

Human Trafficking and Prostitution

from a Swedish Perspective

REVISED VERSION

ENGLISH VERSION



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Revised version
English version

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Foreword

The Government of Sweden has committed itself to the task of fighting one of the most heinous forms of human exploitation of our times through its "Action plan against prostitution and human trafficking for sexual purposes". As part of this work, the County Administrative Board of Stockholm has received several commissions from the Government. One of these commissions is to develop and improve the efficiency of national level co-operation in the work against human trafficking and prostitution, primarily between different authorities, but also between authorities and NGOs.

The material you are now reading is a revised version of the report produced by the County Administrative Board of Stockholm in 2009 in collaboration with the Swedish National Committee for UNIFEM. The National Task Force against prostitution and human trafficking (NMT) has also contributed with its knowledge, and the material contains amongst other things interviews with actors from NMT.

The aim of the material is to provide fundamental knowledge relating to human trafficking and prostitution; a fundamental knowledge base is an invaluable tool in the work of creating effective co-operation, which is in turn necessary to effectively prevent and counteract these problems.

Britta Karlsson

Head of Social Development Department,
County Administrative Board of Stockholm

National Task Force against prostitution and human trafficking (NMT)

In consultation with actors which have the longest experience of working with the issues in Sweden – including the police authorities, social services, the National Police Board, the National Bureau of Investigation, the Swedish Prosecution Authority, and the Migration Board – a National task force against prostitution and human trafficking, NMT, has been set up under the direction of the County Administrative Board of Stockholm. The hope and intention is that the NMT will be given permanent status.

The team functions as a strategic resource primarily for those regional authorities which to date have not carried out work of their own to combat human trafficking and prostitution or have done so only to a limited extent. The target groups for the method support vary but may, for example, consist of individual case officers, co-operation teams, individual municipal or regional authorities and so on. The NMT also works as a reference group when material for national use is being produced. In addition, the team is an important forum which provides opportunities for discussing operative questions relating to challenges that may be identified in the work of counteracting prostitution and human trafficking.

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Swedish National Committee for UNIFEM

UNIFEM is the United Nations Development Fund for Women and was established in 1975 by the UN General Assembly. Eleven years later, in 1986, the Swedish National UNIFEM Committee was established; it is a non-profit organisation. The work of the Swedish National Committee follows UNIFEM's strategic objectives, including the fight to reduce women's poverty worldwide, to eradicate violence against women, and to achieve equality between men and women.

Website: www.unifem.se

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Note to Readers

This material aims to provide the reader with a fundamental knowledge about human trafficking for sexual purposes, procuring and prostitution.

The material is divided into two sections: an introductory part and an in-depth part. The introductory part of the report provides the reader with an overview of what human trafficking is, of the networks behind, of possible consequences and causes, and of how, for example, the recruitment, transportation and sale of the victims of human trafficking/procuring in Sweden can be organised. The demand and the link between human trafficking, procuring and prostitution are highlighted thoroughgoing. The in-depth section looks at what international instruments are in place and at how the Swedish Human Trafficking Provision is formulated; it also deals with human smuggling, procuring, the child sex trade and the purchase of sexual service. The report includes real-life cases and interviews with the aim of providing a picture of the reality.

The report focuses on human trafficking for sexual purposes, procuring and prostitution since it has been produced within the framework of the government's commission on national co-operation to combat prostitution and human trafficking for sexual purposes. It has been our objective to depict human trafficking, procuring and prostitution without focusing on one particular gender but owing, inter alia, to a lack of practical experience and of proven information, this has not always been possible.

Procuring cases can be defined as normal-level procuring or grave procuring. One example of when procuring is judged to be grave procuring is when it is carried out in ways that are "similar to human trafficking". In one and the same case, there may be persons who by the Court are considered as victims of human trafficking and other persons who are considered victims of procuring. The term "victims" is in the material used to describe those who have been subjected to human trafficking. However because of the aforementioned some of the information given in this report does thus not solely relate to human trafficking, but also extends to procuring, even though the text uses terms such as "victims" and "traffickers". Where this is the case, a footnote is added as clarification.

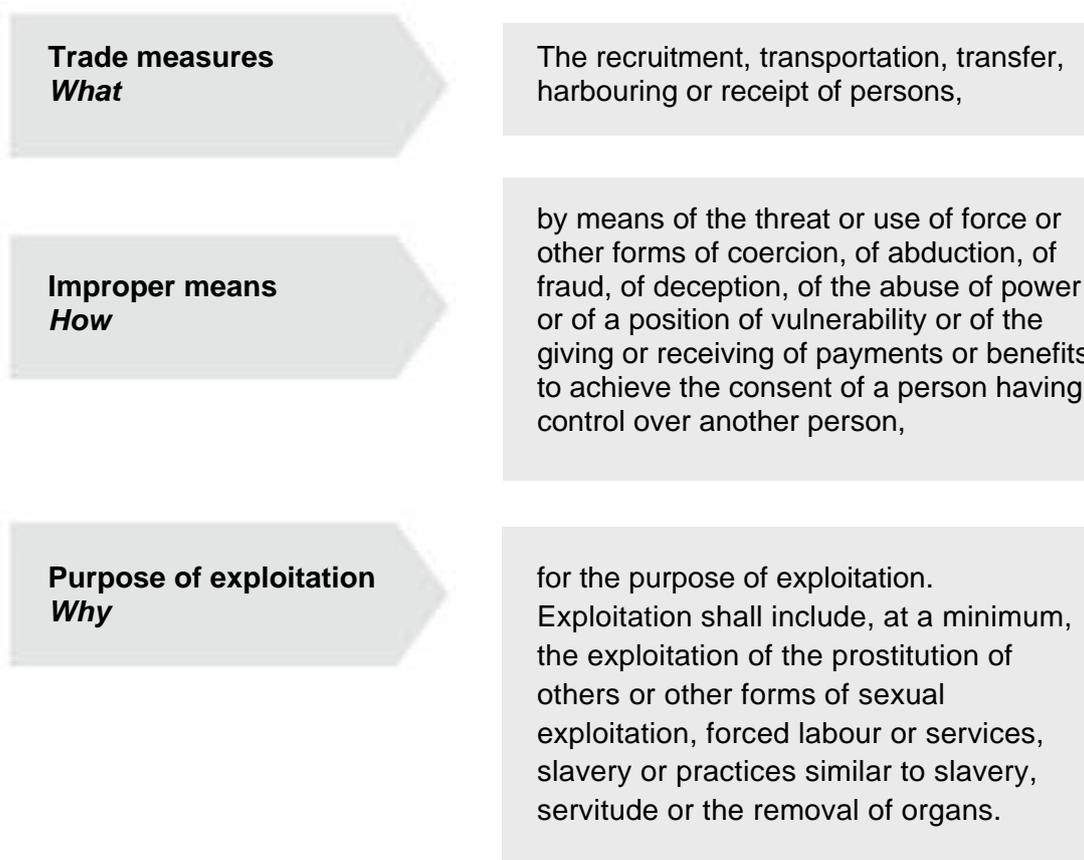


What is Human Trafficking?

Recent decades have seen the growth of a new kind of slave trade – a trade in humans for sexual exploitation, a trade that is driven by demand.¹ Human trafficking is, just like the slave trade of the past, a cynical exploitation. Human trafficking may involve the violation of several fundamental human rights, such as the right to liberty, the right to human dignity, the right not to be held in slavery, and the right to be free from torture and inhumane or degrading treatment.² Human rights violations are both a cause and a consequence of human trafficking.³ It is difficult to grasp how it is possible to treat human beings as goods for trading, and yet this practice exists everywhere – Sweden included.

Definition of Human Trafficking

The first comprehensive, internationally recognised definition of human trafficking was established in the "United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children", also known as the Palermo Protocol.⁴ The protocol defines human trafficking as:



The arrows show three different prerequisites (criteria), all of which need to be fulfilled for an act to be considered to constitute human trafficking. The trade measures committed by the trafficker, such as the recruitment of a person, need to be taken using certain improper means such as threat or deception, and must also be taken with the purpose of exploiting the person for a purpose such as forced labour.⁵

Human trafficking takes the form of a chain crime consisting of many stages, such as recruitment and transportation. This does not mean that all the stages have to be present in a particular case or that the trade measures have to be committed in the order given in the definition. Moreover, the trade measures may be carried out by different people, and in different countries or in one and the same country.⁶

The improper means are used to make the victim submit to the exploitation. That being said, a trafficker may be convicted of human trafficking even if exploitation has not taken place; for a conviction in a court of law it is enough that the trafficker has had the purpose of exploiting the victim.⁷

There are several different forms of human trafficking and a trafficker's purpose could be to exploit the victim for, by example, sexual purposes, for the removal of organs, or for forced labour. It may well be that the trafficker's purpose is to exploit the victim in several different ways as for both forced labour and for sexual purposes.⁸ There was a Swedish case in which two women were forced to commit thefts during the daytime and were exploited in prostitution at night.⁹

Did you know

In a case from Bosnia and Herzegovina, a victim who escaped had only just returned to her home country when the trafficker found her? She and her children were threatened, and she was given the alternative of going back or recruiting somebody else. She was so desperate and frightened that she recruited her twin sister and her best friend.

Source: Trafficking of women and children for sexual exploitation in the EU, p 29.

A Real-Life Case

Thirty-year-old Mara was living in Ukraine with her husband and two children when she was offered a well-paid job as a home-help in Italy. When she arrived in Italy, she was instead taken to a brothel. The owner of the brothel told her that he had bought her and that she had a debt to repay. For nine months, the man kept her under his control, and she was forced to sell sex. If she refused a customer, she was beaten, and if a customer complained, her debt increased. Mara was freed when the police raided the brothel.

Amongst other things, Mara was recruited (trade measures) by the trafficker deceiving her (improper means) with the purpose of exploiting her for sexual purposes (purpose of exploitation).

Source: Trafficking in Persons Report, p 26.

Children

If the victim is a child (i.e. a person aged under eighteen years), then improper means do not need to be used for the act to be considered as human trafficking; this means that when children are involved, the traffickers do not have to have deceived or threatened the children for the act to be considered a case of human trafficking. It is sufficient that the trafficker has carried out the trade measure with the purpose of exploiting the child.¹⁰ Children are seen as being particularly vulnerable and are therefore given greater protection than adults.

Consent

The fact that a victim has consented to the exploitation is irrelevant if any of the improper means included in the definition have been used.¹¹ The victims must be aware of all the relevant facts and be able to consent voluntarily for their consent to be legally relevant.¹² For example, a victim may have agreed to be transported somewhere and may have agreed to provide sexual services, but if the victim was misled with regard to the terms and conditions or if the victim's vulnerable position has been abused, then the consent is irrelevant (see also "The Swedish Human Trafficking Provision").

Terms

Human trafficking is referred to as 'transnational' when the victim has been recruited or transported from one country to another.¹³ The country from which the victim is taken is termed the country of origin or source country, and the country in which the exploitation is intended to take place is called the destination country. Countries the victim passes through on his or her way to the destination country are called transit countries.¹⁴ In Europe, there are both countries of origin and destination countries. Sweden has above all been a transit and destination country. It is important to remember that human trafficking also occurs within a particular country, i.e. is non-transnational, domestic.¹⁵

Did you know

That the most common destination countries in Europe are:

Austria, Belgium, France, Germany, Italy, the Netherlands, Spain and Great Britain?

Based on figures for 2007.

Source: Trafficking Human Beings in the European Union, p 3.

Definition becomes a Crime

Under Article 5 of the Palermo Protocol, countries which have ratified (approved)¹⁶ the protocol are obliged to make human trafficking a criminal offence (for further details, see the section on "International Instruments"). In Sweden, human trafficking for sexual purposes was criminalised in July 2002; all other forms of human trafficking, such as human trafficking for forced labour, were not defined as crimes until two years later, in July 2004.¹⁷ The law was also extended at the same time to include non-transnational, domestic, human trafficking. In July 2010, the law was amended again with the aim of making the definition of the crime clearer and increasing the effectiveness with which the law can be applied (see also the section on the "Swedish Human Trafficking Provision").

How many human trafficking victims are there?

It is difficult to estimate how many victims there are, since it is an illegal business activity. An additional factor making it more difficult to determine a number is the fact that people involved in prostitution, traffickers, human trafficking victims and illegal immigrants often tend to constitute hidden groups.¹⁸ Moreover, not all countries have enacted a specific human trafficking provision.¹⁹ Nevertheless, despite these difficulties, the United Nations High Commissioner for Refugees, UNHCR, has attempted to calculate the number of victims: the UNHCR estimates that every year, between 700,000 and 4,000,000 men, women and children are subjected to human trafficking.²⁰ The United Nations Office on Drugs and Crime (UNODC) has also calculated that several million people are subjected to human trafficking every year.²¹

A global study from UNODC shows that approximately 79 per cent of those persons who were subjected to human trafficking in 2006 were exploited for sexual purposes.²² According to the same study, most of the victims identified between 2003 and 2006 – an average of 65-75 per cent – were women; between 15 and 25 per cent of the victims were children, and roughly 15 per cent were men. The study also explains that although it is probable that there are cases of forced labour and exploitation of men which

remain undetected, human trafficking of women for sexual purposes is over-represented, even in countries where other forms of human trafficking are continuously being uncovered.²³ That being said, recent studies show that the majority of human trafficking in the world takes the form of forced labour.²⁴

The National Bureau of Investigation has previously estimated that in 2003, between 400 and 600 women were transported to Sweden to be exploited in prostitution. The Bureau chose not to establish corresponding estimates for the years between 2004 and 2009. In 2009, 60 cases of human trafficking crimes were reported for investigation: of these, 34 involved exploitation for sexual purposes and 26 involved exploitation for other purposes than sexual.²⁵

Did you know

That, according to data from UNODC, 7,300 victims were identified in Western and Central Europe in 2006? If one in twenty victims is identified, that means that about 140,000 people are subjected to human trafficking for sexual purposes in Europe every year. UNODC also estimates that approximately one in every seven people involved in prostitution is subjected to human trafficking. Using the figure of 140,000 victims, it can be estimated how much money the traffickers can make every year, which is about €2.5 billion.

Source: Trafficking in persons to Europe for sexual exploitation, UNODC 2010, p 7.



Interview with Kajsa Wahlberg, National Rapporteur on Human Trafficking, National Bureau of Investigation

Is it possible to estimate the number of victims who come/are brought to Sweden every year to be exploited for human trafficking for sexual purposes?

"The view of the National Bureau of Investigation is that it is not possible to put a figure on the number of persons who are trafficked to Sweden every year for sexual exploitation. There are three reasons for this: firstly, the number of victims identified in Sweden is, to a large extent, dependent on the resources each region's police force devotes to exposing this type of crime, and there are major variations from region to region, and from year to year. Secondly, it is not possible to identify, or even locate, all those who may be named during intercepted telephone calls or observed during the police's detection activities. Thirdly, it is difficult to limit oneself to estimating just the number of victims of human trafficking since a lot of these investigations result in sentences for procuring."

How many of the victims identified in Sweden are girls and women?

"All identified persons subjected to human trafficking for sexual purposes were girls and women."

What proportion of the sex industry in Sweden is linked with organised crime?

"It is not easy to give a figure. What we can say is that by far the greater part of the sex industry in Sweden is, in all probability, tied to organised crime in one way or another."

(Interview conducted in 2009)



A Real-Life Case

Names have been changed. The case also involved other defendants.

Josef lived in Ukraine. Mark offered Josef a job at his office in Moscow – Josef would be paid without having to work; Josef was disabled, and according to Mark a tax relief would be secured by employing a person with a disability. At first Josef declined the offer, but after a while, he accepted it. When they were on their way to Moscow, Mark told Josef that the work he had to do was begging on the Moscow underground, but that his pay would be the same. Josef felt frightened and thought that he had no alternative, since Mark had taken his passport and he had no money. A bit later, however he thought that it would be good to earn a bit of money. In Moscow, they met Patrik (Mark's son) and Svetlana and travelled to their flat. Two other persons with disabilities lived there as well and they also begged. Patrik took Josef's passport. They told Josef how to beg. He was out begging from 7 am to 11 pm every day except Mondays. He was ashamed of begging, and at night he drank vodka to help him get to sleep. He tried to escape twice. He was beaten and threatened. They took him to Ukraine to arrange travel documents, returned to Moscow and from there they travelled to Moldova, where they stayed for two months, acquiring false Romanian ID cards which would enable them to enter Sweden. They then returned to Moscow in order to fly to Palma de Mallorca and from there, the next day, to fly to Sweden. Josef had to work as a beggar in Sweden. He finally managed to escape and went to the police.

Was this case sentenced as human trafficking? Yes – the District Court was of the view that although Josef had accepted the change of situation presented to him during the first journey to Moscow, it could be confirmed that he would not have agreed to go to Moscow had he been told in Ukraine that the work involved begging. Moreover, he was not given any wages; the money he earned from begging was taken from him and looked after by others. The District Court was of the view that Josef had been deceived. While he was begging, he was kept under surveillance, and Patrik called the “guard” to check on Josef's begging. The District Court also assessed that Josef, owing to his disabilities and difficult financial situation in Ukraine, had been in a vulnerable position. The purpose of exploitation of the traffickers was to make Josef beg, and the District Court ruled that this was a form of forced labour.

This verdict was the first ruling in Sweden concerning human trafficking for purposes other than sexual. Stockholm City Court, Ruling No. B10768-08, dated 30 January 2009. See also Svea Court of Appeal Ruling No. B1479-09, dated 11 June 2009.

Human Trafficking in Sweden

Human trafficking, as referred to above, consists of several stages such as recruitment and transportation. Although no exploitation needs to be committed for an action to be considered as human trafficking, many victims are exploited before they are discovered and sold on the Swedish sex market.

Recruitment

Traffickers coerce and persuade the victims, but it is common that the vulnerability of the victims is used so that they leave their home environment or that they are misled. Some of the victims believe that they will work as for example an au pair, waitress or cleaner. That being said, most of the victims know that they are going to be exploited for prostitution, but they are misled with regard to the real conditions, the financial arrangements, the living conditions, the abuse and the level of personal freedom.²⁶ It is, moreover, often the case that the victims' conditions of life put them in such a vulnerable situation that they are not able to refuse an employment opportunity in another country, even though there is a risk that they will be exploited in some way.²⁷

The traffickers often have close ties with the country from which the victims come or in which they have been living. As a result, they can be expected to be well-informed about the living conditions and financial and social outlook of the victims, and they can use this knowledge in recruiting and controlling them. Many of the traffickers also have knowledge of Swedish society and can speak Swedish.²⁸

In a study of human trafficking by the Swedish National Council for Crime Prevention, based on a study carried out in Sweden, Estonia and Finland in 2007-2008,²⁹ it was shown that recruitment often takes place informally, channelled via other persons in the source country, such as friends, family and acquaintances. Informal recruitment can take place at brothels, bars and strip clubs; in such cases the victims are usually contacted by professional recruiters, but, it is not unusual for recruitment at brothels to be carried out by friends and colleagues. Informal recruitment also takes place via the Internet. It sometimes happens that the recruiter starts a relationship with the victim. Cases have also been recorded in Sweden where a "recruitment fee" has been paid to a brothel in the source country to buy a woman. Formal recruitment is not as common, but does take place, such as via advertisements in newspapers and magazines.³⁰

For the traffickers, especially those operating in highly-organised networks, it is important to meet the market's demand. Consequently, they look to recruit persons with certain characteristics and abilities: for example, they might be looking for a person who is submissive, or can speak a certain language, but even a certain colour of hair may be important in some cases.³¹ (See also the section "Demand").

Did you know

That buyers use Internet chat rooms to exchange comments? For example, comments were posted concerning a Thai woman, where a buyer said that although the woman was attractive and good, she was a bit stiff, and she seemed sad, etc. As a result, he was not completely satisfied with her because she was not good enough at acting the part.

Source: The Organisation of Human Trafficking, p 81–82.

Country of Origin

Sweden is a destination country for victims from a range of different countries. The victims identified in Sweden between March 2002 and March 2008 came from Albania, Estonia, Poland, Bulgaria, Russia, Romania, Serbia, Slovakia, Kosovo and Montenegro.³² Information received by the police in 2009 shows that the foreign girls and women recruited to Sweden for prostitution primarily came from Eastern Europe (especially Russia, Estonia, Romania and Hungary), Albania, Thailand and Nigeria.³³ The cases involving Swedish girls and women have so far been sentenced as procuring (until April 2011).

Transportation

To a large extent, the traffickers use the simplest and cheapest forms of transport, including rail, ferry, car, coach and air.³⁴ Many of the victims travel using legal travel documents and pay for their journeys themselves, but in many cases the traffickers arrange and provide transportation. Sometimes the traffickers use false passports/travel documents or the passports/travel documents of others in order to conceal their own, and their victims' true identities. Victims might travel alone, together with a group of victims, or with the traffickers. The traffickers also function as referees in visa applications, and sometimes the victims are instructed to pretend that they are relatives of the traffickers. Sometimes the traffickers will lend money to the victims, so that when they are passing through customs, they can show that they have enough money to get by while staying in Sweden. In many cases, once they reach Sweden, the victims have to make their own way to an agreed address, which is usually a flat; alternatively the traffickers will take them there.³⁵

Methods of Control

Traffickers use different methods to ensure that the victims remain within their organisation and network; these methods include rape, violence and the threat of violence and captivity. However, traffickers are using less violence today than they used to, which may be explained by a desire to avoid severe sentences. Traffickers often use subtler methods of control.³⁶

The victims often have such a background and are forced to such a situation that once they are in Sweden, they find themselves in an "invisible prison" and do not need to be locked up to prevent escape.³⁷

A Real-Life Case

Names have been changed. The case also involved other defendants.

In Kosovo, Sonja who then was under the age of 18, was contacted by Sebastian, who induced her to go to a flat. She was held captive in the flat for ten days, after which she was forced into a car, which Filip drove to Sweden. Filip had been told to kill her "if she did anything on the way". Sebastian received Sonja when she arrived in Sweden, threatened her and slapped her face. He raped her repeatedly and forced her to sell sex. He did this by beating and threatening her. She had no identity or travel documents and did not know where she was. She was scared of Sebastian and did not dare to try to escape.

Was this case sentenced as a case of human trafficking? Yes – Filip was sentenced for human trafficking, and Sebastian was sentenced for human trafficking and rape.

Source: Borås District Court, Ruling No. B436-05, dated 18 May 2005, West of Sweden Court of Appeal, Ruling No. B2557-05, dated 6 July 2005. The Court of Appeal did not change the ruling of the District Court for the afore-mentioned.

Did you know

That several Swedish cases feature a particular bus company? In one of the cases, a victim who was brought to Sweden on one of this company's buses described in a police interview how the driver collected, among other things, passports and handed them to the trafficker later.

Source: The Organisation of Human Trafficking, p 67.

Did you know

That voodoo, or juju, has been used in Europe with the aim of controlling women from Nigeria? In a case in Sweden concerning procuring, rituals and similar practices were used to pressure a number of women into continuing to be involved in prostitution. The National Bureau of Investigation says that as a rough estimate, some 50 Nigerian women were subjected to human trafficking for sexual purposes in 2009 in Sweden.

Source: Organisation of human trafficking, p 111; Gothenburg City Court, Ruling No. B9080-08, dated 20 November 2008; west of Sweden Court of Appeal Ruling No. B4924-08, dated 21 January 2009; Lägesrapport 11, pp 11-12.

Although it is less common today than it used to be, it still happens that traffickers confiscate the victims' passports as a means of increasing their control over them.³⁸ It also happens that traffickers exploit already-existing drug addictions or offer their victims drugs in order to create an addiction through which they can be dealt with more easily.³⁹

One of the control methods used is surveillance by telephone; mobile phones are used as a control mechanism with the trafficker ringing victims constantly, even when they are with the buyers.⁴⁰

A common control method is to get the victims into debt, thus placing them in a position of economic dependency. The traffickers can achieve this by, for example, paying for the victim's journey to the destination country – it may happen that the trafficker buys the travel ticket and that the victim has no money of her/his own upon arrival in Sweden. In addition, the victim may be forced to pay unreasonably high rent, for transportation, Internet advertising, etc. Consequently, the victim is never able to earn enough money to pay off all his or her debts. A way for the traffickers to ensure that the victims do not gain access to money is to deal with all contacts with buyers themselves. Additionally, the profit and number of buyers may be controlled by the traffickers. However, allowing a victim to receive some money may convince him or her that they are benefiting from the exploitation and he or she may therefore feel guilty as well.⁴¹

One of the most subtle control methods used by traffickers is to try to win the confidence of their victims with the aim of making them dependent. Traffickers make use of the fact that when foreign victims come to Sweden, they might be unable to speak the language and are in a new environment; the traffickers help them with all practical matters. The relationship of dependency established is then used as a tool of controlling the victim. It is not unusual for the trafficker and the victim to have a relationship.⁴² Victims may even come to identify with the traffickers as a consequence of their position of dependency (compare with the so-called Stockholm syndrome).⁴³

A Real-Life Case

Names have been changed. The case also involved other defendants and complainants.

Oskar recruited Nadja, who was only 17 years old, and arranged for her transport from Poland to Sweden in order to exploit her for temporary sexual relationships. He was aware of Nadja's young age. He exploited Nadja's prostitution for his own economic gain. Oskar had control over Nadja by virtue of the age difference between them (he was 15 years older) and because she spoke no Swedish and had no money of her own.

Was this case sentenced as a case of human trafficking? Yes – Oskar was sentenced for human trafficking.

Source: Göteborg City Court, Ruling No. B4385-05, dated 13 July 2005.

A large proportion of the human trafficking victims in Sweden have never been outside their countries of origin before they were trafficked. They do not know how Swedish society works or how to get help from the police, the social services or NGOs.⁴⁴ They also may have had bad experiences with the police and the social authorities in their countries of origin. Experience has shown that persons subjected to human trafficking for sexual purposes often have a low level of confidence in authorities and are reluctant to talk to the police. From tapped phone calls it has been verified that traffickers also tell their victims to say that they are involved in prostitution on their own account if questioned by the police. Feelings of shame and guilt may also make the victims unwilling to talk about the sexual abuse to which they have been subjected. A further possible source of stress for the victims is the knowledge that they are in the country illegally and in certain cases, they believe that it is illegal to sell sexual services. On top of all this, they may be worried that their family and neighbours in their home country might find out that they have been involved in prostitution.⁴⁵

It may be the case that victims do not view themselves as the victims of a crime and that they do not know about human trafficking – instead, they may even view their situation as the consequence of their own bad decisions and feel obliged to fulfil the contract they have "signed".⁴⁶ Among the victims, we find persons who have never been exploited in prostitution before as well as persons who have been exploited for prostitution for many years. In the case of victims who were already exploited in prostitution in their home country, the acts of abuse they experience at the hands of buyers and traffickers in Sweden may already be normalised.⁴⁷

Interview with Jenny Westerstrand, Doctor of Laws

Is there a typical approach in terms of human trafficking for sexual purposes?

"Human trafficking for sexual purposes exists all over the world; local conditions play a central part, but vary. That being said, there are, of course, patterns across the different contexts. For example, generally in the initial recruiting phase the traffickers tend not to use brute force or open violence – instead, they promise great things. These promises then gradually turn into a harsh reality, where positions of dependency are created and fear and economic coercion are used. In addition, the victim's resignation can become a weapon for the traffickers: many victims know that there is nothing better waiting for them back at home, so they keep going and just hope that one day they will be able to gain their freedom and earn more money. This situation can produce new traffickers – women who take on the role of 'madams' when they are no longer forced to remain in their former position, for example, when they are no longer profitable in the prostitution business."

(Interview conducted in 2009)

Marketing/Sales

The Internet has developed into the main marketplace for the sale of sexual services. It tends to be the larger networks that use the Internet for marketing purposes. The organisation behind the online sex industry is often hidden, invisible. To a certain extent this may be because traffickers know that buyers are reluctant to buy sexual services from a person that they know has been subjected to human trafficking. Although it is usually the traffickers who post the advertisements, they make it look as though the victims themselves have produced them. In many cases in Sweden, contact between the buyer and the victim or trafficker is established through the buyer sending an e-mail or making a phone-call to the address or number shown in the advertisement.⁴⁸

Various kinds of websites are used in the marketing, including websites directly focusing on prostitution or sites containing pornographic material which also contain advertisements for sexual services or links to such advertisements. There are also websites which have no obvious sexual content but provide contact information for sexual services. There are advertisements on the Internet through which buyers can get in touch with overseas booking centres in order to make appointments with people involved in prostitution who are already in Sweden or who travel to Sweden to provide sexual services on so-called "city tours". The term "city tours" refers to an arrangement where a person travels to a certain city for a certain period of time and customers can make appointments in-advance for sexual services. The servers and web hotels (web hosts) which host the larger sites are often based in countries with liberal legislation regarding prostitution.⁴⁹

Escort services and apartment brothels are examples of what is marketed on the Internet and in some cases they are combined. In apartment brothels identified in Swedish cases, several victims have sold sexual services at the same time in the same apartment. In many cases, the apartment is also used as the victims' accommodation. The Internet is also used to advertise and plan group-sex meetings.⁵⁰ Contacts via web communities, chat rooms or instant messaging services such as Windows Live Messenger have also established themselves as significant communication channels for the prostitution market. Sexual services are also marketed via restaurants and cafés. The marketing and sale of sexual services also takes place via personal networks.⁵¹

Did you know

That the biggest Danish web-based prostitution forum has a Swedish section? In contrast to Sweden, it is not illegal to buy sexual services in Denmark, so Swedish buyers from southern Sweden travel to Denmark to buy sexual services or pay for Danish escorts to come to them in southern Sweden.

Source: The Organisation of Human Trafficking, p 78.

It sometimes happens that persons exposed to human trafficking are forced to sell sex on the street. It is primarily the smaller-scale networks which are involved in street prostitution. In Sweden, massage parlours are also used as a location for sexual services.⁵² Several of the approximately 90 Thai massage parlours in the Greater Stockholm area also offer erotic massage. There is also information to suggest that foreign women who may be subjected to human trafficking are selling sexual services in bars and restaurants. The victims may also be exploited in hotel rooms in which the buyers visit them or, alternatively, the victim may go to the buyer, either on his/her own or escorted by the trafficker. These services are advertised as "in-calls" and "out-calls", respectively.⁵³

The National Bureau of Investigation states that information and preliminary investigations suggest that human trafficking does not only occur in major cities, but in smaller towns as well.⁵⁴

Did you know

That the level of competition in the global sex industry is low and that it is not unusual for different groups and networks to collaborate, for example by exchanging women with each other?

Source: Sexuell människohandel, *En fråga om tillgång och efterfrågan* (in Swedish only), pp 65–66.

Did you know

That it has been shown that some taxi drivers are involved in street prostitution? In these cases, drivers show and drive taxi customers to the main prostitution areas, either as a service or to earn some extra money. In Sweden, one taxi company was even involved in procuring. The drivers waited outside strip clubs for taxi customers; they then asked these customers if they were interested in buying sexual services. If they were, the driver then phoned a woman and drove to pick her up at her accommodation or from where she was providing services to another sex buyer, and then drove the taxi customer and the woman to a hotel or to the customer's home. On several occasions, the taxi fare and the sexual services were paid for together in the taxi.

Source: Göteborg City Court (part judgement), Ruling No. B9637-04, dated 30 December 2004; and West of Sweden Court of Appeal, Ruling No. B1227-05, dated 16 March 2005. The Court of Appeal amended the ruling of the District Court for three of the defendants, commuting their sentence from grave procuring to normal-level procuring (the fourth defendant had been sentenced for normal-level procuring). See also "The Organisation of Human Trafficking", pp 90 and 93.



Organised sex parties may be arranged at which victims are forced to sell sexual services. In one case in Sweden, a woman has described how she never knew if there would be two men waiting for her or a group of men. In another case, victims were forced to have sex with buyers in front of spectators.⁵⁵

The victims are also sold to other traffickers – for example, a group of traffickers in Sweden sold a woman to other traffickers in Norway for €2000.⁵⁶

A Real-Life Case

Names have been changed. The case also involved other defendants and complainants.

Krister met Anna, 17, in Slovakia and suggested that she should go to Germany. Anna had a debt to the local mafia. In Germany, she was taken to a brothel. She was in a position of dependency vis-à-vis Krister: she had no money and lacked language proficiency, so she was under his control. A control that lasted until Anna went to the police in Sweden. After having been in Germany for a while they travelled on to Denmark, where they made contact with Martin. They then continued to Sweden with the purpose of using Anna for sexual purposes, and started spending the night at Rudolf's home. Martin and Krister organised the prostitution but Rudolf also acted as a mediator for some buyers.

Was this case sentenced as a case of human trafficking? Yes – Krister and Martin were sentenced for human trafficking and Rudolf for normal-level procuring.

Source: Malmö City Court, Ruling No. B3745-09, dated 14 January 2010 and Skåne and Blekinge Court of Appeal, Ruling No. B 256-10, dated 07 April 2010.

The networks behind the trade

When criminal groups are detected in Sweden, they are often small-scale organisations but may be part of or affiliated with larger networks in the countries of origin. When raiding a brothel in Sweden, the police seldom find more than two to four women, plus a number of buyers. This can be compared to other parts of Europe where it is common for twenty to sixty women to be part of a single criminal operation.⁵⁷

The structure of the criminal organisations detected in Sweden varies. They may range from organised crime to constellations similar to a family.⁵⁸

The networks are made up of both men and women from varying ethnic backgrounds. The criminals behind the operations investigated in 2007, 2008 and 2009 were in majority men with a small number of women, from Sweden, Estonia, Russia, Nigeria, Albania, Romania, Thailand, Ukraine, Moldova and Syria. Most of the women involved have previously been exploited in prostitution; women are used as recruiters and "local managers" because it is assumed that it is easier for them to gain other women's confidence.⁵⁹ UNODC's Global Study shows that the proportion of female perpetrators in human trafficking crimes is larger than in other kinds of crime.⁶⁰

The operations can basically be managed and directed from any country, which can make it difficult to prove a physical connection between traffickers and the persons they exploit. The monetary transaction between the victims and the traffickers is often effected in public places or on public transports, in order to make detection more difficult.⁶¹

The main lines of business in transnational organised crime are weapons, drugs and human trafficking. Organised crime operations are for the most part multi-criminal and multifaceted; i.e. they are active in several different kinds of crime at the same time. Thus traffickers also commit other kinds of offences typically associated with organised crime, such as drug trafficking and weapons crimes. The groups which run brothels in Sweden are the same as those that feature in connection with the smuggling of alcohol and drugs.⁶² The victim may even be used as a drug runner or currency mule during the transport to the destination country.⁶³ Furthermore, money generated from human trafficking is used to finance other kinds of criminality.⁶⁴

Organised crime also has links to legal economic activity; for example, money generated by illegal activities may be invested in non-criminal enterprises. The restaurant trade is an example of a non-criminal area of business which is used to launder money.⁶⁵

Interview with Jonas Trolle, Detective Inspector with the Human Trafficking Commission at the Stockholm Surveillance Unit

Are the networks involved in human trafficking also involved in other types of criminal activity?

"Our experience is that most of the networks are multi-criminal – i.e. they are involved in every kind of activity in which they can make money. In the cases we find ourselves processing, a list of the crimes we encounter in addition to human trafficking-related crimes (human trafficking, procuring, purchase of sexual service) would include drugs crimes, theft and robbery, various kinds of economic crime, the use of counterfeit documents, violent crimes, such as assault against the victims, blackmail, and weapons crimes. This is of course not a complete list, but these are the most frequent kinds."

"It is also noteworthy that human trafficking-related crimes are being committed by criminals who normally carry out other types of crime – i.e. they, too, are multi-criminal. It is important that this dimension is understood by police officers working in other specialist areas, so that they investigate human trafficking-related crimes as well. There is a lot of activity in the area at present. More and more people are realising that we need to trace criminality in every shape and form and across borders."

What are the main approaches used by the police in tackling human trafficking?

"We try to work as broadly as we can. We aim to hit these criminals as hard as we can, and foremost try to get hold of the assets they have generated through their human trafficking. We undertake fairly extensive surveillance initiatives, which often involve the use of secret means of coercion, such as phone-tapping as a supplement. This kind of work is aimed at eradicating as much as we can of a given criminal organisation. At times we intersperse this work with very brief surveillance initiatives in other smaller-scale cases with the aim of disrupting the criminal activities and making Stockholm more unattractive to criminals."

(Interview conducted in 2009)



Real-Life Cases

Women from Russia were selling sex in Sweden and Germany. The business in the two countries was probably being run by the same organiser. The case also involved drugs – the women were drug-users, and the men who were the women's procurers/boyfriends sold and distributed drugs.

Source: Organiserad brottslighet – ett hinder för långsiktigt hållbar tillväxt i Östersjöregionen (in Swedish only), p 32.

In a Swedish case, a pizzeria was being used as the base for criminal operations. The operations were being run by the Yugoslavian mafia in collaboration with criminal actors from Russia and Estonia. The police were aware that ten or so Estonian women were being sold at the restaurant and sent to customers from there. When the police raided the pizzeria, it was on the basis of the prostitution operation, but they also found large quantities of illegal alcohol and cigarettes, 300 g of amphetamines, and a number of weapons.

Source: Organiserad brottslighet – ett hinder för långsiktigt hållbar tillväxt i Östersjöregionen (in Swedish only), p 32.

Interview with Bosse Svennecke, Social Welfare Officer with the Prostitution Team in Göteborg

"One thing that is very important is finding sheltered housing for the victims as soon as possible. Helping them to get new clothes, and especially new underwear, may be an important aspect, since their clothes may often have very negative associations for them."

"In the initial phase, the victims are usually extremely scared of talking about their experiences. This is largely because they have a very realistic fear of the traffickers, who threaten their victims with reprisals if they talk to anyone. It is also the case that the victims want to repress all the terrible things they have been through, and they think they can do this by trying to make it appear as if it never happened. They might laugh and give the appearance of being in good mental health. This 'duality' may manifest itself in different ways."

"The victims often develop physical ailments, such as stomach pains, nosebleeds, sleeping problems, and not least problems with food and eating. They wonder what will happen and they are worried that things will never be good again. They ask themselves questions such as, 'What will the people back home think? What will my mother say? Will the traffickers catch me again? Will they hurt my family and relatives?'"

(Interview conducted in 2009)

Consequences and Root Causes

Consequences for the Victims

Human trafficking can have severe consequences for the victims. Isolation, threats, humiliation, mental abuse, manipulation, violence, sexual abuse, torture, forced consumption of drugs and degrading working and living conditions lead to serious physical and psychological injury and may even result in death. Unlike many other kinds of traumatic experiences, the kinds of trauma that victims endure are often repeated over a protracted period of time. Victims may also suffer from post-traumatic stress, anxiety and depression. They can also find it hard to build social relations based on trust. Within human trafficking for sexual purposes the victims are also exposed to the risks of sexually transmitted diseases such as HIV and AIDS as well as dangerous abortions. The victims also risk being rejected by their community if they return home, which places them at risk of being exploited again. It is possible that in the home country the victim is considered to be responsible as he or she is considered immoral and accused of bringing dishonour to their family and the community.⁶⁶

Social Consequences

Human trafficking also has negative effects on society at large. Unequal relations between women and men, boys and girls, are legitimised and strengthened. Human trafficking also fosters the growth of other kinds of illegal activity and criminality. The criminals gain social and economic power through the profits they make, and in worst-case scenarios, they accrue political power as well.⁶⁷

Root Causes

There are several fundamental factors which explain why human trafficking exists. To gain an overall view, it is useful to look separately at the parties involved.⁶⁸

The traffickers

One basic reason why traffickers engage in human trafficking is because they can make money from it. Human trafficking as phenomena⁶⁹ subjects its victims to exploitation over a long period of time, thus providing the trafficker with a continuous flow of profit. The profits generated from human trafficking are very high – on a par with the amount of money made in international drugs and arms dealing.⁷⁰

It is extremely difficult to put any kind of exact figure on the profits made from human trafficking. One case in Sweden concerning a large-scale network that sold women made an estimated SEK 500,000 in profit over a

period of about seven months. Moreover, comparatively human trafficking generates high levels of profit at low levels of risk:⁷¹ it is, for example, easier to avoid detection transporting people across a national border than to move drugs or weapons along the same route. Moreover, victims can be sold onwards several times, thus increasing profits and minimising the risk of detection. Corruption and ineffective legislation make these illegal activities easier for traffickers.⁷²

According to UNODC's Global Study, it is relatively common for even those countries which have enacted specific human trafficking provisions to apply other provisions when putting human trafficking cases on trial. This is because some of the central criteria in the definition of human trafficking are considered difficult to prove. The result is that in many countries, these cases are considered as, for example, procuring.⁷³ This recourse has also been used in Sweden (see the section "Swedish Human Trafficking Provision").

The victims

A whole range of circumstances may lead to a person finding him or herself in a human trafficking situation, including vulnerability, poverty, oppression, violations of human rights, the lack of social and economic opportunity, marginalisation, unemployment, ethnic discrimination, natural disasters, war or other kinds of disruption/conflict. On the individual level, determining factors may include family conflicts such as domestic violence, sexual abuse, naiveté, destructive behaviour, need for confirmation, a desire to raise one's living standard, lack/possibility of appropriate education, and glorification of Western society.⁷⁴

Between 1999 and 2009, the victims of human trafficking for sexual purposes or grave procuring identified in Sweden were girls and women between 13 and 36 years old. The men and boys subjected to human trafficking were exploited for non-sexual purposes.⁷⁵ In the human trafficking cases brought to justice in Sweden between July 2002 and March 2008, a narrow majority of the victims were minors. Recent years have, however, seen a reduction in the number of victims under eighteen; it is assumed that this is because the traffickers are aware that there is a greater danger that they will be sentenced for human trafficking involving children than when adults are involved. Many of the victims came from groups in society which are especially vulnerable in their countries of origin, both socially and economically. In many cases they were vulnerable because they were members of ethnic minorities with no employment opportunities, or came from a disadvantaged environment.

Did you know

That there are countries in Europe whose GNP is less than half that of Sweden?*

**GNP per capita in 2007 expressed in terms of purchasing power standard (i.e. per capita GNP adjusted for purchasing power parity between the countries). Purchasing power standard is an artificial currency.*

<i>Bulgaria:</i>	<i>8,600</i>	<i>Poland:</i>	<i>12,300</i>
<i>Estonia:</i>	<i>16,100</i>	<i>Romania:</i>	<i>9,100</i>
<i>Latvia:</i>	<i>12,600</i>	<i>Russia:</i>	<i>10,000 (2006 figure)</i>
<i>Lithuania:</i>	<i>13,200</i>	<i>Sweden:</i>	<i>29,300</i>
<i>Luxembourg:</i>	<i>65,700</i>	<i>EU countries:</i>	<i>23,500</i>

Human trafficking is associated with poverty and with social and economic inequality, both within a given country and between different countries.

Source: http://europa.eu/abc/keyfigures/qualityoflife/wealthy/index_sv.htm.

A Real-Life Case

Names have been changed. The case also involved other defendants.

Christoffer contacted ten Swedish girls and women aged 16 to 26 via a website and other channels with the aim of arranging sexual activities such as gang-bangs (i.e. meetings where several people have sex with another person at the same time). These gang-bang sessions were often degrading, and the girls and women had no practical way of influencing the kind of sexual activity they had to have. One of the men who took part in and paid for sex was sentenced for rape. The reasons the girls and women gave for taking part in the gang-bangs included the need for confirmation and the need to earn money.

Was this case sentenced as a case of human trafficking? No – Christoffer was sentenced for grave procuring, purchase of sexual service from children and the purchase of sexual service.

Solna District Court, Ruling No. B6645-08, dated 28 September 2009 and Svea Court of Appeal, Ruling No. B8039-09, dated 22 December 2009.

Only a small number of the victims mastered the English language, and none of them spoke Swedish.⁷⁶ Many of the victims are single parents. However, in some cases, the victims are from better-off backgrounds and are educated.⁷⁷

There are also instances of parents who sell their children. The reason for this is not always the need for money – sometimes it is the parents' hope that their children will have a better life this way. Traditions such as arranged marriages for children and bride-buying entail an increased risk of human trafficking, especially with regard to girls. Gender inequality makes girls and women vulnerable to human trafficking. Girls and women are often not given the same opportunities as boys and men in terms of education and employment, and they are subjected to discriminatory attitudes and actions.⁷⁸

Demand

The government's plan of action for combating prostitution and human trafficking for sexual purposes emphasises the fact that demand is the single weightiest factor explaining the continued existence of human trafficking for sexual purposes. In order for it to be possible to make money from human trafficking for sexual purposes, where the victim is exploited in prostitution, it is necessary that there are people who pay for sexual services.⁷⁹

A Real-Life Case

Names have been changed. The case also involved other defendants and complainants.

Fanny lived in extreme poverty in her home country. She had been in a relationship with Roger (age 57) for a long time, but she was afraid of him because he had beaten and threatened her. Roger was prosecuted for having recruited and transported Fanny, who then was under the age of 18, to Sweden on four separate occasions. Roger had induced Fanny to come to Sweden the first time by saying that he would find work for her so that she could pay back the money he had sent her. Roger arranged her travel, even going so far as to phone the bus driver while she was on the way. Fanny had sex with the driver on the way for money. When she reached Sweden, Fanny was beaten and her passport was taken away from her. After two months in Roger's flat, when the injuries from the assault had healed enough for her to be able to have sex again, she was forced into prostitution.

Was this case sentenced as a case of human trafficking? Yes – in part: Fanny had previously come to Sweden during the time when she still thought of herself as Roger's girlfriend, and no economic sexual exploitation occurred. Consequently, the District Court found that it was not proven that it was Roger's purpose to exploit Fanny for prostitution when she first travelled to Sweden for the stay during which she came to be exploited in prostitution. However, the District Court did find that it had been proved beyond all reasonable doubt that Roger arranged Fanny's three following trips to Sweden in order to exploit her in his prostitution activities and that she was in a position of dependency vis-à-vis Roger. Roger was sentenced for human trafficking.

Source: Helsingborg District Court (partial judgement), Ruling No. B1230-05, dated 22 September 2005 and the Skåne and Blekinge Court of Appeal, Ruling No. B2429-05, dated 11 January 2006. The Court of Appeal upheld the ruling of the District Court. The Supreme Court did not grant leave to appeal.

Demand

There are many different reasons for the existence of human trafficking. (see the section “Consequences and Root Causes”), which means that there are many different ways in which human trafficking can be combated. One method is to combat demand. If there were no demand, there would be no market for the sexual services that the persons exploited in human trafficking are forced to provide.⁸⁰ The victims may be exploited in the sex industry in a variety of ways – such as, for prostitution, in strip clubs and in pornography. The demand side of human trafficking does not refer only to the demand for the victim's services, but also includes within its scope everything that promotes the kinds of exploitation which in turn leads to human trafficking.⁸¹

According to Europol, the growth of human trafficking for sexual purposes in the EU is a consequence of the huge profits made by traffickers, procurers, bar and nightclub owners who supply the demand for sexual services in Europe. Findings suggest that it has become increasingly common for the traffickers themselves to own and run the brothels, clubs and bars where the victims are sold.⁸² The amounts of money to be made are considerable: in one case in Sweden it was uncovered that a brothel-running operation carried out in apartments throughout the Stockholm County was generating an average of SEK 200,000 per month.⁸³

The trafficking study conducted by the Swedish National Council for Crime Prevention showed that demand influences every aspect of the planning and organisation of the sex industry. The buyers' preferences are very important; one of the most frequently heard wishes from buyers is for “new girls”, which makes it possible for traffickers to earn additional money by moving the victims from town to town and country to country. Buyers may also have more specific requirements, such as a certain colour of hair or a certain ethnicity. Age, too, may be regarded as an important aspect. Demand does not only determine who is recruited, but also the circumstances pertaining to the sexual services. It may, for example, be the case that buyers prefer a certain style of clothing or that in return for a higher fee they want sex without a condom, a condition to which the victim is forced to agree.⁸⁴

Did you know

That a large proportion of persons working in the sex industry worldwide are between 13 and 18 years old?

Source: Trafficking – a demand-led problem? A multi-country pilot study, p 37.

Did you know

That it is more common that children are exploited in forced prostitution in developing countries than in industrialised countries and that sex tourism is one of the reasons for this?

Source: Forced Labour and Human Trafficking: Estimating the Profits, p 12.

Interview with Jenny Westerstrand, Doctor of Laws

How should human trafficking for sexual purposes be stopped?

"In addition to the fact that international and national laws and rules must be followed and improved when it comes to the support for those who fall victim of traffickers, I think it is important to address the demand on the part of men as well as the social and economic factors which sometimes more or less force women to migrate in search of a better life. In other words we need to combat social and economic injustice and those aspects of gender culture and sexual culture which lead men wanting to buy sex."

(Interview conducted in 2009)

The awareness that buyers who want to pay for sex do not want to buy sex from someone who is a victim leads traffickers to try to reduce their active and visible role. A perception of the victims as independent entrepreneurs is created. For the same reason, traffickers seek to recruit victims who are good at adopting an accommodating manner.⁸⁵

Sweden's National Council for Crime Prevention has carried out a study of human trafficking which is based on two perspectives of supply and demand. The study formulated possible criteria which would suggest that the person selling the sexual service is a human trafficking victim; these included a lower price, lack of knowledge of the Swedish language, and a demonstrative non-interest. The same study points out that some of the factors underlying men's choice in buying sex from foreign women are also criteria for the existence of human trafficking. For example, the majority of Swedish sex buyers who took part in the study considered that price is an important factor.⁸⁶ Buyers had also bought sex from foreign women who did not speak Swedish and showed a lack of interest for them.⁸⁷ The study also goes on to show that Swedish buyers do not constitute a

homogeneous group; they range in age from young teenagers to elderly men of nearly 80 years of age. That being said, the average Swedish buyer is a man of middle age or a little younger, i.e. between 30 and 50 years old. Buyers come from all social classes: it is not unusual for them to have a job and a regular income, and roughly half of them have been to university or college. Nearly half of all Swedish buyers are married or in a relationship, and about 40 per cent of them have children.⁸⁸

It is sometimes the case that buyers play a more active role in the operations. For example, the buyers might help out with marketing the victims or act as intermediaries. Especially in the smaller networks, the boundary between buyer and trafficker may become blurred in some cases. Even in the larger networks, buyers may play a part in the operations, for example, by offering to set up websites or look after the accounting or by finding accommodation in return for sexual services.⁸⁹

The purchase of sexual service was made illegal in Sweden in 1999 as established in the Act Prohibiting the Purchase of Sexual Service⁹⁰ (for more information, see Related Concepts). Both the prohibition of the purchase of sexual service and whether it has had positive effects on prostitution and human trafficking has been a subject of debate.

Did you know

That the "mail order bride" industry has been linked to human trafficking, with the organisers of the industry using their operations to recruit victims?

Source: UN.GIFT the Vienna Forum to Fight Human Trafficking, p 11.



In April 2008, the government appointed an inquiry to evaluate the application of the prohibition and its effects. The aim of this evaluation was to assess how the prohibition has worked in practice, and the effects on the incidence of prostitution and human trafficking for sexual purposes it has had.⁹¹ The inquiry's report, which was published in June 2010, presented a number of conclusions, such as that since the prohibition of the purchase of sexual service, street prostitution has been halved. The inquiry noted that the Internet prostitution has expanded over the past five years in Sweden, as in Norway and Denmark but that it is a more sizeable phenomenon in other Scandinavian countries. There is nothing to suggest that its growth has been bigger in Sweden; i.e. it does not appear as though the prohibition has led to prostitution in Sweden simply switching location from the street to the Internet. Neither is there any indication that those involved in prostitution who were previously exploited on the street are now involved in indoor prostitution. The study points out that while there has been an increase in prostitution over the past ten years in the other Nordic countries, it has not increased in Sweden as far as can be gauged. With regard to its effect the prohibition has had on human trafficking, the inquiry concludes that the establishment of this crime is far less prevalent in Sweden than in comparable countries. This view is supported by the traffickers themselves, who mention the act as an obstacle to their business. Furthermore, Sweden has also not seen the establishment of large groups of foreign women in street-based or Internet-based prostitution, as has happened in the neighbouring Nordic countries. The inquiry also assesses that the fears voiced at the time that the act was introduced – for example, that prostitution would be driven underground, thus making it harder for social welfare initiatives to reach the people involved in prostitution or that the ban would lead to a rise in physical abuse and a general lowering of persons involved in prostitutions' standard of living – have not been verified. The study also explains that the prohibition has had a normative effect: there has been a shift in attitudes regarding the purchase of sexual service. The study also stated that in certain cases, courts prosecuting breaches of the act have been too lenient, such as in cases where a buyer exploits a person with a mental disability, where several buyers exploit one person, where the exploited person is young or under the influence of drugs or where the purchase of sexual service is linked to organised crime such as human trafficking. The inquiry proposed that the maximum penalty for the purchase of sexual service should be raised from six months in prison to twelve months. This proposal has led to an amendment being made to the act: as of July 2011, the maximum penalty for the purchase of sexual service is one year in prison.⁹²

Interview with the Social Service Prostitution Teams of Stockholm, Göteborg and Malmö

"It's hard to estimate the number of people who are involved in prostitution in Sweden. There are various different prostitution arenas in Sweden, and a lot is covered up. Also, there is a great deal of mobility in prostitution, and a single person may feature in a number of different arenas or in different cities."

"Prostitution changes with society. An example of this is the fact that the persons involved in prostitution who are not Swedish citizens has risen, reflecting globalisation and the more open nature of national borders today. Another example is in the way the Internet and mobile phones have now become established as tools for marketing. One thing that has not changed is the young age at which people get involved in prostitution. This may involve young people who are already in an exploitative position and a common factor may be vulnerability and the feeling that they have no value as human beings."

"Some of those who seek help with a prostitution team have a background of abuse: they have suffered previous physical, psychological and/or sexual abuse. For these people, prostitution may be another expression of their destructive behaviour. As in other contexts, there are people involved in prostitution who have different forms of addiction, such as drug, alcohol and/or gambling addiction."

"In most cases, prostitution has nothing to do with sexuality. Some of the people the prostitution teams meet have locked away their sexuality and they may find it hard to experience sexual desire ever again, also in a future relationship. Relationships in general are usually difficult owing to an inability to trust and in some cases also because they do not know how different relationships work."

"There are links between the legal sex industry and the illegal sex industry. Some people involved in prostitution have, for example, worked in strip clubs, before they became involved in prostitution. It is not unreasonable to see this work as a way into prostitution. There are also people who work in strip clubs that also sell sexual services. For human trafficking, the market may be the same as for the rest of the sex industry. It may be difficult for a buyer to know whether or not the person involved in prostitution is a woman or man who has been subjected to human trafficking for sexual purposes."

(Interview conducted 2009)

Kajsa Wahlberg, National Rapporteur on Human Trafficking at the National Bureau of Investigation

"The work of combating human trafficking should focus on demand. If there were no demand, human trafficking would not exist."

(Interview conducted in 2009)

Did you know

That in one Swedish case, buyers were given a customer number and were informed via text messages or e-mail when new women arrived?

Source: The Organisation of Human Trafficking, pp 87–88.

Did you know

That in a survey, 1.7 per cent of young people in Sweden aged 16–25 said that they had accepted remuneration for a sexual service on at least one occasion? The survey further found that the group who had received remuneration for sexual services also had a much high correlation to persons who had been subjected to sexual violence or abuse during the previous six months. The proportion of those who said they had problems with social integration, money, physical and mental health, low self-esteem, and alcohol and drug use was much higher amongst those who had given or received remuneration for sexual services than amongst the population of young people in general.

Source: Se mej, unga om sex och Internet (in Swedish only), pp 167, 177–178.

PRIS - Prostitutes' Revenge in Society

Prostitutes' Revenge in Society, PRIS, is a network for persons with experience from the sex industry. The network consists of persons who have previously been involved or are still involved in prostitution, striptease and other areas of the sex industry.

Emma, one of the founders of PRIS, has this to say about human trafficking and demand:

"At PRIS we have members who have been subjected to human trafficking. Over and above everything they suffered before they came here and everything they went through during the human trafficking, they remain very vulnerable afterwards. It is a huge trauma. Even if they get a permit and can stay in Sweden, they often end up isolated and see no other way out than to start selling themselves again. It takes a lot of resources over a long period – several years – to help them have a decent life again ... or for the first time ever."

"In my opinion, buyers do not - in most cases - care whether the person involved in prostitution is a human trafficking victim or not. Surely there are lots of cases where they do not know either. People who have been involved in prostitution put on a brave mask, not to be beaten by their procurer or trafficker. Unfortunately there are also sadistic buyers, who abuse the victims simply because they are serfs and are extremely vulnerable. Victims are forced into things we would all rather not know about."

"There probably are not enough Swedish women involved in prostitution to meet demand; thankfully, there are not that many women who feel bad enough that they end up in the sex industry. That means that there is a market for human trafficking for sexual purposes. This is off course connected to the "domestic" sex-trade and is a complex problem based on social structures which we must work towards changing in terms of its foundation. I cannot believe, and do not want to believe, that men, if they had all the information, would be able to continue exploiting other human beings by buying sex. The buyers need to be told that they, too, can get help. Their actions do not only harm others – persons in prostitution, their own families and so on – but also actually cause them big problems in their own lives."

"Our vision at PRIS is a society free from prostitution. We are in favour of the law that makes it illegal to buy sex: it is right that it is the buyers, and not the people who have to sell sex, who are punished. It is the people with money in their wallets who have the power. PRIS wants to see buyers prosecuted and sent to prison for the maximum term as a clear signal from society that this disgraceful exploitation of vulnerable people must come to an end. The majority of those who pay for sex also have a partner and children at home, and then they go out and pay for someone else's daughter... It is not about sexuality; it is a social problem, and a power issue."

Nina, another founder of PRIS, adds:

"Human trafficking and prostitution are not two different things. There is a difference of degree, which is of course important to the individual person, but they are not two separate things. It all stems from prostitution, which is the central problem, the demand. The only way to get rid of human trafficking is if men stop buying sex, not by persuading men to buy sex from Swedish women or independent escorts. If there is less demand then of course fewer women will be needed to satisfy it!"

(Interview conducted in 2009)

International Instruments

International collaboration has an important part to play in combating, among other things, human trafficking.⁹³ A range of instruments have been adopted by the UN, the Council of Europe and the EU.

The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others

The UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was adopted as early as 1949.⁹⁴ Under Article 1 of the Convention, signatory states⁹⁵ are obliged to sanction any person who, to satisfy another person's desires, "procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person" (Article 1.1). The Article also prohibits the exploitation of the prostitution of another person, irrespective of whether that person has given their consent or not (Article 1.2). Article 2 states that the signatory states are to punish any person who owns or runs, consciously finances or takes part in the financing of a brothel.

The Palermo Protocol

The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (known as the Palermo Protocol) was adopted in 2000 and is an optional protocol to the United Nations Convention against Transnational Organised Crime.⁹⁶ The Palermo Protocol entered into force in 2003.⁹⁷

The Protocol aims, inter alia, to prevent and combat human trafficking, paying particular attention to women and children, and to protect and provide assistance to the victims with full respect for their human rights (see Article 2). The Palermo Protocol represents, for the first time, a comprehensive, internationally recognised definition of the crime human trafficking.⁹⁸ The countries that have ratified (approved) the Protocol are required to make human trafficking a criminal offence, as defined in the protocol, in cases where the crime is committed intentionally. This does not mean that countries are obliged to apply exactly the definition laid down in the protocol – the requirement is for the intent and aims of the protocol to be embodied in national legislation.⁹⁹ In addition, signatory countries – including Sweden – are to work "to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to human trafficking" (Article 9.5). The Palermo Protocol only establishes a minimum standard – i.e. national measures may be stricter and more far-reaching.¹⁰⁰

Interview with Iain Cameron, Professor of International Law at the University of Uppsala

Why are international instruments important in the work of combating human trafficking?

"It is an international problem. Without collaboration between different nations we will not be able to solve the problem."

How do the international instruments affect Sweden?

"According to, amongst others international instruments, the Palermo Protocol, the Swedish state is obliged to make human trafficking a criminal offence, but for criminalisation to have the desired effect it is necessary both to ensure that the definition of the crime is formulated in such a way that it targets the kinds of activities we want to eradicate as well as to ensure that enough resources are dedicated to combating these activities and that these resources are used in the right way."

(Interview conducted 2009)

Protocol on the Sale of Children, Child Prostitution and Child Pornography

In 2000, an optional protocol to the Convention on the Rights of the Child (CRC)¹⁰¹ was adopted relating to the sale of children, child prostitution and child pornography.¹⁰² The protocol includes a definition of the sale of children and child prostitution, according to which the "sale of children" means "any act or transaction whereby a child is transferred by any person or group of persons to another for remuneration or any other consideration" and "child prostitution" means "the use of a child in sexual activities for remuneration or any other form of consideration" (Article 2). The signatories to the CRC are required to prohibit the sale of children and child prostitution (Article 1).

CEDAW – the UN Women's Convention

The UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)¹⁰³ was adopted in 1979 and entered into force in 1981.¹⁰⁴ Under the terms of the convention, signatory states are to combat all forms of trade in women and of the exploitation of female prostitution (Article 6).

The Council of Europe's Convention on Action against Trafficking in Human Beings

Although the Palermo Protocol is the foundation for the Council of Europe's Convention on Action against Trafficking in Human Beings¹⁰⁵ and although the definition of human trafficking given in the Convention is identical to the one laid down in the Palermo Protocol, the Convention aims to strengthen the protection given and raise the standard. In addition, the Convention gives

Did you know

That 35 per cent of the 155 countries which took part in UNODC's Global Study had a specific human trafficking provision in their national legislation before the Palermo Protocol was adopted, but that the introduction of the protocol led to many more countries enacting such a provision?

Source: Global Report on Trafficking in Persons, p 24.

a definition of the term "victim" (Article 4). Like the Palermo Protocol, the Convention aims to promote international collaboration on initiatives to combat human trafficking (Article 1.1c).¹⁰⁶ The Convention has the further aims of preventing and combating human trafficking and protecting the human rights of victims while guaranteeing gender equality (Article 1.1a and 1.1b). The convention also establishes a monitoring mechanism, GRETA, made up of experts monitoring how well the signatory countries apply the Convention.¹⁰⁷

The Council of Europe's Convention was adopted in 2005 but did not enter into force until February 2008. Sweden did not ratify the Convention until 2010.¹⁰⁸

Like the Palermo Protocol, the Convention requires signatories to criminalise human trafficking (Article 18). The Convention also proposes a criminalisation of the use of services provided by a victim if the person using the services is aware that the person used is a victim (Article 19).¹⁰⁹

The Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse

The aim of the convention¹¹⁰ is to prevent and combat the sexual exploitation and sexual abuse of children, protect the rights of the children, and promote national and international co-operation in the work of combating sexual exploitation and the sexual abuse of children (Article 1.1). With regard to preventive measures, the signatory states are requested to pass national legislation or adopt other measures with the aim of guaranteeing that persons who are in regular contact with children – for example, because they work in schools or in the health services – have sufficient knowledge about this issue. The signatory states should also ensure that persons employed in areas which imply regular contact with children have not previously been convicted of sexual exploitation or abuse of children. The signatory states are also required to promote or conduct campaigns to raise the public's awareness of the issue and are to encourage the private sector to participate for devising and implementation of preventive guidelines and policies (Articles 5, 8.1 and 9.2). According to Article 11.1, the signatories are to establish effective social programmes which provide the necessary support for victims and their close relatives as well as for any person who is responsible for their care.

Directive of the European Parliament and of the Council on Preventing and Combating Trafficking in Human Beings and Protecting its Victims

The Directive was adopted in 2011 and replaces Council Framework Decision 2002/629/JHA.¹¹¹ It establishes minimum rules concerning the definition of criminal offences and sanctions in the area of human trafficking. It also introduces common provisions, taking into account the gender perspective, to strengthen the prevention of this crime and the protection of the victims thereof (Article 1). The definition of human trafficking includes: human trafficking for the purpose of exploitation of the prostitution of others or other forms of sexual exploitation; forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities; or the removal of organs (Article 2.3). The Directive also obliges the Member States to adopt a maximum penalty of at least ten years' imprisonment in cases where the human trafficking was committed under certain circumstances, such as crimes committed against a victim who was particularly vulnerable, including children, with the use of serious violence or causing particularly serious harm to the victim (Article 4.2a and 4.2d). Member States are also to take appropriate measures, such as education and training, to discourage and reduce the demand that fosters all forms of exploitation related to human trafficking (Article 18.1).



A Real-Life Case

Names have been changed. The case also involved other defendants and complainants.

Carl established contact with Karina via an Internet chat site for young people, claiming he was much younger than he really was. The second time they met they went to Stockholm together. Karina had neither money nor any other clothes with her, nor did she know where they were. They ended up living in Carl's flat. Karina has a moderate mental disability; she is like a 10-12 year old in some regards, whereas in most respects her behaviour is like that of a much younger child. She has attended special needs school all her life. She has difficulties asserting her integrity. When Carl took her to Stockholm her parents disowned her. Karina was utterly dependent on Carl. Karina was in a vulnerable situation. Karina had temporary sexual relationships in return for remuneration during the period August – December 2007, in Carl's flat and at a hotel in Stockholm and during three separate one-week stays in Göteborg. It was Carl's idea that she should sell sexual services, and Carl looked after more or less all the money that she earned. Another man, Alfred, took photographs of her and set up a homepage. When Karina was with a buyer, Carl was either in an adjacent room or just outside the premises able to hear everything via a telephone with the loudspeaker function activated.

Was this case sentenced as a case of human trafficking? No – both the District Court and the Court of Appeal ruled that the investigation of the case could not prove that Carl had had the purpose of selling Karina from the first time he let her into his flat. In other words, it could not be proved that Carl had had direct intent. Carl was sentenced for, among other offences, grave procuring (Alfred was prosecuted separately). This was the first case in Sweden in which the complainant was a Swedish person and the persons involved were charged with human trafficking. Ingela Hessius, that represented Karina, maintains that the case should have led to a sentence for human trafficking, but that the court did not reach that decision for a number of reasons, one of which is the general perception of a human trafficking victim, as not Swedish. Also, the criterion of direct intent, in the Human Trafficking Provision, makes it more difficult to reach a verdict of human trafficking. Ingela Hessius says that it is important to highlight that Swedes, too, can be victims of human trafficking, and that traffickers, when operating in a wealthy welfare state such as Sweden, make use of non-economic vulnerability factors, such as mental disability. Traffickers may also exploit young people's low self-esteem or unstable life situation.

Source: Attunda District Court, Ruling No. B886-07, dated 11 July 2008, Svea Court of Appeal, Ruling No. B 5886-08, dated 29 October 2008 and an interview with Ingela Hessius.

The Swedish Human Trafficking Provision

The Swedish Human Trafficking Provision criminalising human trafficking for sexual purposes was adopted, as has been mentioned above, in 2002. Two years later, in 2004, the law was amended and expanded to include all forms of exploitation and human trafficking within the boundaries of the country, domestic human trafficking. A study was then carried out between 2006 and 2008 on behalf of the government, which found that the Provision was formulated in a way that impeded its effectiveness and that human trafficking offences were often tried as other crimes, such as procuring (for further information on procuring, see the section on "Related Concepts").¹¹² The findings of the study provided the foundation for additional amendments to the Provision, which were enacted on July 2010.¹¹³

The Palermo Protocol formed the basis of the overall design of the Swedish Human Trafficking Provision, and this has remained the case even with the latest amendments. As in the Palermo Protocol, the Human Trafficking Provision states that a person who, using improper means, takes trade measures with the purpose of exploiting another person is to be sentenced to prison for human trafficking for a minimum of two and a maximum of ten years.¹¹⁴ That being said, the amended Provision differs from the previous version on several counts; two of the major changes are:

1. **The Control Criterion**
According to the previous version of the Provision, it was necessary that the trafficker's trade measures led to control being gained over the victim in order for the court to convict – this is called the "control criterion". In the amended legislation, the control criterion has been removed since it was deemed to refer in practice to the same circumstances as the criterion concerning "improper means".¹¹⁵
2. **Double criminal liability**
The new legislation no longer requires double criminal liability for a Swedish court to be able to sentence a person for human trafficking offences committed abroad. This means that if a trafficker has any ties¹¹⁶ to Sweden, the case can still be tried in a Swedish court irrespective of whether or not human trafficking is a criminal offence in the country where the crime was committed.¹¹⁷

Trade measures

The trade measures included in the Provision are to recruit, transport, transfer, accommodate or receive.¹¹⁸ They are intended to reflect an intended chronological order for the implementation of human trafficking. In those cases where human trafficking is of a transnational nature, the Provision covers the trade measures undertaken in the source country,

From Chapter 4, Section 1a of the Swedish Penal Code:

Any person who, in cases other than those described in Section 1, uses *illegal coercion, deception, exploitation of another person's vulnerable situation or other improper mean of a similar kind*, in order to recruit, transport, transfer, accommodate or receive a person with the purpose of exploiting her or him for sexual purposes, for the removal of organs, for forced armed service, for forced labour or other activity in a situation in which the victim is in distress, shall be sentenced for human trafficking to a term of imprisonment of no less than two years and no more than ten years.

Anyone who commits an act of the kind described in the preceding sentence against a person who has not yet reached the age of eighteen years shall be sentenced for human trafficking even if the aforementioned improper means have not been used.

If a crime of the kind described in the two preceding sentences is judged to be of a less severe nature, the maximum prison sentence shall be four years.

Illegal coercion = the use of physical mistreatment, violence, or the threat of criminal abuse to force any person to submit to a particular measure.

Deception = communicating inaccurate information.

Other improper mean of a similar kind = situations whereby the trafficker in other ways takes command over the victim's true free will.

Recruit = steps taken to enlist or gain possession of a person.

Transportation = both the making of travel arrangements and the actual driving of the means of transport.

Transfer = practices involved in moving or transferring a person; for example, when the trafficker makes the crime victim travel somewhere or when the trafficker hands over the crime victim to another person.

Accommodate = to provide the victim with a temporary or permanent place to live.

Receive = both the actual fact of receiving or meeting as well as the fact of taking over a victim from another person.

With the purpose of = direct intent.

Exploitation for sexual purposes = subjection to sexual crimes, or exploitation for temporary sexual relationships, i.e., prostitution, or for involvement in the production of pornographic products or in pornographic performances.

Other activity in a situation in which the victim is in distress = the term "activity" refers to an action which the victim has to carry out or is forced to submit to. A "situation where the victim is in distress" refers to situations where the victim is prevented from freely deciding for him or herself what to do, situations which are very trying for the victim and are not of a transient or short-term nature.

Where **children** are involved, the law does not require the use of improper means.

Human trafficking is punishable by between two and ten years in **prison**. If the crime is judged to be of a less severe nature, the maximum prison sentence is four years.

Government Bill, 2009/10:152, p 21 and 59–61.

transit country, and destination country. It is not necessary for all the trade measures to be taken in every case or for them to be taken in the order given in the Provision. They can even be taken by different persons.¹¹⁹

Improper Means

As was the case in previous legislation, it is a necessary condition that trade measures have been carried out using improper means. The term "improper means" is to be understood as referring to a scenario where the trafficker has a level of influence over the actions of the victim which restricts the victim's ability to influence her/his own situation and where this influence is of an improper kind. The Provision lists several kinds of improper means, such as illegal coercion or deception. The trafficker might also exploit the vulnerable situation of the victim: it may be, for example, that the trafficker exploits the fact that the victim is in a position of dependency arising from being in debt or a contract of employment. It may also be the case that the trafficker exploits the fact that the victim has been living in economically difficult circumstances. Persons in a position of powerlessness, refugees, persons with a mental disability or suffering from an illness, or persons who are addicted to drugs, can also be in a vulnerable situation. The Human Trafficking Provision also points out that traffickers may make use of "other improper mean of a similar kind", an expression which covers the fact that traffickers may use other types of improper means than those expressly mentioned in the text of the Provision. That being said, the circumstances must be such that the victim has no real or acceptable alternative but to submit to the trade measures; only then is the act considered to be human trafficking.¹²⁰

Purpose of exploitation

There is also a requirement that the human trafficking trade measures have been committed with the purpose of exploiting the victim – i.e. with the intention of using the victim in an improper manner. The trafficker's intention may be to exploit the victim for sexual purposes, for the removal of organs, for forced military service or forced labour, or for some other activity in a situation in which the victim is in distress. An example of an "activity in a situation in which the victim is in distress" is when the victim, without being subjected to forced labour, is required to work under very trying circumstances for a very low level of pay. Other examples are where victims are forced to beg or steal.¹²¹ Distressful situations may also include predicaments such as forced marriages when money is paid to another person (the practice known as bride-buying). Yet another example is when the victim is made to remove biological material other than organs: for example, tissue such as skin or cartilage.¹²²

The exploitation does not need to have occurred for the offence to be deemed as human trafficking. In the eyes of the law, the crime has been committed before the actual intended exploitation takes place.¹²³

Consent

Whether or not the victim gives their consent to the intended exploitation is of no consequence as far as criminal liability is concerned, even though the

Interview with Petter Asp, Professor of Criminal Law at the University of Stockholm

Can a penalty regulation/human trafficking provision have a preventive effect?

"Yes, of course it can. One of the main reasons for making something a criminal offence is to deter people from exhibiting that particular type of behaviour. General deterrence is an important aim of the criminal law system and is a central consideration in criminalising particular acts. At the same time, we must understand that things do not disappear just because they are criminalised, and only rarely are there grounds for believing that adjustments to the penal system will have any major effect. A penalty regulation may have a normative effect, which in turn leads to a change in attitudes, but where human trafficking is concerned, it is hard to see such an effect being very tangible: those who are receptive to the message are probably already agreed that human trafficking is a horrific activity. Which is not to say, of course, that there are not good reasons for defining human trafficking as a criminal offence."

(Interview conducted in 2009)

Human Trafficking Provision does not make this point explicitly. The requirement that the trafficker must have acted with the purpose of exploiting the victim is in itself enough, even if a defendant should claim that the victim gave their consent to being exploited.¹²⁴ Consent which has been elicited by deceiving the victim, for example, can never be viewed as relevant consent under Swedish law.¹²⁵

Transnational and Non-Transnational/Domestic

Human trafficking does not have to be transnational in nature according to the current Human Trafficking Provision in effect in Sweden – i.e. cases of human trafficking committed within the country's borders are also punishable in criminal law. This implies that the Provision also covers human trafficking cases in Sweden where the victim has arrived in this country in a way other than via human trafficking or is a resident of Sweden.¹²⁶

Children

Under the terms of the Human Trafficking Provision, the use of improper means is not a criterion in cases involving children, i.e. any person under the age of eighteen. Any person who carries out a trade measures with an exploitative purpose against a child is liable for prosecution for human trafficking.¹²⁷

Related Concepts

Human smuggling, the child sex trade, procuring, and the purchase of sexual service are often discussed in connection with human trafficking, especially human trafficking for sexual purposes. How are they related, and what differences are there?

Human Smuggling

According to the UN Protocol against the Smuggling of Migrants by Land, Sea and Air,¹²⁸ human smuggling is defined as:

"The procurement, in order to obtain, directly or indirectly, a financial or other material benefit of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident" (Article 3).

There are three major differences between human smuggling (also called migrant smuggling or people smuggling) and human trafficking:

1. Although human smuggling can be dangerous and carried out under very difficult circumstances, it differs from human trafficking in that the persons being smuggled have consented to be smuggled. Whether or not a person has consented to human trafficking, however, is of no judicial consequence.
2. Human trafficking includes the purpose of exploitation; the act of smuggling is finished once the person being smuggled reaches the destination.
3. Human smuggling is always a transnational phenomenon; human trafficking can be transnational or non-transnational.¹²⁹

The Swedish penal provisions relating to human smuggling and the organisation of human smuggling are included in the Aliens Act.¹³⁰

The Child Sex Trade

The "child sex trade" refers to the phenomenon whereby a person who is a resident of Sweden travels to another country in order to have sexual activity, in return for payment of some kind, with a child who is a resident of that country. In other words, the child sex trade often involves the exploiter travelling to the person being exploited. The transport dimension is thus often the opposite of that found in human trafficking.¹³¹

Procuring

The Procuring Provision in the Swedish Penal Code¹³² states that any person who encourages or induces another person to have a temporary sexual relationship for remuneration or in any improper way exploits it for their own economic gain shall be prosecuted for procuring. The law aims at two different situations: the first is promotion and the second is exploitation. In order for promotion to take place it is necessary that the person actively contributes to someone commencing or continuing with prostitution. This may involve keeping watch, supplying addresses, making an apartment available, or arranging transportation. Exerting psychological influence over a person can also be seen as encouragement. The procurer's actions do not have to have led to acts of prostitution in a specific case. However, undue economic exploitation does require that the act of prostitution has taken place. It may be the case that a procurer does not actively promote or incite a person's prostitution, but nevertheless exploits the prostitution by taking some of the money it generates.¹³³ Acting as an intermediary once between the buyer and the person involved in prostitution does not qualify as an act of procuring in itself, but it may be prosecuted as an act of complicity in the purchase of sexual service.¹³⁴

Procuring can be defined as grave procuring (compared to normal-level) if it is carried out in a large scale operation, has led to large-scale profits being made, or has involved ruthless exploitation of the person/s involved in prostitution. Procuring that has been carried out in an organised structure is included in the concept of "large-scale operation". One example of when procuring is judged to be grave procuring is when it is carried out in ways that are "similar to human trafficking".¹³⁵ When a case of procuring is judged to be similar to human trafficking it is still a case of procuring, not human trafficking. The crime of procuring can be punished with a prison sentence of up to four years; in cases of grave procuring, the penalty is imprisonment for a minimum of two and a maximum of eight years. For human trafficking, the penalty is imprisonment for a minimum of two and a maximum of ten years. If the human trafficking offence is judged to be less severe, the maximum penalty is imprisonment for four years.

Did you know

That the National Bureau of Investigation has received information that it is not unusual for Swedish men to travel to Thailand in order to sexually exploit Thai women and children involved in prostitution? In addition, these men sometimes offer the Thai women the possibility to travel to Sweden through marriage or on a visitor's visa with the aim of selling them for sexual services at a higher price in Sweden.

In 2009, the Swedish police registered nine reports of involvement in the child sex trade.

Source: Lägesrapport 10, p 9; Lägesrapport 11, p 17.

A Real-Life Case

Names have been changed. The case also involved other defendants and complainants.

Linda had severe financial problems. She wanted to escape and came into contact with Karin. Karin ran a prostitution operation involving several women. Linda paid for her travel herself, but Karin met her and took her to the place where she was supposed to work. Linda had to pay Karin SEK 1500 per day. Karin fixed the price and was in charge of bookings. Linda was allowed to decline buyers, but had to work in order to pay her rent. Linda worked every day of the month except for one or two days. She drank a lot and was subjected to constant humiliation and degradation. When investigating this case, the police identified 510 local buyers over a five-week period, and they found out that one woman had been exploited by 17 buyers on a single day.

Was this case sentenced as a case of human trafficking? No – the information that came to light suggested that the women had been living in difficult circumstances and that this was why they had accepted Karin's offer, but Karin had not subjected them to any illegal threats, deception or other forms of improper pressure. The District Court found that Karin had pressured the women into receiving a large number of buyers, and that the women had done so in order to pay the rent and have some money left over for themselves. The court also found that the pressure Karin put on the women to speed up the sexual services, and her urging that they reduce the time spent on personal hygiene, were elements of her exploitation of them, but that the women did have the option of discontinuing. Moreover, they were not so young or so much under Karin's influence that they were unable to leave her operation. Karin was sentenced for grave procuring.

Source: Huddinge District Court, Ruling No. B1666-05, dated 23 December 2005, the Svea Court of Appeal, Ruling No. B9992-05, dated 13 March 2006. The Court of Appeal did not change the ruling of the District Court for the afore-mentioned. See also Lägesrapport 8, p 19.

Purchase of Sexual Service

In Swedish law, the purchase of sexual service has been illegal since 1999.¹³⁶ Any person who pays for a temporary sexual relationship can be sentenced to a fine or to prison for a maximum of one year.¹³⁷ The term "temporary sexual relationship" refers to an act of sexual intercourse or other sexual act. The payment made may be monetary, or may take some other form, such as drugs or alcohol.¹³⁸ If the person selling the sexual service is under the age of 18, a different penal clause may be applied, "purchase of sexual service from children".¹³⁹ An attempt to purchase sexual service is also a criminally liable act.¹⁴⁰

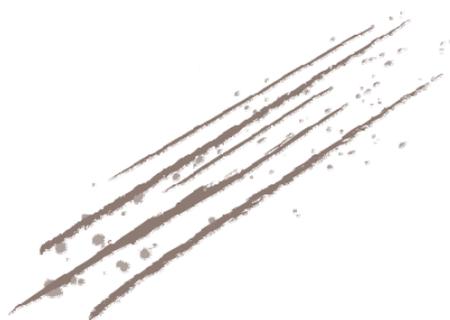
The Swedish legislator chose to outlaw only the purchase, and not the selling, of sexual services, as it was not considered reasonable to also punish the person involved in prostitution. The legislators felt that it was unreasonable to punish persons involved in prostitution as it is important that people involved in prostitution do not feel that they are at risk of prosecution, in order to motivate them to seek help to get out of prostitution.¹⁴¹ It was seen to be undignified and unacceptable in an equal society that men pay women to provide temporary sexual services. That being said, the law is gender-neutral: the law applies equally irrespective of whether the buyer and the person involved in prostitution are male or female. Furthermore, the view was that criminalisation of the purchase of sexual service ought to make it less attractive for groups or individuals in other countries to seek to establish large-scale prostitution operations in Sweden.¹⁴² The link between prostitution and human trafficking is also confirmed in the government's Action plan against prostitution and human trafficking.¹⁴³

The different countries of Europe have different judicial stances towards prostitution.¹⁴⁴ In some countries, such as the Netherlands and Germany, street and indoor prostitution are regulated by the state, and are not against the law, as long as certain rules are observed. In both these countries, prostitution is seen as a job. In other European countries, such as Malta and Lithuania, both the sale of sexual services and brothels are illegal.

Did you know

That a man was sentenced for attempt to purchase sexual service from an undercover police officer working in Stockholm's most notorious red-light district Malmskillnadsgatan as part of a special anti-prostitution drive?

Source: Stockholm City Court, Ruling No. B 14654-09, dated 19 October 2009.



A Real-Life Case

Names have been changed. The case also involved other defendants and complainants.

Lisa and Sandra lived together in Estonia. Lisa was under the age of 18, while Sandra was over 18. Lisa and Sandra borrowed money from Oskar to pay their rent. Oskar suggested that they could prostitute themselves in Sweden as a way of raising the money to pay him back. At first they both said no, but Oskar then threatened that at least one of them had to go to Sweden and earn money or they would be thrown out of the flat. Lisa says that she did not feel forced into going to Sweden, but that she felt that she had no choice. Lisa travelled to Sweden before Sandra; Sandra followed a few weeks later, since she was frightened of going. Nils met Lisa in Stockholm and drove her to a flat; Nils gave her the key to the flat and a SIM card. The telephone number for the SIM card was posted on the Internet and buyers phoned Lisa; she then gave them the address and sold them sexual services. She was allowed to keep half of the money she earned but was required to pay Nils SEK 300 per day to cover the cost of an Internet advertisement. Nils came to collect the money every day. Lisa had between four and six buyers per day. She was allowed to turn down buyers and decided for herself when she wanted to return home. However, she was afraid of Oskar and chose to pay back her debt to him via a bank transfer after she had returned to Estonia. The circumstances surrounding Sandra's stay in Sweden were very similar to Lisa's, but Sandra had to pay SEK 500 per day for the Internet advertisement.

Was this case sentenced as a case of human trafficking? Yes and no – the City Court found that Lisa's and Sandra's accounts were coherent, detailed and in agreement with each other and found also that rather than exaggerating what they had been through, they understated their experiences. In Lisa's case, the court found that she had been subjected to human trafficking; in Sandra's case, the trial only concerned procuring. The prosecution for procuring involved other women as well as Sandra – 19 in total – and the operation was found to have been run as an organised business and had generated a lot of money. The defendants were sentenced for grave procuring. Unlike Lisa, Sandra was over the age of 18, and according to the Human Trafficking Provision, improper means must be shown to have been used in such a case if it is to be considered as human trafficking. Where children are involved, improper means do not have to have been used for a case to be considered as human trafficking. In terms of procuring crimes there are no requirements for the use of improper means.

Source: Stockholm City Court, Ruling No. B2698-04, dated 28 February 2005, Svea Court of Appeal, Rulings Nos. B2204-05, B 2343-05 and B 3334-05, dated 9 June 2005. The Court of Appeal did not change the ruling of the District Court for the afore-mentioned.

A Real-Life Case

Names have been changed. The case also involved other defendants.

In six premises used for massage businesses in Stockholm and Gävle, all hired out by Stefan, also sexual services were sold. Stefan was aware of this fact. One of the women explained that at first, she only provided massage, and when customers asked for "something extra" she sent them out. After a while she had no customers left. She needed money. She was sending money back home to her mother in Thailand, who was unwell. She started providing customers with the services they were asking for.

Was this case sentenced as a case of human trafficking? No – Stefan was sentenced for normal-level procuring. Stefan was also sentenced for child rape, since he had repeatedly raped his wife's cousin.

Source: Stockholm City Court, Ruling No. B 3692-09, dated 31 July 2009, Svea Court of Appeal, Ruling No. B 6767-09, dated 29 October 2009. The Court of Appeal did not change the ruling of the District Court for the aforementioned.

Did you know

That between 1999 and 2008, 648 people were tried for the purchase of sexual service in Sweden? 40 per cent of these trials were cases involving one or more instances of purchase of sexual service connected to cases of procuring or human trafficking.

Since autumn 2009, the police in Stockholm have been channelling increased resources into measures to combat the purchase of sexual service on the street; this has resulted in a significant increase in the number of sex buyers brought to trial.

Source: Swedish Government Official Reports Ref. SOU 2010:49, pp 202 and 208; Interview with Simon Häggström, constable on the Prostitution Team at the Greater Stockholm Police Force.

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- ⁵ Legislative Guide, Items 32 and 33.
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- ¹³ Official Government Reports SOU 2008:41, p 105.
- ¹⁴ Government Bill 2001/02:124 - Criminal Liability for Human Trafficking, p 23.
- ¹⁵ The Organisation of Human Trafficking, A Study of Criminal Involvement in Sexual Exploitation in Sweden, Finland and Estonia, Report 2008:21, the Swedish National Council for Crime Prevention, 2008, pp 15–16; Global Report on Trafficking in Persons, UN.GIFT, UNODC, February 2009, pp 67–68.
- ¹⁶ In ratifying a convention/protocol, a country declares itself to be definitively bound by the terms of that convention/protocol. It is the government which concludes agreements with other states, or with an international organisation. However, the government may not sign a binding international agreement without the prior approval of the parliament ("Riksdagen"), if the agreement entails any amendment to or nullification of any law, if it requires the framing of new legislation, or if it in any other way contains matters with regard to which parliament is the competent decision-making forum. Approval of parliament is also required for any other international agreement of greater significance. See the Constitution of the State of Sweden (Regeringsformen 1974:152), Chapter 10, Sections 1 and 2.
- ¹⁷ See Government Bill 2001/02:124 - Criminal Liability for Human Trafficking, and Amendment to the Penal Code (2005:90). See also Government Bill 2003/04:111 - Extended Criminal Liability for

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¹⁸ Data and research on human trafficking: A global survey, "Describing the Unobserved: Methodological Challenges in Empirical Studies on Human Trafficking", Tyldum G. and Brunovskis A., International Organization for Migration (IOM), 2005, p 18.

¹⁹ A "Human trafficking provision" is an act of legislation which criminalises human trafficking as a separate offence. Global Report on Trafficking in Persons, p 22.

²⁰ Mellan mäns händer – Kvinnors rättssubjektivitet, internationell rätt och diskurser om prostitution och trafficking, Jenny Westerstrand, 2008, p 188. For a compilation of different estimates, see <http://unesco.org/culture/our-projects/cultural-diversity/trafficking-and-hivaidproject/projects/trafficking-statistics-project/data-comparison-sheet/>.

²¹ Lägesrapport 11, p 9.

²² This figure is based on data from 52 countries where there are disaggregated figures for different forms of human trafficking.

²³ Global Report on trafficking in persons, pp 11 and 57.

²⁴ Trafficking in Persons Report, Department of State, USA, June 2010, p 8.

²⁵ Lägesrapport 6: Människohandel för sexuella ändamål, Report 2004:2, National Bureau of Investigation, 1 Jan -31 Dec 2003, p 27; Lägesrapport 9: Människohandel för sexuella och andra ändamål, Report 2007:6, National Bureau of Investigation, 1 Jan - 31 Dec 2006, p 4; Lägesrapport 10: Människohandel för sexuella ändamål 2007-2008, Report 2009:1, National Bureau of Investigation, Police Department, October 2009, p 5; and Lägesrapport 11, pp 10 and 32.

²⁶ Lägesrapport 9, p 9-10, Lägesrapport 10, p 11 and Lägesrapport 11, p 13.

²⁷ Official Government Reports SOU 2008:41, p 41.

²⁸ Lägesrapport 10, p 10 and Lägesrapport 11, p 10. The observations in this paragraph can also be applied to procuring.

²⁹ The information taken from this study may, then, apply to Sweden alone or to all three countries.

³⁰ The Organisation of Human Trafficking, pp 7-8, 32, 46 and 53-55. See further Sexuell människohandel, En fråga om tillgång och efterfrågan, Report 2008:24, National Council for Crime Prevention, 2008, p 55. This report analyses 30 cases (preliminary hearings and court rulings) of human trafficking and grave procuring. A first analysis was carried out of all the court rulings from cases involving human trafficking and grave procuring between 2002 and 2006. For the next stage, a selection of rulings was made and an analysis carried out of the preliminary investigation of the cases – the cases selected were all those rulings in which a) human trafficking was the court verdict, the reason for prosecution or the reason for arrest or b) procuring cases in which some form of transportation and sexual exploitation of the victim had occurred. The information in this paragraph may also be relevant to procuring.

³¹ The Organisation of Human Trafficking, p 43-44.

³² SOU 2008:41, p 73. The information relates to rulings pronounced in cases related to human trafficking from the date when the crime of human trafficking was given a separate definition – July 2002 to Mars 2008.

³³ Lägesrapport 11, p 10.

³⁴ The Organisation of Human Trafficking, pp 8 and 73.

³⁵ The Organisation of Human Trafficking, pp 67–69 and 73; Lägesrapport 10, p 11 and Lägesrapport 11, p 13. The information in this paragraph may also be relevant to procuring.

³⁶ The Organisation of Human Trafficking, pp 10-11, 50 and 104. The information in this paragraph may also be relevant to procuring.

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- ³⁸ Sexuell människohandel, En fråga om tillgång och efterfrågan, p 77; Interview, 2010, with Patrik Cederlöf, National Coordinator against Prostitution and Human Trafficking.
- ³⁹ Interview, 2009, with Patrik Cederlöf, National Coordinator against Prostitution and Human Trafficking.
- ⁴⁰ Sexuell människohandel, En fråga om tillgång och efterfrågan, p 78.
- ⁴¹ Lägesrapport 10, p 11; Lägesrapport 11, p 13; Anti-human trafficking manual for criminal justice practitioners, Module 4: Control methods in trafficking in persons, UN, New York, 2009, p 6; The Organisation of Human Trafficking, pp 11, 45 and 108; Sexuell människohandel, En fråga om tillgång och efterfrågan, p 77. The information in this paragraph may also be relevant to procuring. Interview, 2010, with Patrik Cederlöf, National Coordinator against Prostitution and Human Trafficking.
- ⁴² The Organisation of Human Trafficking, p 152; Sexuell människohandel, En fråga om tillgång och efterfrågan, p 78. The information in this paragraph may also be relevant to procuring.
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- ⁴⁴ Lägesrapport 11, p 11.
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- ⁴⁸ The Organisation of Human Trafficking, pp 77 and 79; Interview, 2010, with Patrik Cederlöf, National Coordinator against Prostitution and Human Trafficking ; Lägesrapport 11, p 13. The information in this paragraph may also be relevant to procuring.
- ⁴⁹ Lägesrapport 9, p 5; interview, 2010, with Patrik Cederlöf, National Coordinator against Prostitution and Human Trafficking. See also SOU 2010:49 - An Evaluation of the prohibition of the purchase of sexual services 1999–2008, pp 109 and 195. The information in this paragraph may also be relevant to procuring.
- ⁵⁰ The Organisation of Human Trafficking, pp 79 and 86–87. The information in this paragraph may also be relevant to procuring.
- ⁵¹ The Organisation of Human Trafficking, pp 94–95. The information in this paragraph may also be relevant to procuring; SOU 2010:49, p 109. The information in this paragraph may also be relevant to procuring.
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- ⁵³ The Organisation of Human Trafficking, p 91; Lägesrapport 10, p 11 and Lägesrapport 11, pp 12–13; interview, 2010, with Patrik Cederlöf, National Coordinator against Prostitution and Human Trafficking. The information in this paragraph may also be relevant to procuring.
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- ⁵⁵ The Organisation of Human Trafficking, pp 96–97 and 106. The information in this paragraph may also be relevant to procuring.
- ⁵⁶ The Organisation of Human Trafficking, p 47.
- ⁵⁷ SOU 2010:49, p 122; Lägesrapport 11, p 10. The information in this paragraph may also be relevant to procuring.

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- ⁵⁸ Lägesrapport 11, p 10. The information in this paragraph may also be relevant to procuring.
- ⁵⁹ Lägesrapport 9, pp 7–8; Lägesrapport 10, p 10; Lägesrapport 11, p 10. The information in this paragraph may also be relevant to procuring.
- ⁶⁰ Global Report on Trafficking in persons, p 57.
- ⁶¹ Lägesrapport 10, p 12; Lägesrapport 11, p 13. The information in this paragraph may also be relevant to procuring.
- ⁶² Organiserad brottslighet - ett hinder för långsiktigt hållbar tillväxt i Östersjöregionen, Report 2007:4, Stockholm County Administrative Board, 2007, pp 12 and 27; Lägesrapport 9, pp 7 and 16.
- ⁶³ Organiserad brottslighet - ett hinder för långsiktigt hållbar tillväxt i Östersjöregionen, p 27.
- ⁶⁴ Trafficking in women, working paper, European Parliament, Directorate-General for Research, 3-2000, 2000, p 1.
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- ⁶⁶ An Introduction to Human Trafficking: Vulnerability, Impact and Action, UN.GIFT, UNODC, 2008, pp 9 and 82–88; Fattigdom och människohandel – En strategi för bekämpning av människohandel genom Sveriges internationella utvecklingssamarbete, Global Development Unit at the Swedish Ministry for Foreign Affairs, 2003, p 10. See also Material developed by the "Women's Forum Foundation" (Stiftelsen Kvinnoforum) for the "EQUAL" initiative, "Gender force", 2007.
- ⁶⁷ Material developed by the "Women's Forum Foundation" (Stiftelsen Kvinnoforum) for the "EQUAL" initiative, "Gender force", 2007; Interview, 2009, with Kajsa Wahlberg, National Rapporteur on Trafficking, National Bureau of Investigation.
- ⁶⁸ See for example Fattigdom och människohandel, p 17.
- ⁶⁹ As was explained above, there does not need to have been exploitation for an action to be sentenced as human trafficking.
- ⁷⁰ An Introduction to Human Trafficking: Vulnerability, Impact and Action, 2008, p 96; SOU 2008:41, p 41.
- ⁷¹ The Organisation of Human Trafficking, p 116; Fattigdom och människohandel, p 12.
- ⁷² Toolkit to Combat Trafficking in Persons, Global Programme against Trafficking in Human Beings, UNODC, 2008, p 424.
- ⁷³ At least 20% of these countries between 2003 and 2007 used other provisions systematically. See the Global Report on Trafficking in persons, p 22. Even many of the other countries which did not have a specific provision against human trafficking used other provisions.
- ⁷⁴ Toolkit to Combat Trafficking in persons, p 424; The Organisation of Human Trafficking, p 42; An Introduction to Human Trafficking: Vulnerability, Impact and Action, p 96; SOU 2008:41, p 3. Interview, 2011, with Patrik Cederlöf, National Coordinator against Prostitution and Human Trafficking.
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- ⁷⁶ SOU 2008:41, pp 72– 73. The information relates to rulings pronounced in cases of human trafficking from the date when the crime of human trafficking was given a separate definition – July 2002 – to March 2008.
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⁸⁰ 2004 World Survey on the Role of Women in Development – Women and International Migration, A/59/287/Add.1 ST/ESA/294, DAW, UN, 2006, p 57.

⁸¹ Promotion and Protection of all human rights, civil, political, economic, social and cultural rights including the right to development, p 18; Integration of the human rights of women and a gender perspective, Distr. GENERAL E/CN.4/2006/62, 20 February 2006, UN Report of the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, Sigma Huda, pp 10-11.

⁸² Trafficking of women and children for sexual exploitation in the EU, p 7; Trafficking in human beings in the European Union: A Europol perspective, p 4.

⁸³ Organiserad brottslighet – ett hinder för långsiktigt hållbar tillväxt i Östersjöregionen, p 14. The court returned a verdict of both human trafficking and grave procuring.

⁸⁴ The Organisation of Human Trafficking, pp 106, 121-123 and 126. The information in this sentence may also be relevant to procuring.

⁸⁵ Sexuell människohandel, En fråga om tillgång och efterfrågan, pp 50-51.

⁸⁶ The responses used in the study were derived from interviews and questionnaire-based surveys. See Sexuell människohandel, En fråga om tillgång och efterfrågan, pp 15–17.

⁸⁷ Sexuell människohandel, En fråga om tillgång och efterfrågan, pp 14, 41 and 47–48.

⁸⁸ Sexuell människohandel, En fråga om tillgång och efterfrågan, pp 23–24.

⁸⁹ The Organisation of Human Trafficking, p 150. The information in this paragraph may also be relevant to procuring.

⁹⁰ Act Outlawing the Purchase of Sexual Services (1998:408). The act was amended, Amendment to the Penal Code (2005:90), and inscribed in the Swedish Penal Code, Chapter 6, Section 11 (1962:700).

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⁹² The Organisation of Human Trafficking, p 124; Lägesrapport 11, p 10; SOU 2010:49, pp 18–25 and 243. Govt. Bill 2010/11:77 Strict sentence for the purchase of sexual services.

⁹³ Govt. Bill 2003/04:111, p 25.

⁹⁴ Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, General Assembly Resolution 317 (IV), 2 December 1949. The Convention entered into force in 1951.

⁹⁵ The countries that have ratified the Convention. Sweden has not ratified the Convention. See <http://www.unhcr.org/refworld/docid/3ae6b38e23.html>.

⁹⁶ General Assembly Resolution 55/25, of 15 November 2000.

⁹⁷ http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en. Sweden has ratified.

⁹⁸ Legislative Guide, Item 31.

⁹⁹ Article 5; and Legislative Guide, Items 36, 45d and 45e.

¹⁰⁰ Legislative Guide, Item 17e.

¹⁰¹ General Assembly Resolution 44/25, of 20 November 1989.

¹⁰² General Assembly Resolution 54/263, of 25 May 2000 Sweden has ratified. See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-c&chapter=4&lang=en

¹⁰³ General Assembly Resolution 34/180, of 18 December 1979 (Convention on the Elimination of All Forms of Discrimination against Women).

¹⁰⁴ Sweden has ratified. See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_

no=IV-8& chapter=4&lang=en.

¹⁰⁵ Council of Europe Treaty Series – No. 197, Warsaw, 16 May 2005.

¹⁰⁶ See also the Palermo Protocol, Article 2c.

¹⁰⁷ Explanatory Report, Council of Europe Convention on Action against Trafficking in Human Beings, Items 6, 7 and 72, and Chapter VII of the Convention.

¹⁰⁸

<http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=197&CM=1&DF=06/09/2010&CL=ENG>.

¹⁰⁹ See also Explanatory Report, Item 229.

¹¹⁰ The Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201.

¹¹¹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

¹¹² Official Government Reports SOU 2008:41 – Report on Human Trafficking and Child Marriage - Stronger Protection from Human Trafficking in Criminal Law, p 90.

¹¹³ Amendment to the Penal Code (2010:371).

¹¹⁴ See SOU 2008:41, p 64; Government Bill 2009/10:152 - Stronger Protection from Human Trafficking in Criminal Law, pp 1, 6 and 14.

¹¹⁵ Govt. Bill 2009/10:152, pp 16-19.

¹¹⁶ See Chapter 2, Section 2 of the Swedish Penal Code to know what the term "ties" implies.

¹¹⁷ Govt. Bill 2009/10:152, pp 23–24.

¹¹⁸ Govt. Bill 2009/10:152, p 16.

¹¹⁹ Govt. Bill 2003/04:111, pp 52, 55 and 65.

¹²⁰ Govt. Bill 2009/10:152, pp 14-16 and 60.

¹²¹ In the case, "Stockholm City Court, Ruling dated 30 January 2009, Case no. B10768-08; and Svea Court of Appeal, Ruling dated 11 June 2009, Case No. B 1479-09", begging is interpreted as forced labour.

¹²² Govt. Bill 2009/10:152, pp 19 and 60-61 and SOU 2008:41, p 68. According to Directive 2010:54 - Improved Protection from Forced Marriage and Child Marriage, an inquiry is to be carried out in order to provide an overview of the relevant legislation, and assess whether there is a need to introduce a specific penalty clause relating to forced marriage.

¹²³ Govt. Bill 2009/10:152, pp 15 and 20.

¹²⁴ Govt. Bill 2009/10:152, pp 25–26.

¹²⁵ Govt. Bill 2003/04:152, p 61.

¹²⁶ Govt. Bill 2009/10:152, p 17.

¹²⁷ Govt. Bill 2009/10:152, p 21.

¹²⁸ The UN Protocol against the Smuggling of Migrants by Land, Sea and Air is an optional protocol for the UN Convention against Transnational Organized Crime. Approved with the General Assembly's Resolution 55/25 of 15 November 2000, Sweden has ratified. See http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-b&chapter=18&lang=en.

¹²⁹ Trafficking in Persons, information material, UNODC, p 4.

¹³⁰ See the Aliens Act (2005:716), Chapter 20, Sections 8 and 9.

¹³¹ Lägesrapport 10, p 16.

¹³² See Chapter 6, Section 12.

¹³³ Government Bill 2004/05:45 - New Legislation against Sexual Crimes, pp 107–108.

¹³⁴ SOU 2010:49, p 87.

¹³⁵ Govt. Bill 2004/05:45, pp 111–113 and 151. See also SOU 2010:49, p 87.

¹³⁶ Act Outlawing the Purchase of Sexual Services (1998:408). The act was amended, Amendment to the Penal Code (2005:90), and inscribed in the Swedish Penal Code, Chapter 6, Section 11 (1962:700).

¹³⁷ Government Bill 1997/98:55 – Protection of Women's Rights, p 136. The provision applies even if it is another person who has paid, or promised to pay.

¹³⁸ Swedish Penal Code, Chapter 6, Section 9.

¹³⁹ See Swedish Penal Code, Chapter 6, Section 15, and Chapter 23, Section 1.

¹⁴⁰ Govt. Bill 1997/98:55, p 104.

¹⁴¹ Govt. Bill 1997/98:55, pp 22 and 105.

¹⁴² Plan of action for combating prostitution and human trafficking for sexual purposes, p 3.

¹⁴³ This refers above all to prostitution that does not involve any person under the age of eighteen.

¹⁴⁴ Within the EU one can identify four different judicial approaches: Abolitionism, Neo-abolitionism, Prohibitionism and Regulationism. For further information, see the Transcrime report: Study on national legislation on prostitution and trafficking in women and children, IPOL/C/FEMM/ST/2004-05 24.10.2005, 2005, pp 25, 34, 40 and 94. See also Mellan mäns händer – Kvinnors rättssubjektivitet, internationell rätt och diskurser om prostitution och trafficking, p 300.



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