum prison term of 8 years		Maximum prison term of 7 years	Maximum prison term of 8 years	Maximum prison term of 15 years	Prison term of 2 - 10 years, if aggravating circumstances 4 - 12 years.	Prison term up to 5 years, if aggravating circumstances up to 10 years.	Prison term of 2 - 10 years
Examples of other laws of relevance	Sexual procurement law	Prohibition of enslavement, abduction, providing opportunity to engage in unlawful activities, pimping, aiding prostitution, making and disseminating child pornography.	Laws against organised prostitution, dissemination of child pornography, coordination of illegal entry into the country, and marketing of sexual services.				Laws against rape, sexual abuse against children, slavery and kidnapping.	

	Denmark	Estonia	Finland	Iceland	Latvia	Lithuania	Norway	Sweden
Reflection period¹	30 - 100 days	30 - 60 days	30 days - 6 months	-	30 days	6 months	6 months	30 days
Conditions for reflection period	Cooperation on planned return.				Third-country national, official identification as a victim of trafficking			
Residence permit	Temporary residence permit if holding the status of asylum seeker on humanitarian grounds	Temporary residence permit possible up to 1 year	Temporary residence permit possible for 6 months	- One residence permit granted, not because of trafficking, but humanitarian reasons	Temporary residence permit for at least 6 months	Temporary residence permit for 6 months is provided during the reflection period	Possible	Temporary residence permit possible for 6 months

¹ Reflection period means the period that the VOT can legally stay in the country, after being identified a victim, and have the time to reflect on whether she will press charges/help the police/prosecutor in actions against her traffickers. The Council of Europe Convention states that victims of trafficking have the right to a 30 day reflection period. The purpose of the reflection period is for the VOT to recover and escape the influence of traffickers and decide whether or not she will cooperate with the law-enforcement authorities in a prosecution of the traffickers.

	Denmark	Estonia	Finland	Iceland	Latvia	Lithuania	Norway	Sweden
Prostitution legislation	<p>Pimping and running of brothels are illegal, but prostitution activities are often tolerated.</p> <p>Women (and men) in prostitution are not criminalised and in theory not subject to regulatory measures.</p> <p>Buying of sexual services is not criminalised; buyers are not subject to regulatory/repressive measures.</p>	<p>Pimping and running of brothels are illegal, but prostitution activities are often tolerated.</p> <p>Women (and men) in prostitution are not criminalised and in theory not subject to regulatory measures.</p> <p>Buying of sexual services is not criminalised; buyers are not subject to regulatory/repressive measures.</p>	<p>Pimping and running of brothels are illegal, but prostitution activities are often tolerated.</p> <p>Women (and men) in prostitution are not criminalised and in theory not subject to regulatory measures except that disturbing selling and buying of sex is forbidden in administrative law.</p> <p>The purchase of sexual services from</p>	<p>Pimping and running of brothels are illegal.</p> <p>Buying of sexual services is not criminalised; buyers are not subject to regulatory/repressive measures.</p> <p>Women in prostitution are not criminalised.</p> <p>It is forbidden to run striptease clubs of any kind, and in any way to sell the nudity of staff, and all kind of the so-called private</p>	<p>Pimping and running of brothels are tolerated/regulated in certain zones or venues.</p> <p>Women (and men) in prostitution are not criminalised, but there are regulatory/repressive measures towards them (health controls, obligations to register, obligation to have health cards etc).</p> <p>Buying of sexual services is not criminalised;</p>	<p>Pimping and running of brothels are illegal.</p> <p>There are administrative and criminal penalties for earning a profit from prostitution of another person, for organising and managing prostitution.</p> <p>There are administrative and criminal punishments for engaging other persons into prostitution</p> <p>Administrative responsibility for sale and</p>	<p>The Parliament will debate a suggested new law as the Swedish, where the purchases of sexual services is criminalised, in spring 2008, and it is most likely that this law will be accepted.</p> <p>Until then: a traditional abolitionist situation, with laws against pimping, and with the buying and selling of sexual services allowed.</p>	<p>Pimping and running of brothels are criminalised.</p> <p>Buying of sexual services is criminalised.</p> <p>Women (and men) in prostitution are not criminalised, and not subject to regulatory/repressive measures.</p>

			<p>a victim of trafficking, or procuring is criminalised.</p>	<p>dancing is now forbidden; but can be allowed upon recommendation from authorities.</p>	<p>buyers are not subject to regulatory/repressive measures. There is a fine for purchasing sexual services outside of the designated areas: first in administrable way such as fines, the closing down of salons, and the second time criminally.</p>	<p>purchase of sexual services. There are exceptions from responsibility, such as having engaged in prostitution because of trafficking, coercion and deceit.</p>		
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