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**A study of the operational  
strategies and  
organisational structures of  
traffickers operating the  
Danish and Swedish market  
for commercial sex**

**Daniel Gustafsson**

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A study of the operational strategies and organisational structures of traffickers operating the Danish and Swedish market for commercial sex

Doctoral Dissertation

By: Daniel Gustafsson

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Department of History, International and Social Studies

Academy for Migration Studies in Denmark



*To my parents – for always giving me their love and support and  
for teaching me the value of education*



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Daniel Gustafsson



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# 1. Introduction

## 1.1 Issues at stake

The emergence of international tourism in the 1970s, and of AIDS in the 1980s, and most importantly, the increasing presence of foreign, in particular Eastern and Central European, women and girls in prostitution in for example Scandinavia during the 1990s and 2000s, have brought back prostitution on the on the political agenda and revitalised the old, and so far not settled, debate between “abolitionists” and “sex workers’ rights” feminist (Outshoorn 2004: 7-9 and Holmström and Skilbrei 2008: 10).

Although countries like Denmark, Sweden, Germany and the Netherlands today all are obligated, under the 2000 UN Convention on Transnational Crime, as well as the more recent EU Framework Agreement on Trafficking in Human Beings, to criminalise and combat trafficking for prostitution, and have supplemented their legal codes accordingly, prostitution itself is still subject to different policies and practices in the countries in question.

Ultimately, EU countries like Germany and the Netherlands, as well as the state of Victoria, Australia, have legalised/regulated the market for commercial sex, believing that it will bring prostitution out in the open and potentially increase the possibilities of government authorities to identify and rescue individuals who fare ill, including female victims of trafficking, and further, offer foreign women the possibility to legally migrate for “sex work”, instead of having to rely on third parties such as traffickers.

In retrospect, these expectations have sadly not been realised. Rather, the said countries have all, after legalising prostitution, seen a significant growth in their sex industries and are increasingly being taken over by criminal organisations and networks, who typically seem to prefer “employing” foreign women (and children) over local Dutch, German and Australian (Malarek 2004: 203, Daley 2001: 4, Altink 1993: 33 and Sullivan and Jeffreys 2001).

Denmark's and Sweden's experiences in recent years are perhaps more contradictory but seem for the most of it to speak in favour of the Swedish criminalised approach to prostitution rather than the Danish de-criminalised, at least from a statistical point of view.

In Denmark, over the years, several estimates of the number of women found in prostitution have been offered. The PRO-Center estimated the number to be between 5450 and 7.800 in 2001 (Servicstyrelsen, Socialministeriet 2009: 1).

Another estimate spoke of at a minimum 3750 women in 2004 (Hansen 2005: 3).

The VFC Social Udsatte estimated the number to be at a minimum 4732 in 2006 (Rasmussen 2007: 12).

Finally, and a more recent estimate claimed there to be at a minimum 5521 women in prostitution between June 2008 and June 2009 (Servicstyrelsen, Socialministeriet 2009: 9).

In Sweden an investigation conducted by the Department of Health estimated that there were 2500 women in prostitution in 1999 (Ministry of Justice and of the police 2004: 9)

Likewise, in 1995 a governmental commission had presented a similar estimate of 2500 (Gould: 2001: 439).

Finally, in a report from the Nordic Gender Institute, a recent estimate states that there are 300 women selling sex in the streets plus an additional 300 women selling sex via the Internet (Nordic Gender Institute 2009: 17).

As can be seen, the estimates on the total number of women in prostitution in Denmark and Sweden vary over time and between different sources, depending on, among other things, the method and definition used. Still, it seems safe to conclude that the Danish sex market hosts a significantly higher number of women in prostitution than the Swedish sex market.

In this respect, it should however be pointed out that reliable data on the number of local women in prostitution in Denmark and Sweden, as well as foreign women, trafficking victims included, who annually cross the borders into each respective western destination country for obvious methodological reasons is scarce (Kelly 2005: 239, Masud 2004: 142, Laczko and Gramenga 2003: 184 and Piper 2004: 219, Baumbach 2008: 24 and Moustgaard and Brun 2001: 31).

Consequently, no one knows exactly how many women and girls are trafficked into Denmark each year for the purpose of commercial sexual exploitation. An often mentioned approximate number is 2000 to 2500 foreign women in prostitution in Denmark, but how large proportion of these individuals is controlled and exploited by third parties to such an extent that they legally can be classified as victims of trafficking is impossible to say (Baumbach 2008: 24 and Moustgaard and Brun 2001: 31).

At the same time, there seems to be a common understanding that the number of foreign women in prostitution in Denmark has increased significantly in recent years, and Danish authorities today count ten times more foreign women in prostitution in Denmark than ten years ago. Likewise, spot tests of the share of adverts offering foreign women in prostitution in Denmark published in the daily paper Ekstra Bladet indicate an increase from 4 % in 1989 to 45 % in 2001 (Moustgaard and Brun 2001:219, Rasmussen 2007: 14, Center for Ligestillingsforskning 2004: 7, Rasmussen 2007: 38, vfc socialt udsatte 2004: 22 and Socialforvaltningen, Københavns Kommune 2006: 8, 45). In summary, it therefore seems reasonable to assume that also the number of trafficking victims annually entering the country has risen over the past ten years.

Although the base of knowledge in Sweden compared to Denmark is more profound with regard to several aspects of trafficking in women and children, reliable statistics, just as in the case of Denmark, are and remain scarce.

In the Swedish case, official estimates offered by the national police authority claimed 200-500 victims annually during 2000-2002 and 400-600 during 2003 (RKP KUT Rapport 2001, RKP KUT Rapport 2002, RKP KUT Rapport 2003 and RKP KUT 2004). In the annual reports from 2005, 2006 and 2007 the national police authority no longer present official estimates and simply refer to the insurmountable methodological challenges of the task in question (RKP KUT Rapport 2004, RKP KUT Rapport 2005, RKP KUT Rapport 2006 and RKP KUT Rapport 2007).

While the statistics from Denmark and Sweden may be unreliable and hard to interpret and compare, Denmark is typically presented as a more likely destination country than Sweden in international reports. In the 2006 United Nations Office on Drugs and Crime report entitled, *Trafficking in Persons: Global Patterns*, Denmark is ranked as a “High” and Sweden as a “Medium” country by

the experts surveyed on the matter of the most likely destination countries in the region. In comparison, Germany and the Netherlands are ranked as “Very High” (Moustgaard and Brun 2001:219, Rasmussen 2007: 14, Center for Ligestillingsforskning 2004: 7, Rasmussen 2007: 38, vfc socialt udsatte 2004: 22 and Socialforvaltningen, Københavns Kommune 2006: 8, 45, UNODC 2006: 20 and Holmström and Skilbrei 2008: 19).

Not surprisingly, abolitionist feminists take the German, Dutch, Australian and Danish experiences as ultimate proof that legalisation or de-criminalisation boosts local men’s demand for prostitution and motivates them to buy women for sex in a much wider and more permissible range of socially accepted settings. In other words, when the legal barriers are removed, so too are the social and ethical barriers to trading women as sexual commodities, thereby making the sex market more profitable, for local pimps and foreign traffickers alike (Raymond 2003).

Instead, abolitionists argue, states should follow Sweden’s example, and by any means possible act as to reduce men’s demand for prostitution, not only by criminalising the third parties of the sex industry, but also individual men buying sexual services (Ekberg 2004: 1189).

Others do not necessarily contest the obviously counterproductive result of legalisation of prostitution, but still point to the fact that the exact causality between men’s demand for prostitution, the legal status of prostitution and the actions of traffickers has yet to be determined (IOM Nov 2002: 47).

Unfortunately, things are complicated by a lack of research on men’s demand for prostitution, as well as on the operational strategies and organisational structures of traffickers, and in particular how the latter are influenced by countries’ policies and practices on prostitution. Sorting out this relationship is, as I intend to argue, possibly in line with, and within reach of, recent years’ conceptual advancements within the field of economics of organised crime. Employing such a perspective can provide answers much needed for future policy making in the area of countertrafficking (Raymond 2004: 1156, The Foundation of Women’s Forum 1998: 5, Stoecker and Shelly 2005: 2 and Fiorentini and Peltzman 1995: 1).

## 1.2 Questions to answer

For the Scandinavian public, trafficking usually seems rather simple and straightforward and is typically represented by the image of a young Eastern and Central European woman or girl being kidnapped and forced into prostitution in, for example, Copenhagen or Stockholm. The reality of the trade has proven a bit more complex, and the background of the victims and their experience, as well as of the criminals involved, and their way of operating and organising, have been found to vary significantly over time as well as between countries and regions.

Although the problem of trafficking in woman and children may seem uncomplicated politically and legally, it cuts across several high profile, and most often, diametrical interests, of political, social, legal, cultural and economic kind related to, among other things, gender equality, public health, migration-, crime-, and sexuality control, tourism, foreign and security policy, making it difficult to agree on and launch globally, regionally or even nationally coherent and consistent counterstrategies.

Adaptation of western countries' criminal code to the unpleasant reality and experience of the potentially several hundred thousand victims annually trafficked into the European Union is therefore not a matter of course, but often preceded by heated public and political debate.

For similar reasons, a uniform understanding of how to define the problem, as well as what drives and causes it, has failed to develop, further obstructing and complicating multilateral and bilateral coordination and cooperation.

Today, the UN trafficking protocol of 2000 offers a unitary definition, still, the counter trafficking mission is not as easily carried out as it initially may seem. The highly complex, criminal, multi dimensional, constantly changing and partly underground characteristics and nature of the problem in question, pose a significant obstacle and challenge to any government attempt to penetrate, investigate and in the end, strike down on the human trafficking business, including arresting and successfully prosecuting the criminals responsible, as well as assisting victims in need.

Evidently, some of these aggravating circumstances are beyond the control of single individual governments. Others can be managed simply by the hard and committed work of public prosecutors, police officers and social workers, provided that the country's laws allow it, sufficient resources are invested and that the political conflicts of interest can be properly managed, which at least partly seem to be the case in today's Denmark and Sweden, the countries to be studied and compared in this dissertation.

Commitment alone is not a guarantee for success, though, and efficient government counter trafficking strategies and operations also need to be based on reliable intelligence of the operational strategies and organisational structures of the criminal elements involved, strategies and structures that in turn are influenced by governments' policies and practices with regard to prostitution.

One factor that is currently partly obstructing Denmark's and Sweden's ability to strike down on the business in question and to assist its victims, is thus the profound lack of knowledge about the organisational and operational features of the primarily Eastern and Central European trafficking organisations and networks operating the geographical region in question, or how these organisations and networks respond to the fact that they are subject to profoundly different government policies and practices towards prostitution in each respective destination country. Additional knowledge is thus an urgent matter, and consequently, the primary purpose of this dissertation.

The primary purpose of this dissertation is thus to seek the answer to the following questions:

- How do traffickers operate when supplying women and children for prostitution in Denmark and Sweden?
- How do traffickers organise and handle problems related to management, risk minimisation and profit maximisation?
- In what ways and to what extent are the operational strategies and organisational structures determined by the Danish and Swedish government policy and practice on prostitution?

## 1.3 The contributions of this study

The study approaches the problem of human trafficking primarily from a market oriented perspective and focuses on the business potential of the Danish and Swedish markets for commercial sex, a potential that largely seems to be determined not only by the legal status of prostitution in each country, but also by the nature of the sexual infrastructure, the actions of men buying sexual services, as well as of the police and social services.

The study partly deviates from the traditional feminist approach and is theoretically more in line with the most recent conceptual advancements within the fields of criminology and economics of crime.

The dissertation will hopefully not only generate a richer description of the criminal elements involved in the human trafficking business, all to the benefit of police officers, prosecutors and social workers involved in fighting human traffickers and assisting their victims, but also increase the understanding of how the interpretation and practice of prostitution and human trafficking laws affect criminal entrepreneurs active on the Danish and Swedish sex market. This more than anything, I believe, comprises the main contribution of this study to the general body of knowledge on human trafficking and prostitution.

## 1.4 Research strategy and data sources

The choice of research strategy is a consequence of the purpose of the study as well as of my previous experiences of researching human trafficking and prostitution, and finally, the insights and wisdoms gained when reviewing the relevant literature and available data in the introductory phase of the project.

Step one consisted of a review of relevant literature and several specific areas of research were identified and selected for a deeper review. The result of this review is presented in the next chapter in a methodological, theoretical and empirical section.

Based on the outcome of the literature review, step two was finding a suitable design and method for the study. In short, the lack of reliable quantitative data led me in a qualitative direction, and the primary data gathering technique comprised expert interviews with Danish and Swedish government experts (detective inspectors, public prosecutors and social outreach workers) in Copenhagen, Aarhus, Stockholm and Gothenburg, who in their professions come in direct contact with traffickers as well as their victims.

The interviews are semi structured and theme based, and follow an interview guide created during the literature review. The themes covered are mainly related to the operational strategies and organisational structures of the traffickers operating in Denmark and Sweden, as well as the perceived counter trafficking advantages and disadvantages of the Danish and Swedish policies and practices with regard to prostitution.

As will be explained in more detail later on, expert interviews with police officers are rarely conducted in research on human trafficking and prostitution. However, it is a strategy used with much success in the past by in particular criminologists researching other aspects of organised crime. Further, it is a strategy in direct line and correspondence with my intention of gathering as much primary data as possible first hand rather than relying on the present and previous, in my opinion, too ideological and in many cases biased human trafficking research. Further, given the purpose of the study, it is a direct necessity due to the profound lack of data and knowledge on the operational and organisational features of traffickers operating in Scandinavia.

Other important primary data sources are official legal documents and court verdicts from trafficking cases in Denmark and Sweden resulting in convictions. In the Danish case, other valuable primary sources of data are prostitution reports from the Danish Centre for Gender Equality, the Danish Ministry of Social Affairs, the social services of the municipality of Copenhagen, the Videns and Formidlingscenter for Socialt Udsatte and PRO centret.

In the Swedish case, other valuable primary data sources are the annual human trafficking reports published by the Swedish national police authority between 1999 and 2007, the Swedish government prostitution investigations published by the Swedish Ministry of Social Affairs in 2000 and

2003 and, finally, numerous reports published by the Swedish National Council for Crime Prevention published between 2000 and 2008.

The final step before analysing the data and presenting the conclusions of the study was to create a conceptual framework by combining knowledge of men's demand for prostitution, the structure of sex markets, and economic and criminological theories of organised crime. The strength of this approach is that it not only factors in a country's legal policy on prostitution, but also the actual practice of the law in terms of for example police action, as well as its effect on the structure of the sex market, which, according to present dominant economic and criminological theories of organised crime, also determines its business potential in terms of profits and risks and ultimately also the actions of human traffickers.

## 1.5 Limitations of the study

Trafficking in women and children for the purpose of commercial sexual exploitation is a problem with many dimensions, and as such it cuts across several high profile and, most often, diametrical interests, of political, social, legal, cultural and economic nature related to, among other things, gender equality, public health, migration-, crime-, and sexuality control.

Researchers, depending on their disciplinary belonging, have over the years tended to favour one or more, but never all, of these dimensions. Feminists have focused on the background and experiences of women and girls in prostitution, trafficking victims included, as well as on the role of government policies and practices on prostitution. Migration scholars have focused on studying the so called "push" factors in sending countries that make young marginalised women willing to migrate and therefore vulnerable to recruitment. Finally, a small number of economists and criminologists have tried to penetrate the operational strategies and organisational structures of the criminal elements involved.

This study is carried out in prolongation of the latter approach, and aims at describing and explaining the organisational and operational features of the trafficking networks operating the Danish and

Swedish market for commercial sex. As such, it is subject to several empirical, theoretical and methodological limitations.

First, the study focuses exclusively on Denmark and Sweden, which are obviously not the most likely EU destination countries for victims of trafficking, but nevertheless present an interesting case of comparison given their profoundly different policies and practices on prostitution. Denmark has followed a de-criminalised approach to prostitution; Sweden has followed a prohibitionist approach by criminalising men buying sexual services, but not women selling sex. Most notably, this leaves out the “third” approach to prostitution, namely legalisation, and one could therefore claim that my study would be more complete had I included for example Germany or the Netherlands. However, limiting the study to Denmark and Sweden has served its purpose and was a necessity due to both time and budget constraints.

Furthermore, the introductory literature review proved it difficult to obtain government reports and legal documents written in English from Germany and the Netherlands. Fearing that the data asymmetries would be too profound between Denmark, Sweden and Germany and the Netherlands, I decided to include only the two first countries in the study. And, since they until very recently represented the two “extremes” of the Scandinavian countries in terms of prostitution policy, limiting the study and comparison to these two countries seemed potentially rewarding.

Second, although it can easily be argued that the operational and organisational features of trafficking organisations and networks are influenced by a variety of factors in both sending and destination countries, I focus primarily on the economic impact on the different features that the two approaches to prostitution can be argued to have. Although I factor in the social, political and cultural consequence of the Danish and Swedish policies and practices on prostitution, I still hold the economic consequences of the very same, in terms of risks and profit potential, as superior when it comes to explaining the operational strategies and organisational structures of traffickers.

Also the data and material I am using is subject to limitations. Apart from using existing literature and research, I primarily base the study empirically on government documents and reports, court verdicts and expert interviews with Danish and Swedish police officers, social outreach workers and public prosecutors. Obviously, this leaves out two other potential and arguably important primary

sources of information, namely traffickers and female victims of trafficking, a deliberate choice on my part that will be further motivated and explained later on.

## 1.6 Summary and implications

As the introduction has made clear, trafficking in women and children for commercial sexual exploitation is a phenomenon with several political, social, cultural and economic dimensions. From a social science perspective, trafficking as study object and research field offers multiple possible points of entrance, but it also suffers from several gaps of knowledge. One possible point of entry and gap of knowledge is the impact of different government prostitution policies on the operational and organisational features of the trafficking networks operating the sex markets of the traditional western European destination countries.

Therefor, the primary purpose of this PhD project is to study if and to what extent Denmark's and Sweden's profoundly different policies on prostitution have forced the primarily Eastern and Central European traffickers to develop and utilise different operational strategies and organisational structures for operating the two countries' commercial sex markets.

Theoretically, this dissertation rests on the conceptual advancement of recent years within the fields of criminology and economics of crime, according to which organised crime primarily forms and exists for the purpose of making an economic profit. Its operational strategies and organisational structures are thus mainly determined by the economic conditions, i.e. profit potentials and risks, on the market in question.

To understand the operational and organisational features of traffickers operating across Danish and Swedish borders, it is thus deemed essential to factor in not only the actual Danish and Swedish laws on prostitution, but also their actual consequences in terms of the structure of the sex market, and the actions in relation to the very same, on the part of, for example, the Danish and Swedish police, public prosecutors and clients.

In addition to existing research and literature, this dissertation draws empirically on government and NGO reports and investigations, as well as on expert interviews with Danish and Swedish detective inspectors, public prosecutors and social outreach workers. The dissertation will hopefully offer a

better description of the operational strategies and organisational structures of the traffickers operating on the Danish and Swedish sex markets, as well as increase our understanding of how said features are influenced by each country's government policy and practice on prostitution.

## 2. Literature Review

### 2.1 Methodological review

#### 2.1 1 Introduction

Human trafficking is not a new phenomenon, but the last decade has seen a significant change in the extent and nature of the problem. Although men, women and children are trafficked for the same purposes today as they were yesterday, the origin and destination of the trafficking flows have changed considerably during the past decade. So too have the means used to traffic human beings as well as the operational and organisational features of the criminal organisations and networks involved.

Clearly, the element of constant change poses a significant challenge to governments, national and international agencies and organisations committed to the fight against human trafficking. It also poses a significant challenge to any academic attempt, or otherwise investigative initiative, to penetrate the business of trafficking in human beings for whatever purpose.

In recent years, several researchers have taken a critical stand against the early research conducted on human trafficking. The criticism includes not only the methodologies applied, but also inferences and estimates based on insufficient, unreliable and low quality data. In this respect, especially the use of different definitions is said to make the statistical data reported on the subject incomparable over time as well as between countries, hence, making any research based on such comparisons questionable (Laczko and Gramenga 2003: 184). Also, most research and publications available at present rely mainly on secondary data, and few studies are based on solid, from-the-field, first-hand data gathering (Tyldum and Brunovskis 2005: 17-18, 28 and Kelly 2005: 236).

Clearly, the problem is intensified by researchers' lacking ambition to assess and discuss the reliability of data sources, or to factor in for what purpose the data was collected; something that is of great importance given the political and ideological character of the subject and the different high

profile political and ideological interests at stake (Tyldum and Brunovskis 2005: 18, Brennan 2004: 36, Andrees and van der Linden 2005: 56 and Kelly 2005: 236-237).

The majority of published studies continue to say little, if anything about the methods used to collect and analyse the data they present, restricting this part to a page or a short appendix (see Kelly 2002). In some cases it is evident that the authors have limited research training, illustrated by a number of omissions including a lack of critical assessment of official statistics, a failure to draw on qualitative material in anything other than an illustrative way, and no discussion of the limitations of the method and data. There is also confusion with respect to methodology, methods, tools, and analysis, resulting in a minimal documentation of how research was undertaken. For example, there is never any discussion of how interviews are conducted with women who speak a range of languages, or how translation affects the depth and quality of data (Kelly 2005: 237).

The lack of methodological transparency and the inadequate data collection methods evidently make it difficult for other social scientists to assess the depth and quality of, and draw on, existing research; and a possible consequence is invalid results (Tyldum and Brunovskis 2005:17 and Kelly 2005: 237). Especially the latter aspect may have serious consequences outside academia, making law enforcement agencies, social services, and NGOs, as well as individual victims of human trafficking, subject to counter trafficking laws, policies and practices that are based on descriptions that have little to do with the reality in the human trafficking business (Tyldum and Brunovskis 2005: 17).

These weaknesses can to some extent simply be explained by the fact that in many aspects the research field covering human trafficking, including the specific methodological strategies and techniques deployed by social scientists committed to the subject, is still in its infancy (Salt 2000:32, Heckmann 2003, Laczko and Gramengna 2003: 180). Additionally, researching human trafficking offers several unique methodological challenges, as well as ethical considerations, that do not exist in other research fields. Fortunately, efforts have recently been made to sum up the methodological experiences gained by the research community after nearly fifteen years of studies on human trafficking (see for example: Laczko 2005, Kelly 2005, Andrees and van der Linden 2005 and Tyldum and Brunovskis 2005).

In the following I will present an overview of some of the most prominent methodological issues, challenges and ethical dilemmas facing any contemporary social scientist dedicated to researching aspects of the human trafficking business, and in particular trafficking in women and children for commercial sexual exploitative purposes. Understanding and responding to these challenges is naturally an important component in the design and implementation of new research projects on the subject. In this respect the following overview can therefore serve as a methodological introduction and update for the benefit of researchers who are new to the subject, as well as those with a previous history of, and perhaps an ongoing interest in researching the subject.

### 2.1.2 The partly hidden, underground and criminal nature

One of the main methodological challenges of human trafficking research comprises the partly hidden, underground and criminal nature of the object of study (Laczko 2005:1, Kelly 2005:237, Piper 2004:224 and Tyldum and Brunovskis 2005:18), among other things, the criminal organisations and networks involved in human trafficking, and the activities carried out as a part of the trafficking process, such as recruitment of minors for prostitution, production and falsification of identity and travel documents, illegal border crossings and residency in receiving countries, exploitation of others in prostitution and, in some cases, the act of prostitution in itself.

Clearly these activities take place in an environment and under circumstances that usually are not research friendly, rendering it difficult to establish a direct link between the researcher and the object of study, for example through participatory observations, interviews or surveys. Additionally, human trafficking as such offers a diversity of contexts in the sense that trafficked persons originate from many different countries, have different profiles and characteristics, and are destined for different forms of exploitation.

Consequently, in the specific case of trafficking in women and children for the purpose of prostitution and other forms of sexual exploitation, the victims differ in age and ethnicity, speak different languages and have different social, economic and historical backgrounds. Female victims of traf-

ficking usually also have very different forms of trafficking experiences, including points of entry, transit and exit, as well as length and servitude of the exploitation (Brennan 2004: 38).

Additionally, corruption always breeds in the presence of organised crime, sometimes making it difficult for human trafficking researchers to know whom to trust when conducting fieldwork. There is no obvious way to ensure that possible informants/subjects, such as police and custom officers, border guards and social workers are not on the payroll of the trafficking organisations and networks (Langberg 2005: 133 and IOM Nov 2002:13).

Although there is no evidence so far that a human trafficking researcher has ever been subject to threats or intimidation, any researcher committed to the subject may feel discouraged by the willingness of traffickers to use violence to protect their businesses (IOM Nov 2002: 13). At present most information about human traffickers and their organisations, networks and ways of operating therefore comes from interviews with victims of human trafficking who have managed to escape or who have been rescued by the authorities. However, when interviewing victims of trafficking for academic or legal purposes, researchers and legal investigators have sometimes found it difficult to retrieve information on issues that the victims themselves have not been directly involved in, in particular the operational and organisational features of the criminal organisations and networks involved.

Especially in the case of female trafficking for prostitution, the victims are most often unable to give detailed descriptions of the different stages in the trafficking process, or the internal structure of the trafficking organisation or network, simply because they have not been told, or because they deliberately have been deceived and held in unawareness by their traffickers. Not surprisingly, this is believed to be a well thought out strategy and practice used by traffickers as a way to protect the organisation or the networks, as well as ongoing trafficking operations, in case the victim manages to escape or is rescued by the authorities. Finally, in the very few cases where researchers actually have contacted traffickers directly, the traffickers are typically small scale operators who only have information about their own limited stage of involvement, or possibly the stage just before or after (IOM Nov 2002: 10)

All together, this severely limits the possibility to establish and draw on a representative sample of the entire population of female victims of trafficking and sexual exploitation, as well as their traffickers and exploiters (Laczko 2005:1).

### 2.1.3 Ethical consideration in the contact with victims of trafficking and sexual exploitation

Researching human trafficking offers some rather delicate ethical dilemmas, especially in cases where the research is based on interviews with female victims of trafficking and sexual exploitation. Not surprisingly, many female victims of trafficking are unwilling to tell about their experiences due to the stigmatisation and shame following the kind of sexual exploitation they have usually been subjected to (Langberg 2005: 132). Further, traffickers and local third parties, such as local pimps and sex club owners, are well known to use threats and/or violence against the victims and/or their families to control the victims and keep them from escaping, and in the case of escape, detection and rescue, to keep them from revealing what they know to the authorities (IOM 1995, p. 20 and IOM Nov 2002, p 35-35 and Raymond, Hughes and Gomez 2001, p. 64).

Additionally, as given by the quotes below, rescued victims of human trafficking and sexual exploitation in many cases face a government response, which marginalises them further, rather than facilitate the recovery and rehabilitation, hence making them even further reluctant to speak:

Victims were very reluctant to denounce their recruiters and preferred to remain silent, in many cases because of the existence of institutional disincentives, such as policies that criminalize rather than protect victims, the absence of witness protection programmes, and judicial proceedings that tend to re-victimize the victims of human trafficking (Langberg 2005: 132)

Likewise:

Some routes out of exploitation are also problematic. Most studies that address law enforcement responses reveal that significant proportions of women detected in prostitution are treated as illegal migrants, and are frequently held in prisons and detention centres for weeks and months. This becomes especially daunting for women from countries without diplomatic

missions in destination countries and who have yet to negotiate reciprocal arrangements with other countries. Similarly, some countries of origin often cannot afford, or choose not, to fly their citizens home, preferring to issue bus and train tickets – much more possible across Europe than some other routes – which in turn make people much more vulnerable to re-trafficking (Kelly 2005: 249)

In the case of interviewing victims of trafficking, it therefore goes without saying that it is the researcher's responsibility not to put his or her quest for data and information before the victims' integrity, safety and well-being, or put any kind of pressure on individual victims that can jeopardise their recovery or re-traumatise them (Brennan 2004: 37). Interviewing victims therefore demands great concern and awareness on the researchers' part, making it important to establish a long-term relationship built on trust and respect before asking any sensitive questions (IOM Nov 2002: 11).

In many cases, this seems impossible due to the common practice of apprehension and deportation of victims of trafficking and sexual exploitation shortly after they have been detected and rescued by the authorities in the countries of transition and destination. In the end, it seems to be an equation that can only be solved by the introduction and implementation of more compassionate, tolerant and generous government policies and practices when it comes to meeting and treating victims of trafficking and sexual exploitation.

Finally, the researcher's gender may serve as an additional complicating factor. Understandably, It may sometimes be more difficult for a male than a female researcher to gain access to and approach female victims of trafficking and sexual exploitation.

#### 2.1.4 Data limitations

The past couple of years have seen an almost exponential increase in the number of books, articles and reports published on the subject of human trafficking in academia, by government agencies and NGOs (Laczko 2005: 7). Clearly, most of these publications are dedicated to trafficking in women and children for sexual exploitation, rather than trafficking in men, women and children, for other exploitative purposes (Andrees and van der Linden 2005: 55-56 and Piper 2004: 221).

Despite the growing number of publications on female trafficking and sexual exploitation, the data base on the subject remains poor for most regions, or even extremely poor for some regions, such as the Americas, Africa and the Middle East (Adepoju 2005: 75 and Laczko 2005: 7). Naturally, this can partly be explained by the methodological challenges described above, but the lack of data also coincides with a lack of ambition among some researchers when it comes to collecting their own data (Andrees and van der Linden 2005: 56 and Kelly 2005: 236-237).

Unfortunately, in cases where researchers have had the ambition to collect their own data, they have usually found it extremely difficult to estimate the number of women and children being trafficked into sexual exploitation. In these cases the impossibility to obtain accurate and reliable statistics is usually attributed to two main obstacles: (1) the lack of systematic research and data collecting, and (2) the lack of a functional and generally agreed upon definition (Piper 2004: 219 and Laczko 2005: 11 and Kangaspunta 2003: 85).

As far as the first issue, several factors seem to be determinable (see the quotes below), including a lack of harmonization and centralisation when it comes to collecting data on human trafficking, a lack of financing, and a tendency of government agencies and NGOs to hoard the data:

In Europe there are numerous agencies implementing programs to fight trafficking. However, no single agency acts as a focal point for the collection, collation, or harmonization of statistics on trafficking either at national level or at a regional level, presenting policy makers with a significant degree of uncertainty (Laczko 2002: 4).

Another problem is that at the international level, the sharing of information on trafficking tends to occur on an ad hoc basis, especially between countries of origin and destination. This is true for both governments and international agencies. The reasons for this reticence are varied. Some countries regard data on human trafficking as classified information, and therefore do not share it. Other states have data protection laws prohibiting the dissemination of personal information, while some ministries simply adopt a policy of restricted distribution. Authorities in destination countries may be reluctant to share information with source countries whose authorities and law enforcement agencies are suspected of involvement in trafficking. Some agencies, for their part, are reluctant to release data simply because of concerns about

its quality. NGOs may be reluctant to share data for other reasons, e.g., to protect the confidentiality of the trafficked persons they assist (Laczko 2002: 4).

Even the simple task of counting how many victims have been identified and assisted in a region by the local legal authorities or NGOs can prove difficult, including such methodological challenges as how to avoid double counting individuals (Kelly 2005: 239). Additionally, the crime of trafficking a woman or a child into sexual exploitation typically goes unreported (Masud Ali 2004: 142). One can think of several reasons for this tendency; first, the legitimate fear of adult female victims to be arrested and charged as illegal migrants, or in cases where prostitution is illegal, for the act of selling sex; and second, the shame and stigmatization of women, or parents whose children have been trafficked into sexual exploitation.

Many countries still lack proper legislation to address human trafficking and sexual exploitation. Also, victims of human trafficking and sexual exploitation often do not trust the authorities, neither in the country of origin, nor in the destination country, a distrust that is usually based on previous encounters with the police or corrupt civil servants. Another common problem across countries is that a lack of financing and expertise stands in the way of establishing the infrastructure and mechanisms needed to collect reliable statistical data (Piper 2004: 219).

Finally, in many cases governments, agencies, the media and individual researchers seem incapable of separating the problem of human trafficking from other closely related social phenomena like migration, illegal migration, human smuggling, refuges and asylum. Clearly, as we shall see, this is a conceptual confusion that may prove difficult to solve given the political and ideological interest at stake (Kelly 2005: 239 and Laczko 2005: 11). This brings us to the second issue, namely, the lack of an operational and generally agreed upon definition of human trafficking.

Among NGOs, governments and researchers, there have long been a lack of consensus on how to define human trafficking in general and specifically how to define trafficking in women and children for sexual exploitation. From a strictly academic point of view, the lack of consensus has been said to constitute a major obstacle to the advancement of the research (Raymond 2002: 492). In December 2000, 148 countries attended a United Nations conference in Palermo, Italy. The conference opened the new *United Nations Convention Against Transnational Organised Crime* to states'

signature. Of the participating 148 countries, 121 signed the new UN Convention and over 80 countries signed one of its supplementary protocols, *The Protocol to prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. An additional protocol, *the Protocol Against the Smuggling of Migrants by Land, Sea and Air*, was also opened for states' signature (Raymond 2002, p. 491). Since then over 40 countries have ratified the new UN Convention and its two supplementary protocols on trafficking in persons and smuggling of migrants, and thereby made them an instrument of international law.

In academic circles, the UN convention against organised crime and its two supplementary protocols have raised hope that it would mark the end of a long and sometimes fierce debate over how to define human trafficking, thereby allowing research to move to a new level. However, the UN protocol on human trafficking has been subject to much critique, and although it offers an international legal definition of human trafficking, researchers, governments and NGOs continue to disagree on how trafficking should be defined and studied and therefore continue using their own definitions in accordance with their academic, political or even personal preferences (Laczko 2005: 10).

The disagreement seems to revolve around two main issues: (1) migration and (2) prostitution and agency. In both cases, prominent political and ideological interest are at stake, and researchers, NGOs and governments are divided into different camps (Kelly 2005: 237 and Piper 2004: 209). Further, both issues exhibit several points of interception, making it analytically inappropriate and impossible to keep them fully apart.

With regard to the first issue, the debate revolves around how to properly distinguish human trafficking from human smuggling and consequently decide what actions and elements constitute each phenomenon; a task that has proven more difficult than what might first be believed:

While the UN protocols on trafficking and smuggling attempt to make clear, and to an extent absolute, the distinctions between the two practices, a number of studies are highlighting that this is a fiction (see Kelly, 2002). From the perspective of victims trafficking is a process within which, in most instances, they believe they are making an agreement to be smuggled; the exploitation aspect may only be evident at an end point, where someone demands payment they think they are owed or discovers that promised remittances have not been sent to their family (Kelly, 2005). What we

know about smuggling and trafficking suggests that it would be more accurate to view them as a continuum, shading into and out of one another across a number of dimensions (IOM 2004, Anderson and Davidson 2003, Kelly 2005: 238)

Hence, the processes of trafficking in persons and smuggling of migrants exhibit many similarities and will in many cases evidently overlap (Gijsbert van Liemt 2003, p.17 and Anderson and Davidson 2002, p. 10). In these cases, what starts out as a smuggling process may very well end up in a trafficking process with all the necessary elements of coercion and exploitation. Especially many young women, who have surrendered themselves to the mercy of human smugglers in hope of migrating for what they believe to be a legitimate job, have ended up being trafficked into prostitution (IOM Nov 2002, p. 14).

With regard to the second issue, the debate revolves around the legitimacy of the sex industry, and to what extent men's demand for prostitution automatically leads to trafficking in women and children into sexual exploitation, and further, whether or not a women voluntarily and freely can choose to sell sex, or if all prostitution is to be considered sexual slavery:

With trafficking being strongly linked to the issue of sexual exploitation, this involves a debate which revolves around two fundamentally opposed views regarding the legitimacy of the sex industry, and thus, also around the choice of terminology. In this way, whether to speak of "prostitution" as opposed to "commercial sex work", often reflect the ideological position of the speaker/author. It is, in particular, the issue of "consent" which is highly contested, with some proponents arguing that a women never consents to working in prostitution and that she is driven by socio-economic circumstances seriously limiting her choices (Piper 2004: 206).

The disagreement over how to define human trafficking, and the elements in the trafficking process, has very real and serious implications outside academia. It is not only a matter of assessing the magnitude of the problem in numerical terms for academic purposes, it will also have profound consequences for how governments and legal authorities choose to tackle the problem, and therefore in the end also determine the nature and extent of the treatment and assistance victims of trafficking and sexual exploitation receive (Piper 2004: 209).

Perhaps as a direct consequence of the definition conflict, previous research has tended to rely on too strict and simplified boundaries (usually a binary scale) between human smuggling and human trafficking, forced and non-forced prostitution, and organised crime and non-organised criminals (Kelly 2005, p. 238 and Brennan 2005, p. 45-46). From a strictly academic point of view, this usually results in a focus on the extreme ends of the problem, rather than allow researchers to arrive at a more nuanced understanding of the complex reality that is the human trafficking, human smuggling and global sex industry of today.

In an attempt to solve this problem some researchers suggest an overlapping, nuanced and sliding/non-fixed scale that will allow for a continuum of the human trafficking process/business that may be more likely to capture the realities of the problem (Lee 2005, p. 167 and Brennan 2005, p. 45). However, it remains to be seen to what extent this can successfully be put to practice and what implications it will have for the future research on human trafficking.

### 2.1.5 Comparative implications

Given the lack of agreement on what constitutes human trafficking and what drives it, the available estimates alter considerably over time and between countries, depending on the cited source:

In the absence of reliable data, all that can be produced are estimates or “guesstimates”. And even there, a huge gap between government and NGO estimates is common, mainly because of definitional inconsistencies. Governments usually claim to base their estimates on the definition of trafficking promoted by the UN which is based on the notion of initial intention, but most NGOs measure trafficking based on outcome only. Even among NGOs, however, there is disagreement, typically reflecting their differing positions vis-à-vis prostitution or sex work. To illustrate this, the Australian case offers a good example: The Project Respect NGO estimates that up to 1,000 trafficked foreign women are in the Australian sex industry under contract at any one time, whereas another NGO, Scarlet Alliance, presents a much lower estimate of less than 400 foreign women in any one year. The figure of approximately 300 foreign women in the sex industry seems generally accepted, of whom a much smaller number is said to be in servitude, and thus fitting the UN definition of trafficking (Piper 2004: 219).

Naturally, unreliable statistics recur on the global and regional level as well. In 2003, when the UN Educational, Scientific and Cultural Organization (UNESCO) compared the available worldwide estimates for trafficking they found that, apart from low data quality, the figures differed by factors of between two to five (Kelly 2005: 239). To give an example, in March 2001, the European Commission reported that an estimated 120,000 women and children were trafficked into Western Europe each year (Laczko 2002: 2). However, the International Organisation for Migration had long claimed that as many as 500,000 women and children were being trafficked into Western Europe each year, that is, more than four times higher than the number quoted by the European commission. Apart from proving the problem, statistics with such profound uncertainty and inconsistency can be of little academic value, and it rules out meaningful scientific comparisons over time as well as between countries and regions.

### 2.1.6 Steps taken to improve the access and quality of the data

The picture given above, including the methodological challenges, the lack of systematic data collection and the limited access and quality of the data, can easily seem as insurmountable obstacles and make researchers choose other objects of study. It is therefore important to recognise that several initiatives have been taken in recent years to improve the access and quality of the data, mainly through via more systematic data collecting strategies. One example is UNESCO's Bangkok based "Trafficking Statistic Project", designed to be a practical internet tool providing worldwide data on human trafficking ([www.unescobkk.org](http://www.unescobkk.org)). Apart from assembling and making available trafficking statistics from several different sources, it also aims at presenting the methodology used to obtain the statistics (Laczko 2005: 13).

Further, since 1999 the IOM running the "Counter-Trafficking Module Database" (CTM), which is a database based on information from victims of trafficking that have been assisted through the organisation's counter-trafficking programmes (Laczko 2005: 13). The IOM database includes both qualitative and quantitative information, gathered through a standardised methodology, on the number of victims assisted, their country of origin, age, trafficking route and trafficking method (Kangaspunta 2003: 86). The database was established and is upheld to assist the organisation in its policy and project development, as well as for research, monitoring and evaluation (Laczko 2005: 13).

Likewise, the United Nations Office on Drugs and Crime (UNODC) is, under the Global Programme Against Trafficking in Human Beings (GPAT), running a global database on trafficking trends. The purpose of the database is to collect nationally comparable data:

This database aims to systematically collect and collate open-source information that can be compared between different countries and regions. The sources used were research reports and statistics compiled and published by authorities, intergovernmental organisations, NGOs, academic institutions, and the media (Laczko 2005:13).

On the regional level, in the case of the Balkans, the Stability Pact Task Force on Trafficking in Human Beings has been running the “Regional Clearing Point” (RCP) since 2002, with the purpose of establishing a regional database on human trafficking. The annual reports based on this database provide verified figures on the number of trafficking victims known to the authorities in South-Eastern Europe, all together seven countries and two areas (Kosovo and Montenegro) (Laczko 2005: 13).

## 2.2 The theoretical review

### 2.2.1 Introduction

A review of the literature on human trafficking and prostitution reveals three distinct, but somewhat overlapping theoretical approaches.

1. A globalisation theoretical approach explaining the problem of trafficking for prostitution in terms of economic opportunities brought about by the technological change and declining restrictions on movements of goods, capital and services, following the wave of globalisation.

In short, the new economic opportunities generated by the globalisation movement of recent years present not only legitimate business with new markets, but also grant organised crime access to new illegal markets and hence allow for trafficking of women and children across borders to service an ever increasing global market for commercial sex.

2. A migration theoretical approach typically comprising of push/supply and pull/demand factors explaining contemporary trafficking in women and children from for example the Baltic States into Scandinavia.

In short, supply factors refer to factors in sending countries that make young women willing to migrate, such as poverty, unemployment and gender discrimination. Pull factors refer to factors in receiving countries that create a demand for female migrant labour, such as men's demand for prostitution, thereby creating an economic incentive for female mobility. However, due to the cost of travel, and since the western countries, in for example the "old" European Union, typically employ a restrictive policy towards migration from third countries, young women in for example Russia are not able to finance or arrange their own journey, and this creates an opportunity for criminal organisations and networks to step in as alternative providers of debt-financed migration.

3. A dominant feminist theoretical approach, which is also a highly polarised research field where "abolitionists" and "sex workers' rights" feminists argue over, among other things, the

agency of women in prostitution and the proper government prostitution policy, as well as the role of men's demand for prostitution as the main incentive in the female trafficking business.

Since feminists have been very successful in influencing politics on prostitution since the 1970s, understanding contemporary government policies and practice with regard to prostitution and human trafficking merits a review of the feminist "debate".

### 2.2.2 Female trafficking as an outcome of globalisation

More far reaching publications on trafficking for prostitution typically include what seems to be a compulsory introduction on the role of globalisation. Migration scholars, feminists, criminologists and economists alike find that recent years' expanded trafficking business in factors can partially be explained by globalisation. In the context of globalisation, the growth and diversification of the sex industry is in particular to blame, a development that can largely be explained by the development of a worldwide sex tourist industry, increased accommodation of foreign corporations and military bases, which directly contribute to the demand for prostitution in local regions that were previously spared from large scale commercialisation of the sexuality of local as well as foreign women and girls (Farr 2005: 143 and Beeks and Amir 2006: xiii).

Globalisation has not only created new business opportunities for legitimate enterprises but also granted organised crime access to illegitimate markets in countries that were previously not deemed profitable enough to operate (Schloenhardt 2002: 37 and Passas (ed.) 1999: xiv). Technological development has further allowed organised crime to expand illegal business across national borders, and sometimes reaching an almost global scale in activities through the use of the internet, cell phones and international electronic money transfer systems (Schloenhardt 1999: 8 and Passas (ed) 1999: 33).

Global economic and political changes, such as economic crises and disparities between countries, have not only created a demand for cheap, in this case female labour, but also a matching supply of desperate female migrants, allowing employers to prosper from the circumvention of the restrictions that local labour laws impose, as well as laws aimed at regulating or reducing prostitution (Masika 2002: 10 and Schloenhardt 2003: 45).

At the same time, government restrictions on migration have not been eased to the same extent, hence allowing human smugglers and traffickers to profit from services aimed at matching supply with demand, by developing strategies to overcome restrictions to movement brought about by national and regional migrations policies and practices, such as stricter green card and visa policies, as well as tightened border control (Schloenhardt 1999: 10).

Over the past decade, organised crime has adapted its structure to a new global reality with new global business opportunities allowing it to not only break laws in several countries, but to systematically exploit discrepancies between national laws, policies and practices related to migration and prostitution (Scholenhardt 1999: 209 and Scholenhardt 2001. 341).

Finally, globalisation has allowed organised crime, traffickers included, to operate with a higher degree of sophistication and to develop efficient strategies to reduce the vulnerability of the criminal organisation or network to investigations and prosecutions by national legal authorities. Hence, in a globalised world, where organised crime has become increasingly transnational, and where the trafficking for prostitution can be planned and financed in one country and carried out in another, many law enforcement agencies still suffer under restrictions to their local jurisdictions, and cannot combat trafficking for prostitution across international borders to the extent necessary to inflict serious harm to the responsible networks and organisations (Schloenhardt 2002: 38).

Taking this mutual point of departure, migration scholars, feminists, criminologists and economists continue their analysis by approaching the problem of trafficking for prostitution from slightly different, yet in many ways overlapping perspectives.

## 2.2.3 The migration approach of push and pull

### 2.2.3.1 Introduction

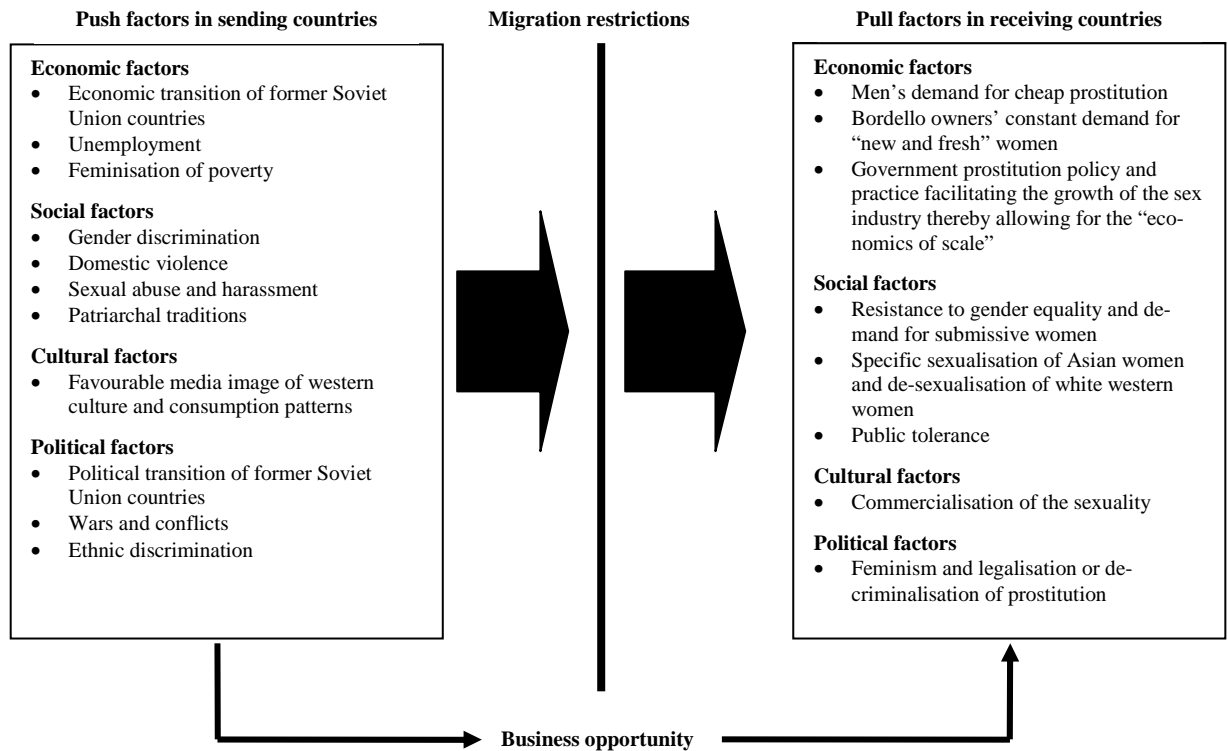
Feminism aside, the second most dominant analytical perspective in the literature on trafficking for prostitution typically employs migration theory to answer why women and girls end up in the hands of traffickers in the first place (Salt 2000: 47). The result of these studies indicates that a wide range of interconnected and mutually reinforcing social, political, cultural and economic factors in both sending and receiving countries are at play in the trafficking process.

These factors are typically put into a migration theoretical model illustrating the “push” and “pull” side of the trafficking business, where “push” factors simply refer to factors in sending countries making young women and girls increasingly willing to risk their lives in the hands of a trafficker in order to leave their home country, town or community, in search for a better life elsewhere. “Pull” factors refer to factors in receiving countries that create a demand for, in this case, young female migrant labour to be exploited in the local commercial sexual establishments of the country in question (Van Liemt 2004: 3-4 and Aronowitz 2001: 170).

However, since the governments in western receiving countries typically have been under increasing domestic political pressure to halt or regulate migration, illegal or not, the actions taken and policies implemented have focused on border control rather than on facilitating legal labour migration, creating a business opportunity for criminal organisations and networks to step in as alternative providers of “debt-financed” migration (Van Liemt 2004: 6, Aronowitz 2001: 171 and Schloenhardt 1999: 10-11).

Finally, the elements of “push”, “pull”, “migration restrictions” and the “business opportunities” they generate for criminal networks and organisations are put into a model, as illustrated below. The model is a first important step towards an increased understanding of the factors that influence the operational strategies and organisational structures of the trafficking organisations operating the Danish and Swedish market for commercial sex.

## The system of “push” and “pull”



### 2.2.3.2 The push side of the problem

#### *Economic factors*

Poverty, unemployment and lack of economic opportunities are and remain the main reasons that young women fall victim to trafficking (Swedish Ministry of Foreign Affairs 2001: 8 and Sipaviciene 2002). At the same time it has become increasingly known that female trafficking victims not exclusively originate from the most impoverished families. In some cases it is thus relevant to talk about poverty in relative rather than absolute terms, and acknowledge that individual women and girls, as well as their families, in fact may be rather well off, but still feel poor compared to their relatives, neighbours or friends, who may have significantly improved their economic and social status, as well as their general wellbeing, as a direct consequence of income generated through migration (Van Liemt 2004: 4).

At the same time, research indicates that the economic conditions for women and children in the traditional sending countries in fact have worsened considerably, among other things due to the economic transition of the former Soviet Union countries. Hence, the Russian transition from a planned and centralized to a market economy has proven particularly hard on women, and has led to reduced job security and declining social welfare systems (Stoecker and Shelly 2005: 1).

Population groups affected by poverty most are women, children, and the elderly. For example Russian women make up an estimated 80 percent of persons who have lost their jobs due to downsizing and economic shifts. According to the Moscow Centre for Gender Studies, 70 percent of the women graduating from higher educational establishments say that they cannot find gainful employment. In Ukraine, women account for more than 60 percent of those who have lost their jobs in recent years (Beeks and Amir 2006: 62-63).

Obviously, Baltic women too have suffered the consequences of the economic transition:

And, from 1985 to 1997, female employment dropped from in the Baltic States-by 33% in Latvia, 31% in Estonia, and 24% in Lithuania (Farr 2005: 11).

In fact, the situation is in many cases even worse than what the statistics indicate due to what is commonly referred to as the “feminisation of poverty”. Levels of female poverty and unemployment alone do not fully explain women’s vulnerability; we have to factor in the subordination of women in political and social life, which obviously further restrains women’s economic opportunities. Many societies favour men and boys over women and girls in times of economic hardship when it comes to societal and family investments in for example education, health and government employment opportunities (World Bank 2001 and Farr 2005: 135).

In sum, the rising level of female unemployment and the dismantlement of social security systems have finally more or less “pushed” young women directly into the hands of international traffickers or local pimps (The foundation of women’s Forum 1998: 11).

### *Social factors*

Poor economic conditions alone do not explain young women's willingness to put their lives in the hands of a trafficker; discriminatory social standards and practices, such as oppressive patriarchal family traditions, have also been found to play a substantial role. Girls and young women most often do not enjoy the same opportunities as boys and young men when it comes to schooling, decision making in the family, personal freedom of movement, sexual integrity and self determination. In many cases, the lack of gender equality takes more openly destructive forms, and domestic violence and sexual abuse within families force many girls and young women to leave their homes and provide for themselves (Swedish Department for Global Development 2003: 17 and Beeks and Amir 2006: 63).

Domestic violence is one of the major reasons why children run away from home. Street children are especially vulnerable to being recruited by traffickers. Young girls from households where domestic violence is a norm grow up seeing women as inferior beings that men can use and abuse as they please (Beeks and Amir 2006: 64).

Research further suggests that employed women face sexual harassment already prior to their departure in the sense that their working environment in the sending country is highly sexualised. When competition for the very few regular and legitimate working opportunities is high, male employers require sexual services from female employees as a precondition for keeping the job, or from female applicants as a part of the selection process. Sexual harassment has for example been found to be so common and accepted in Russia that some job adverts openly state what the employers expect from new female employees in terms of sexual services (Global Survival Network 1997 and Hughes 2002a).

Even when women are employed, they often face job discrimination and sexual harassment at work. In many businesses throughout the CIS region, it is not uncommon for a male boss to demand that his female subordinate engage in sexual relations with him. Newspaper job advertisements targeting women often mention "no hang-ups" (meaning willing to engage in sexual services) as one of the qualifications for the job. Not surprisingly, it is not very diffi-

cult to entice women with such lucrative “job offers” when women are promised to be paid US\$60,000 a year working abroad (Beeks and Amir 2006: 63).

In conclusion, for women and girls already facing sexual exploitation in their homes or at their work place, an offer to work as an exotic dancer, stripper or even in prostitution in a richer and more promising country may understandably be seen as a risk worth taking (The Foundation of Women’s Forum 1998: 11).

### *Cultural factors*

Also cultural factors have been found to play a significant role, and girls’ and young women’s willingness to migrate in order to escape poverty and patriarchal oppression has further been strengthened by media images of western culture and consumption patterns that are increasingly available even in the most remote areas of the traditional sending countries, typically portraying the lives of young western women as rich, liberal and glamorous. Hence, promises of earning money quickly, combined with a lack of faith in the future in their own country, convince many young women to accept an offer from a trafficker, all in the hope of finding a better life elsewhere (Swedish Department for Global Development 2003: 18).

For example, a Ukrainian woman said that she knew she would have to work as a commercial sex worker abroad, but she thought it would be similar to the film *Pretty Woman*, where she would have only one client who would support her. One can argue that this is an extreme level of Naïveté, but considering that these countries were totally isolated from the rest of the world for more than seventy years, these kinds of illusions are not surprising. The idea of the lifestyle in Western countries, and especially the United States, is mainly drawn from movies and soap operas that are broadcast on TV on a daily basis. Women watching TV shows such as *Santa Barbara* and *Dallas* expect to have the kind of life they see in the movies once they get to the West. They do not anticipate being manipulated, deceived, or physically abused, and think that nothing bad could happen to them in wealthy countries (Beeks and Amir 2006: 64).

With the technological development, media and satellite television have spread images of the wealth and liberty in the western world to developing countries, thereby increasing the desire to migrate (Schloenhardt 2001: 337-338 and Schloenhardt 2003: 41).

### *Political factors*

Finally, political factors have been found to play an important role in pushing women and children into the hands of traffickers. In particular repressive government policies and practices in relation to selected groups, as well as military conflicts have created numerous people, young women included, in search of opportunities to migrate (Schloenhardt 2001: 334).

Not surprisingly, the rapid increase in trafficking in women and children for commercial sexual exploitation during the 1990s coincides with the political changes brought about by the fall of the Berlin wall and the collapse of the Soviet Union. The political transformation of the former socialist countries that today comprise the main sending countries has not only resulted in severely damaged social security nets, leading to a massive increase in young women without income or support, but also to more corruption, in turn leading to the growth of organised crime (Swedish Ministry of Foreign Affairs 2001: 10).

Likewise, the Balkan wars and conflicts have left women and girls increasingly marginalised, all in all presenting traffickers operating these regions with numerous potential victims. The situation is further complicated by the traditional political gender inequalities in these regions and manifested through, among other things, sexual exploitation and lack of educational opportunities (The Foundation of Women's Forum 1999).

Trafficking in women and girls represents a prominent ethnical dimension, suggesting that women and girls from discriminated minorities, such as Russian women and girls in the Baltic states and Roma girls in Romania, Hungary and Poland, are proportionally more often targeted by traffickers in the recruitment process.

In conclusion, the general lack of respect for the human rights and well-being of minority women and girls in several of the traditional sending countries exposes these particular individuals to traf-

ficking and sexual exploitation to an extent that would perhaps not occur in the absence of such political shortcomings (Swedish Ministry of Foreign Affairs 2001: 9 and ILO 2000).

### 2.2.3.3 The pull side of the problem

Although the push side of the problem with trafficking in women and children is more thoroughly studied than the pull side, we must acknowledge that trafficking in women and girls is an equally demand driven phenomenon (Kempadoo 2005: 8). Even at the simplest of levels of analysis, trafficking in women and girls must be understood in the context of local men's, Swedish or Danish, demand for commercial sexual services (BRÅ 2008b: 12). In other words, traffickers would not bother preying on poor women and children if they did not know that there would be a demand for the services of the very same in the destination country. Ultimately, it is the demand in destination countries for the services offered by trafficking victims, combined with stricter migration policies and diminishing legal channels to enter the countries in question, that creates the economic foundation in the trafficking industry (Aronowitz 2001: 171).

Research has further identified several different types of business where the demand for victims of trafficking is particularly high, namely; restaurants, factories and farms, domestic services (maids and nannies) and the sex industry (Aronowitz 2001: 171).

Clearly, these are sectors, formal or not, where employers are subject to labour shortages in the sense that locals typically reject the type of jobs offered, hence allowing traffickers to step in as providers of "employees". Not surprisingly they are typically low skilled, low wage sectors of a so called "3-D" kind, in other words, dirty, difficult and dangerous (Van Liemt 2004: 3, 7, 8). Another feature is that they cannot easily be relocated, such as the nanny or maid industry (Van Liemt 2004: 9). Obviously, it is finally also often jobs that are found in the informal or underground economy of the labour market, and therefore allow for the exploitative labour conditions that are a vital part of the trafficking business (Van Liemt 2004: 11).

The demand for foreign women and children in the local sex industries of western countries, as well as the nature of individual men's commercial sexual preferences, and the role of government policies and practices with regard to the very same, have been more thoroughly debated and studied by

feminist and social scientists other than migration scholars, which will be the next research area to be reviewed in detail.

## 2.2.4 Feminism, prostitution and human trafficking

### 2.2.4.1 Introduction

Prostitution is an ancient phenomenon in human history, by some labelled “the world’s oldest profession”. Its organisational structure has however changed considerably over time, and so to have government actions regulating and policing the market for commercial sex. The contemporary legal status of prostitution has in most western European countries often been influenced by the domestic and international feminist debates on trafficking in women and children, gender equality and oppression of women.

Understanding how the specific legal code and social practice on prostitution of, say Denmark and Sweden, came about thus inevitably merits a review of the feminist debate on prostitution and human trafficking, internationally as well as nationally. In the following I will therefore review the academic and political feminist debate on prostitution and relate it to the ongoing debate on trafficking in women and children for commercial sexual purposes. It can initially be pointed out that the feminist perspective will not be deciding for the study at hand; rather the review should be understood as a first logical and equally necessary step towards a better understanding of government policy and practices on prostitution and human trafficking.

### 2.2.4.2 Two schools of thought

To the surprise of many, feminists have a deeply divided and troubled relationship with prostitution. On the one hand, feminists would like to challenge and terminate the discriminatory double standards of most legal policies and practices that typically only serve to target and punish women in prostitution, and not the men buying sexual services. On the other hand, many feminists cannot

support prostitution, simply finding it morally and politically too unacceptable (O'Neill 2001: 18). Consequently, in its most basic form, the conflict seems to revolve around the legal status of prostitution, broadly dividing feminists into two camps, one advocating legalisation or decriminalisation of prostitution, and one calling abolition of all prostitution, preferably by criminalising men's demand for prostitution, and third parties, rather than women selling sexual services. In line with the terminology of the literature consulted, the first camp will be referred to as "sex workers' rights feminists" and the second one as "abolitionists" (Davidson 2002).

#### 2.2.4.3 Free vs. forced prostitution

Historically, abolitionists have dominated the debate, and the traditional feminist response to prostitution has simply been to view it as a form of sexual slavery. Abolitionist Kathleen Barry is perhaps the most published and recognised advocate of this standpoint:

From my research, I found the women may be purchased, kidnapped, drawn in through syndicates or organized crime, fraudulently recruited by agencies which offer jobs, positions with dance companies, or marriage contracts that don't exist. Or they may be procured through seduction by being promised friendship and love (Barry 1979: 4).

Just like her fellow abolitionists, Barry claims that basically all women in prostitution have been subject to some kind of external force or pressure. Further, as indicated by the quote above, Barry sees no reason for differentiating between recruitment of local women for local prostitution and trafficking in women and children across international borders, claiming that the same deceptive strategies and coercive factors are at work in both cases.

Additionally, abolitionists typically highlight another type of coercive factor, simply by pointing out that a large proportion of women in prostitution have been subject to sexual abuse during their childhood. Many abolitionists therefore see no reason to differ between child prostitution and adult prostitution, believing that children in prostitution today in many cases are the adult women in prostitution tomorrow.

Likewise, abolitionists do not find poverty alleviation a legitimate reason for women to enter prostitution. Rather, such a line of argumentation can only serve to legitimise a sex industry that deliberately targets and exploits poor women and children, nationally as well as globally (Cornell 2000: 420). Empirical evidence from the global sex trade seems to support their misgivings. Global trafficking of women for commercial sexual purposes exhibits a close to unambiguous pattern where women from poor regions and countries are primarily trafficked to richer regions and countries. Research based on interviews with local women in prostitution indicates that economic factors in these cases too are the primary reason why women enter prostitution within their own nation's borders (Althink 1995, Williams 1999, Cornell 2000, O'Neill 2001, Shrage 1994; Barry 1979 and McLeod 1982).

In sum, abolitionists find it most questionable to differ between free and forced prostitution, believing that it will only limit the number of women and children in prostitution that are classified as victims, and hence allow the sex industry to continue exploiting a large number of women and children (Cornell 2000: 420).

Sex workers' rights feminists do not question that external factors in many cases force women into prostitution. However, they believe that abolitionists typically give a too simplified and generalised account of most women's ways into prostitution. They call for a more nuanced feminist debate on prostitution, simply by pointing out that not all women in prostitution have been forced, but have entered the sex industry by a free, independent and rational choice. This side of the feminist debate is perhaps best represented by Jill Nagle, whose research is typically based on interviews with "sex workers" who, at the very same time, also are outspoken proponents of the sex workers' rights movement.

The common denominator of these women is that they all claim to have entered the sex industry without external pressure, and have made a free and independent choice about their occupation. Additionally, several of these women typically claim to have entered the sex industry to explore, nurture and develop their own sexuality, something they believe they cannot do under non-commercial circumstances given society's tendency to condemn the sexually affirmative and outspoken woman.

According to erotic dancer Vicky Funari:

You can call this my first job in the sex industry. It could also be seen as not too different from the jobs I have held in the past. I have waitressed and been sexually harassed by bosses and customers. I have modelled for art classes ... I have worked in an office ... I have worked in the film industry, and felt my self a cog in a multi million dollar machine that designs and markets “entertainment” around the sex value of its stars. These all look like sex industries to me. I wondered: What is the difference between jobs within work systems that hypocritically deny the importance of sex to their smooth operation as opposed to those who exploit it as their very reason for operating? ... I certainly had a choice of not doing this particular work, but I never had a choice of not dealing with its existence (Nagle 1997: 20).

In sum, sex workers’ rights feminists see two legitimate reasons for women voluntarily entering prostitution: women who wish to affirm their own sexuality in societies that do not promote female sexual agency, and women who want to improve their income and make an informed and rational economic choice between the different career opportunities available to them (Davidson 2002: 85).

#### 2.2.4.4 The effect of prostitution on the female participants

Most naturally, abolitionists and sex workers’ rights feminists agree that women who have been kidnapped, or by other means forced into the sex industry, suffer substantially from selling sexual services. However, abolitionists and sex worker’s rights feminists continue to disagree on what effect prostitution has on the female participants who claim to have entered the sex industry by their own free will (economic reasons included).

Abolitionists see these women’s perception of voluntary entry as imaginary and as of secondary concern. Regardless of individual women’s rationale for entering the commercial sex market, the sexual services provided in prostitution are believed to so humiliating and abnormal that the effect on the female participants can only be destructive:

The “service” provided in prostitution is not just the traditional sex but the fulfilment of those sexual demands men cannot or choose not to fulfil in other areas of their life, with girl friend

or wife. Their demands are too kinky or perverted and perhaps violent sex. While some clients are looking only for sexual contact, many are seeking an opportunity to experience sexual excitement in the context of humiliation, degradation, beatings, or even torture (Barry 1979: 116).

Naturally, abolitionists express concern that women in prostitution contract HIV and other sexually transmitted diseases. They are supported by several studies indicating that the use of condoms in prostitution varies considerably, and that several clients are prepared to pay extra for intercourse or oral sex without a condom. Consequently, local women entering prostitution out of economic despair, as well as victims of trafficking under the strict control of third parties, are clearly at a greater risk of contracting STDs than women who to a greater extent control their own situation and can afford to be more selective and turn down clients with non-safe sexual requests.

Sex workers' rights feminists claim that the suffering of women in prostitution is a result of society's stigmatisation of the sex industry, female sexuality in general, and the sexually affirmative woman in particular. Further, although the nature and extent of this stigmatisation have varied over time, it has most often led to criminalisation of prostitution through different legal constellations. Not surprisingly, regardless of their origin in time and geography, the common denominator of these legal regimes on prostitution has typically been that they exclusively have targeted, sanctioned and punished women in prostitution and not the male clients. Women in prostitution have always been subject to the double standards of male dominated societies in the sense that the patriarchy has always had the power to exclude and reserve a number of women for easily accessible commercial sexual contacts in a society where the male sexual standard is constituted by promiscuity and the female counterpart by chastity. As a result, there has always been an imbalance between male and female sexuality, resulting in a sex industry where a few women and children have been sacrificed in order to cater the male need for easy and permissive sexual contacts (Jolin 1994: 70).

In other words, at the very same time as sexually affirmative and outspoken women have been condemned, a few "poor female souls" have always had to play the role of the "Whore". However, since the "Whore" has been judged by the same social standards as the chaste and honourable "Madonna", women in prostitution have had to endure contempt and suffering throughout the history of prostitution, herein lies the stigmatisation.

Consequently, sex workers' rights feminists first and foremost blame the suffering of women in prostitution on societies' unwillingness to recognise it as a legitimate occupation, and believe that this lack of societal recognition and respect results in an especially humiliating and destructive behaviour on the part of the clients and third parties (Bell 1998). Sex workers' rights feminists further believe that criminalisation of prostitution forces the business of commercial sex "underground", and hence forces women in prostitution to work in unsafe and dangerous environments. Legalising prostitution will thus de-stigmatise it, bring it out in the open, and provide a sound foundation for preventing the spread of STDs via health checkups and advice on safe sex.

Finally, once again sex workers' rights feminists point to the fact that several women in prostitution do not see themselves as exploited, but see their occupation as an ultimate way to achieve independence and fulfilment both economically and sexually. The common denominator of these women seems to be that they have been able to control their own situation. In other words, to not experience selling sexual services as destructive, it seems essential that women in prostitution gain the right to self determination, and individually and independently can decide which clients to service and not to service, which type of sexual services to provide and not provide, and under what circumstances they are prepared to do so (Nagle 1997). Clearly, the foundation of the sex workers' rights movement rests on the assumption that legalising or decriminalising prostitution increases the likelihood that women in prostitution can exercise such self determination.

#### 2.2.4.5 The effect of prostitution and pornography on society

The final major point of debate concerns the effect of prostitution and pornography on society as a whole, and in particular the gender relations in each country. Sex workers' rights feminists often claim that the sex industry offers the opportunity of liberating and recapturing women's sexuality from the patriarchy. Abolitionists contest this statement simply by pointing out that sexual relations within the sex industry in particular are characterised by male domination where women are turned into objects without any intellectual or emotional attachment. According to abolitionists, the presence of a sex industry, legalised or not, will always have a highly negative impact on the entire society (O'Neill 2001: 23).

In other words, prostitution and pornography alike teach men and boys to treat women and girls as sexual objects, and thereby legitimise the exploitation of women's and girls' bodies for men's sexual gratification. Consequently, the presence of a sex industry not only preys on the women in the sex industry, but also leads to sexual criminal acts against women and girls outside the sex industry in the form of rape, incest and paedophilia (Barry 1979: 175):

The most prevalent theme in pornography is on the utter contempt for women. In movie after movie women are raped, ejaculated on, urinated on, anally penetrated, beaten, and, with the event of snuff films, murdered in an orgy of sexual pleasure (Barry 1979: 175).

In particular, abolitionists have spent time researching the connection between pornography and rape, and have found that men's propensity to rape in fact is not determined by biological factors, but is influenced by cultural and social influences (Cornell 2000: 59). The message brought to the viewer by most soft- and hard-core porn movies is typically that women "like it rough" and do not know what is sexually best for them, and therefore initially need to be forced:

I've seen some soft porn movies, which seem to have the common theme that a great many women would really like to be raped, and after being thus "awakened to sex" will become lascivious nymphomaniacs. That ... they provide a sort of rationale for rape: "they want it, and anyway, it's really doing them a favour" (Cornell 2000: 59).

Although some women claim that they have entered the sex industry out of their own free will, abolitionists believe that the very presence of a sex industry will have profound negative consequences, not only for women and children already in prostitution, but also for those outside the sex industry, and therefore, in the end, poses a major obstacle to women's safety and well-being throughout society.

Sex workers' rights feminists on the other hand claim that the presence of a sex industry need not to lead to the objectification of women, and that it is not necessarily inhumane of men to admire women's bodies instead of their intellect under the proper circumstances. In fact, this also happens outside the sex industry, for example in the world of sports.

Further, it is claimed that pornography and nude dancing do not necessarily lead to sexist treatment of women outside the sex industry, but can establish clear boundaries between fantasy and reality, and thus de-stigmatise and legitimise men's fantasies of women's bodies, so that men need not to sexualise interaction with women in situations where it is not proper or socially acceptable to do so (Nagle 1997: 181-186).

Additionally, many sex workers' rights feminists, typically active "sex workers" themselves, claim that prostitution, pornography and live strip shows fill an important function in society in the sense that these commercial sexual activities "train the men in the art of sex". When provided in safe environments, under conditions the "sex workers" control, prostitution and live sex shows provide an excellent opportunity for men to learn more about women and their sexuality:

Pornography is violence against women. Pornography degrades women. These are the flattering generalizations on which antiporn feminist build their argument. It would be helpful to ask: What pornography? Which women? For example, the antiporn argument ignores this complication of "live" porn. When you smile at each other the guy has an inkling you're human. He may be completely misinterpreting *who* you are but he usually seems to know *that* you are. Who's to say that his visit peepshow won't do him as much good as harm? He'll get demonstrations of a variety of methods of clit stimulation that his wife or girlfriend may not feel empowered to give him. I have made it my personal goal at this job that no man leave my sight without knowing how to find the clitoris and some things to do with it once he's found it. He'll indulge his fantasies without passing on or catching physical illness. Will he be more or less likely to treat women as objects, as the other upon whom he is destined to act? (Nagle 1997: 29-30).

In conclusion, sex workers' rights feminists contest the cries for prohibition and criminalisation of prostitution and pornography. Instead the sex industry should be legalised and at the same time reshaped into something where the women involved can exercise their own agency, all to the benefit of women everywhere.

#### 2.2.4.6 Feminism and the case of female trafficking: Debating the role of demand

Clearly, abolitionists and sex workers' rights feminists alike are deeply concerned about the growing business of trafficking in women and children for commercial sexual exploitation. However, not surprisingly, they differ in their opinion on which legal code on prostitution has the most desirable counter trafficking properties.

Abolitionists first and foremost argue that men's general demand for prostitution is to blame and believe that if men were not prepared to pay for sexual services, there would be no profit to make from trafficking women and children into sexual exploitation. In other words, abolitionists believe that the state should by any means possible reduce men's demand for prostitution, not only by criminalising the third parties in the sex industry, but also individual men buying sexual services. For the very same reason, abolitionists contest decriminalisation and legalisation of prostitution, claiming that such strategies will only boost men's demand for prostitution, and thereby also the demand for trafficked women and children (Ekberg 2004: 1189).

In contrast, sex workers' rights feminists hold a legalised or decriminalised approach to prostitution as superior to the prohibitionist regime, not only for the sake of the well-being of local women in prostitution, but also for counter trafficking reasons. Consequently, legalising or decriminalising the commercial sex market is believed to bring prostitution out in the open, potentially increasing the possibilities of government authorities to identify and rescue individuals who fare badly, including female victims of trafficking.

In accordance with sex workers' rights feminists' tendency to distinguish between "free" and "forced" prostitution, a legalised or decriminalised sex industry would further allow foreign women to legally migrate for "sex work" in another country, instead of having to rely on third parties such as human smugglers and traffickers.

In reality however, tracing and proving the specific relationship between a national legal code on prostitution, the level of men's demand for prostitution and the number of victims of trafficking entering the country in question, is not as straightforward as perhaps initially imagined. Nor does it

suffice to focus exclusively on the specifics of a country's legal framework when trying to explain the actions of human trafficking organisations and networks.

As we shall soon see, an analysis of the incentives in the human trafficking business cannot rest solely on the absolute quantitative level of men's demand for prostitution, but must factor in the qualitative nature of men's demand for prostitution as well as the structure of the sex market initially, and the actual and potential change thereof in the event of criminalisation, legalisation or decriminalisation of prostitution.

## 2.3 The empirical review

### 2.3.1 Origin and destination of the trafficking flow

Historically speaking, human trafficking for the specific purpose of commercial sexual exploitation was initially an Asian phenomenon and the first truly global wave of trafficking victims came from countries like Thailand and the Philippines (Stoecker and Shelly 2005: 14 and Socialstyrelsen 2000:14). In Denmark, as in many other western European countries, Thai women comprise the single largest group of foreign women in prostitution. In the specific case of Denmark, some say that as many as 50 % of the foreign population of women in prostitution are Thai (Moustgaard and Brun 2001: 31, Servicestyrelsen 2007: 14 and Socialforvaltningen, Københavns Kommune 2006: 8, 46, 53).

Spot tests of the share of adverts offering foreign women in prostitution in Denmark published in the daily *Ekstra Bladet* confirm the Thai domination, concluding that 40 % of the adverts specifically offer women from Thailand or other South East Asian countries (vfc socialt udsatte 2004: 22). At the same time it is difficult to estimate how many of the Thai women in prostitution in Denmark are victims of trafficking. Unlike most other foreign women in prostitution in the country, Thai women often have a residence permit or even Danish citizenship, sometimes required through the marriage to a Danish man. In some cases it is first after divorcing their Danish husbands that some Thai women turn to prostitution to provide for themselves; circumstances which evidently do not classify them as victims of trafficking (Servicestyrelsen 2007: 38, 56, 57 and Socialforvaltningen, Københavns Kommune 2006: 46).

In contrast to Denmark, Sweden seems to have been spared from Asian victims of trafficking. In the early national reports published by the Swedish police, specific cases with Asian women are thus entirely absent (RKP KUT Rapport 1999, RKP KUT Rapport 2000 and RKP KUT Rapport 2001). In recent years do however women from Asia increasingly appear in Swedish government reports on human trafficking (Åklagarmyndigheten 2005: 4, RKP KUT Rapport 2005: 29 and RKP KUT Rapport 2004: 36). As in the majority of cases elsewhere, the very few Asian victims that have been

identified in Sweden almost exclusively originate from either Thailand or the Philippines (BRÅ a2008: 7, 37 and BRÅ b2008: 28).

The trend seems robust, and in the national police reports from 2006 and 2007 the authors conclude that the number of Thai women offered in prostitution in Sweden continues to rise (RKP KUT Rapport 2006: 18 and RKP KUT 2007: 6). As in Denmark, it is established that these Thai women often arrive in Sweden under different conditions than many other foreign women in the sense that they typically prior to departure have established a connection to a Swedish man or have been personally invited by a man of Thai origin already living in Sweden, which again makes it more complicated to determine if they are victims of trafficking or not (RKP KUT Rapport 2006: 18 and RKP KUT 2007: 6).

Note, however, that Asian women in prostitution in other Western European countries, trafficking victims included, generally work in indoor prostitution, most often so called massage clinics, which remains a market segment that Swedish authorities have little knowledge of and insight in. It is thus quite possible that a limited number of these specific types of commercial sexual establishments exist also in Sweden and where Asian victims of trafficking are exploited without the authorities' knowledge.

Globally speaking, the movement of Asian women and children was later partly substituted by a second wave of victims originating from South America, in particular the Dominican Republic and Colombia (Stoecker and Shelly 2005: 14 and Socialstyrelsen 2000:14). These specific groups of women are also represented in Denmark, but in contrast to Thai women, they seem to be a minority. Detailed information about these specific groups of women, and their profile, is absent in government reports, which makes it difficult to assess their status as potential victims of trafficking (vfc socialt udsatte 2004: 92 and Moustgaard and Brun 2001: 31 and Servicestyrelsen 2007: 14).

Sweden too has over the years seen South American women in prostitution. An investigation of the number of women in street prostitution in Gothenburg conducted by the local police in 1998 found that out of the in 97 counted foreign women, 30 were Latin American (RKP KUT 1999: 19). The national police report from 2000 tells the story of a police raid against a bordello in Gothenburg

during which two young Brazilian women were found. However, apart from these few cases, specific accounts of Latin American women remain scarce in Swedish government reports.

The third global wave of victims originates from Africa (Stoecker and Shelly 2005: 14 and Socialstyrelsen 2000:14). In Denmark, this wave of trafficking victims seems to be represented by a small, but potentially growing number of recently noticed women from primarily Nigeria and second from Uganda (Servicestyrelsen 2007: 38 and Socialforvaltningen, Københavns Kommune 2006: 45). In contrast to other foreign women, Nigerian women, when found in prostitution in Denmark, often work in street prostitution, which makes them more visible to the public (Servicestyrelsen 2007: 56).

However, in Copenhagen have the authorities also found African women in prostitution in massage clinics (vfc socialt udsatte 2004: 98). It is also known that these women typically enter Denmark on a Schengen visa, most often obtained in Spain or Italy (Socialforvaltningen, Københavns Kommune 2006: 46). Given the information at hand, it is difficult to determine if these women are victims of trafficking or not, but it seems reasonable to assume that at least some of them have neither organised nor paid for their travel on their own, which, at least theoretically, makes them potential victims of trafficking.

Also in Sweden have the authorities recently seen a growing number of African women in prostitution, in particular from Nigeria and Kenya (RKP KUT Rapport 2007: 4, BRÅ a2008: 7 and BRÅ b2008: 28). Given the limited information at hand, it is once again difficult to say anything about their potential status as victims of trafficking. As in the case of Denmark, they often enter the country on a Schengen visa typically obtained in Spain or Italy and are put to work primarily in street prostitution (Göteborgs-Posten 080702).

All in all, we generally know very little about first wave Asian, second wave Latin American and third wave African women in prostitution in Denmark and Sweden. Most victims known to the authorities in Denmark and Sweden share the same destiny as many other so called fourth wave victims of trafficking, i.e., children and young women of Central or Eastern European origin, who, due to the profound social, economical and political changes brought about by the fall of the Berlin

Wall and the collapse of the Soviet Union, have become increasingly marginalised and make easy prey for trafficking recruiters (Stoecker and Shelley 2005: 14, 82 and Socialstyrelsen 2000: 14).

In Denmark as well as in Sweden, it is first and foremost the inflow of these particular women and children that has served to put the problem of trafficking on the domestic political agenda, which among other things has led to the passing of new human trafficking laws as well as the establishment of specific counter trafficking units within the local legal authorities and social services in the major cities of Denmark and Sweden. Most naturally, it is therefore also first and foremost these women and children, their exploiters included, that Danish and Swedish authorities know most about and who appear in the majority of the trafficking cases dealt with so far by Danish and Swedish courts.

In the case of Denmark, these particular women and children started coming in great numbers during the 1990s, and today potentially comprise as large a share of the foreign women in prostitution in the country as Asian women (Baumbach 2008: 24 and Moustgaard and Brun 2001: 31). In contrast to Asian women, the Eastern and Central European women and children come from several different countries, such as Latvia, Lithuania, Estonia, Romania, Bulgaria, Hungary, the Czech Republic and Slovakia (Moustgaard and Brun 2001: 31, vfc socialt udsatte 2004: 97 and Baumbach 2008: 24). Many of the women initially entered the country on a tourist visa. Due to the Schengen cooperation and the recent expansion of the European Union, several of them can today enter and stay in the country much easier, which at least partly explains the sudden increase of especially Baltic and Romanian victims (Servicestyrelsen 2007: 58, Socialforvaltningen, Københavns Kommune 2006: 46 and Baumbach 2008: 25).

Further, the women in question are found in street prostitution, massage clinics, as well as in the escort business. Moreover, the evidence indicates that these women typically are highly mobile and hence have experience with prostitution in several countries in the region (vfc socialt udsatte 2004: 98). The limited evidence further indicates that women from Latvia, Lithuania, Poland, The Czech Republic and Romania sometimes are under the age of 18, in other words children in a legal sense, which means that they are more likely to be exploited by and dependent on criminal elements, and therefore also more likely victims of trafficking (Save the Children, Denmark, 2003: 22).

Also the development on the Swedish sex market has since the collapse of the Soviet Union been significantly marked by the inflow of Central or Eastern European women. More precisely, these women come from countries like Hungary, the Czech Republic, Slovakia, Moldavia, Kosovo, Ukraine and Lithuania and in recent years women from Estonia, Russia, Poland and Romania seem to dominate the sex market (RKP KUT 2002: 13, RKP KUT 2003: 23, RKP KUT 2004: 11, RKP KUT 2005: 5, 29, Åklagarmyndigheten 2005: 4, RKP KUT 2006: 18, ECPAT 2006: 11, BRÅ a2008: 37 and BRÅ b2008: 28).

This development is also directly mirrored by the Swedish crime statistics where until 2008 only two of the thirty cases of human trafficking and sexual exploitation reviewed by Swedish courts, involved female victims of non European origin (BRÅ a2008: 37). It is quite obvious that human traffickers take advantage of abolished restrictions on cross-border travel within Europe. Both the early Swedish abolition of visa requirements for citizens from Estonian, Lithuanian and Latvia in 1997, the Swedish Schengen entrance in 2001 as well as the expansion of the European Union in 2004 and 2007 have facilitated the border crossing into Sweden for human traffickers as well as their victims (RKP KUT 1999: 26, RKP KUT 2002: 12, RKP KUT 2005: 5 and RKP KUT 2007: 17).

As in the case of Denmark, several of these victims, especially those from Estonia, Lithuania, Poland, Moldavia and Slovakia, are under 18 and are hence children in a strictly legal sense (RKP KUT 2005: 30, RKP KUT 2006: 18, ECPAT 2006: 11, EKP KUT 2007: 13 and BRÅ a2008: 37). In several of these cases it seems that the traffickers have targeted the most vulnerable and marginalised individuals when recruiting, not only by seeking out minors, but most often by deliberately approaching individuals who belong to discriminated and marginalised ethnic minorities, for example Russians living in the Baltic countries or Roma women and girls living in Romania, Hungary or Slovakia (BRÅ a2008: 37, RLP KUT 2006: 18, BRÅ b2008: 28 and Åklagar myndigenten 2005: 6).

Once again the evidence indicates that these women and children typically are highly mobile and hence have experiences of being commercially sexually exploited in several of the countries in the region (BRÅ b2008: 29 and RKP KUT 2005: 33).

In sum, the above data indicates that Denmark and Sweden are subject to similar conditions in terms of the nationality and background of the foreign women entering each country for the purpose of prostitution, be they victims of trafficking or not. Apart from Denmark's significantly larger number and greater proportion of Asian women in prostitution, few differences can be found.

Further, it is worth noticing that Denmark and Sweden as destination countries differ somewhat from South and Central European countries in the specific sense that it is only in recent years they have become destination countries for female African victims of trafficking. From a strict Scandinavian perspective, one can say that Central and Eastern European women and children in reality comprise the third wave of victims whereas in Nigerian victims comprise the fourth wave instead of the other way around.



## 3. Design and Method

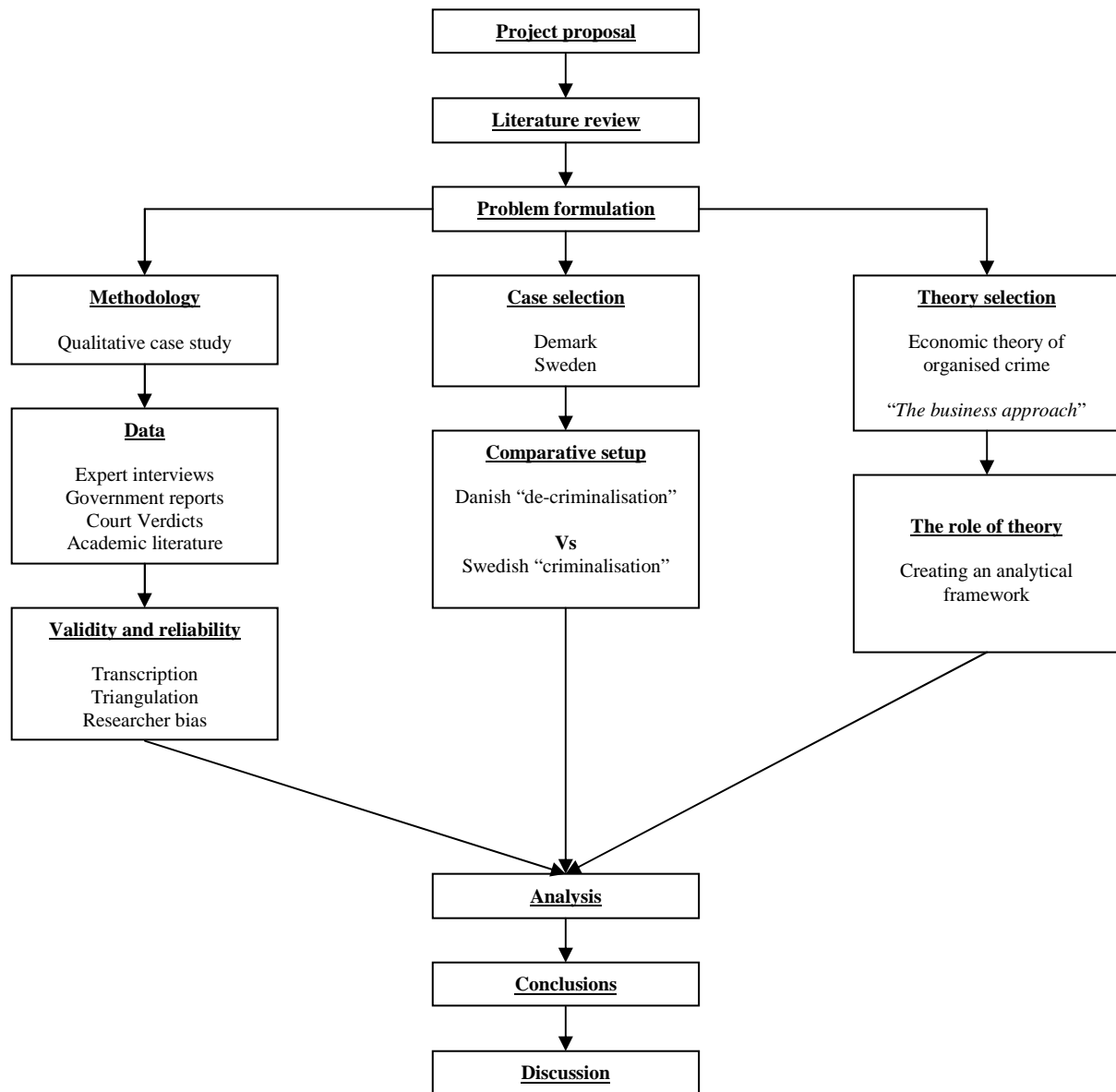
### 3.1 A few words on the design of the project

Every ambitious academic empirical project must rely on a research design carefully chosen to suit the specific purpose of the study (Yin 2003:20). However, many authors of methodology text books seem incapable of holding apart the concept of research design from the concept of method, hence treating research design as a mode of data collection rather than a logical structure of inquiry (de Vaus 2005: 9). In reality, research design is “the logic that links the data to be collected (and the conclusions to be drawn) to the initial question of the study” (Yin 2003:19). Hence, where method simply should be seen and treated as the procedure used to obtain the data needed (interviews, surveys, participatory observations, text analysis etc), research design has a broader meaning and should serve as a plan for the entire project (Hancock and Algozzine 2006: 34). A well thought out research design should thus cover every essential aspect of the study, from the formulation of a research question, the selection of theory/theories and the possible generation of propositions to be tested, to the collection and analysis of the data, and finally, to the conclusions. In other words:

a research design is *a logical plan for getting from her to there*, where *here* may be defined as the initial set of questions to be answered, an *there* is some set of conclusions (answers) about these questions (Yin 2003: 20).

In the end, a valid research design should simply guarantee that the evidence obtained is of such nature and quality that it actually allows the researcher to address the research problem of the study in a scientifically ordered manner. Below follows a graphical illustration of the design of this project.

## A graphical illustration of the design



Obviously, the design of the project will be illustrated in more detail on the following pages describing the methodology of the study, including its case study features, the data sources employed, validity and reliability aspects, the comparative set up, the role of theory and the analytical framework.

## 3.2 Methodology

### 3.2.1 Introduction

A more solid review of the literature on trafficking for prostitution will inevitably reveal four things. First, as described, that the methodology of the field suffers from several weaknesses and has been subject to much critique in later years. Second, that the existing field of research on human trafficking is dominated by feminist scholars whose intentions sometimes are political, and thus potentially biased. Third, that few human trafficking researchers base their studies on the experiences and expertise of government officials, such as detective inspectors, social outreach workers or public prosecutors. Fourth, that the operational and organisational features of the criminal networks and organisations responsible for human trafficking are the least researched aspects of the problem.

With regard to the first aspect, the weaknesses and critique can be summarised accordingly:

1. Estimates made, based on insufficient, unreliable and low quality data.
2. The use of different definitions, which in turn makes the statistical data reported on the subject incomparable over time as well as between countries.
3. Most research and publications rely mainly on secondary data and few studies are based on solid, from-the-field, first-hand data gathering.
4. Researchers' lacking ambition to assess and discuss the reliability of data sources, or to factor in for what purpose the data was collected. These are very important elements, given the political and ideological character of the subject and the high profile political and ideological interests at stake.
5. A lack of methodological transparency and inadequate data collection methods evidently making it difficult for other social scientist to assess the depth and quality of, and draw on, existing research.

With regard to the second aspect, some trafficking researchers are deeply involved in high profile NGO prostitution policy lobby groups, such as the Coalition Against Trafficking in Women, advocating criminalisation of prostitution, in particular men's demand for prostitution, or the Global

Alliance Against Trafficking in Women, advocating criminalisation of prostitution, which hence raises questions about possible biases.

As far as the third aspect goes, “the voices” of government officials are, with few exceptions, entirely absent in the research. Instead, in a few cases where feminist and migration scholars actually go through the trouble of collection their own data, they have typically interviewed whatever few actual trafficking victims they have been able to find, often without discussing the ethical implications of such a methodological approach or if and to what extent these victims are representative of the entire population of trafficking victims found within the geographical region in question.

In terms of the fourth and final aspect, little knowledge exists on the operational and organisational features of the criminal networks and organisations responsible for trafficking women and children for commercial sexual exploitation.

With this in mind I felt convinced that much could be won by seeking an alternative methodological strategy than what seems to be the tradition within the field. Given the general lack of reliable statistics on a number of relevant issues, I decided to follow a qualitative rather than a quantitative approach, which was further motivated by the fact that trafficking can be understood as a process, which thus makes a qualitative research strategy particular suitable.

Second, I decided to collect parts of the data first hand, rather than rely on the possibly biased data presented in many publications that seem to exist primarily to take a stand in the highly polarised debate on criminalisation vs. legalisation of prostitution. Further, such an approach seemed an absolute necessity given the profound lack of data on the operational strategies and organisational structures of the criminal elements involved in trafficking of women and children into Denmark and Sweden.

Inspired by in particular criminological studies of organised crime, I base my study on expert interviews with Danish and Swedish police officers, social outreach workers and public prosecutors. Additionally, I have acquired a copy of every government report published on the subject of prostitution and trafficking in Denmark and Sweden during the past twenty years, as well as a copy of several Danish and Swedish court verdicts. Third, I decided to conduct a thorough comparison of

Denmark and Sweden. Finally, in order to detect possible biases and validate the result, I decided to “triangulate” the various data sources consulted.

### 3.2.2 A Qualitative comparative case study approach

#### 3.2.2.1 Why a qualitative approach?

Several aspects determine the choice of method, such as the purpose of the study and the specific research questions, its goals and intended achievements, the methodological traditions of the research field, practical considerations and, finally, the competence of the researcher and his or her own methodological preferences (Silverman 2007: 7). Qualitative research makes it possible to investigate phenomena on which there is little knowledge and to explore more complex settings where all variables cannot be controlled for (Gillham 2005: 11).

Further, qualitative research implies studying meanings and processes that are not logically or easily experimentally studied in terms of quantities, amounts, intensities or frequencies. Where quantitative researchers statistically measure and analyse causal relationship between variables, qualitative researchers focus on the “socially constructed nature of reality”, and ask how social experience is created and given a meaning (Denzin and Lincoln 2003: 13).

Qualitative studies are particularly suitable when a researcher tries to understand the contexts within which the people under study act. In other words, qualitative researchers try to understand the “process by which events and actions take place”. Traditionally it has been argued that only quantitative methods are suitable for generating causal conclusions. However, as proponents of qualitative research point out, quantitative researchers ask to what extent variance in x causes variance in y, whereas qualitative researchers typically ask how x plays a role in causing y, in other words, try to understand what the “process is that connects x to y” (Maxwell 2005: 22-23).

This captures the process focused nature of qualitative studies. When it comes to causality the emphasis is on understanding the process or mechanism rather than determining and quantifying the regularities in the relationship between two variables (Maxwell 2005: 23). Qualitative studies are

often holistic in nature, and the researcher tries to arrive at a complex picture and understanding of the problem under study, including identifying the many variables involved as well as their interactions (Creswell 2007: 38). These characteristics are highly suitable for researching trafficking in women and children.

Historically, research on trafficking for prostitution has been both quantitative and qualitative, as well as a mix. However, especially quantitative research projects on trafficking have been criticised in recent years for drawing on estimates and inferences based on insufficient, unreliable and low quality data. The lack of reliable statistics on, for example, the number of women and children annually recruited and trafficked into Denmark and Sweden makes it necessary to employ a qualitative methodological approach.

The process oriented nature of qualitative methods logically fits the process oriented nature of trafficking operations. Hence, the primary goal of this study is to understand the process by which traffickers operating the Danish and Swedish market for commercial sex adapt their operational strategies and organisational structures to the realities of each country's prostitution regime.

As mentioned, the operational and organisational features of traffickers, and how said features are connected to the prostitution regimes of different countries, remain one of the least researched aspects of the problem. Obviously, the complex nature of the trafficking business in this case calls for a qualitative rather than a quantitative design.

In qualitative research the researcher is typically the primary instrument of data collection and analysis. Qualitative research thus often includes fieldwork, such as interviews or field observations, or other attempts to personally collect the data, such as examining documents (Merriam 1998: 7 and Creswell 2007: 38). Being able to collect my own data was one of the main criteria I set up when planning the study.

Finally, another feature of qualitative research is that it typically relies on multiple data sources, such as interviews, documents and observations (Creswell 2007: 38). This strategy was also very appealing given my intention to simultaneously draw on expert interviews, government reports as

well as court verdicts. In sum, I believe that a qualitative rather than a quantitative methodological approach in this case is preferable.

### 3.2.3 The case study strategy

#### 3.2.3.1 In defence of case studies

Historically, different research strategies have tended to be arranged hierarchically, according to their perceived potential in different research situations, a hierarchy that usually has not favoured the case study strategy. Accordingly, case studies have either to a large extent been neglected by methodology text books, or at best been described and treated as “soft” options in social science (de Vaus 2005:9).

Consequently, and perhaps not surprisingly, researchers using the case study strategy have often not followed systematic procedures and have allowed equivocal evidence and biased views to determine the outcome of their research (Yin 2003: 10). An additional concern expressed by opponents of case studies is that case studies take too long to conduct and often result in a massive amount of documentation that is impossible to read. Though this may be true for case studies conducted in the past, more efficient and time saving ways of conducting and writing case studies have been developed (Yin 2003: 11).

Further, case studies have traditionally been deemed to have limited potential, and to be only suitable for explorative purposes and not for explanatory and descriptive research projects, which reinforces the idea that case studies cannot be used to describe or test propositions (Yin 2003: 3 and de Vaus 2005:9). The hierarchical view and the alleged limitations of the case study strategy have therefore been questioned, challenged and successfully refuted in recent years, and some of the most prominent contemporary case studies have been both explanatory and descriptive in nature and intention (Yin 2003: 3).

Also in recent years, several researchers have spoken out in defence of case studies, leading to, among other things, a more systematic discussion and treatment of case study research methodology

and design (de Vaus 2005: 9). As a consequence, the rationale and technique of conducting a case study has been sorted out and made more available through publication of methodology text books focusing exclusively on the case study strategy. Still, given the critique launched against case studies, the first logical and recommended step is to carefully line out the advantages of choosing a case study design for this research project (Creswell 2007: 74).

### 3.2.3.2 Case studies and the prospects for studying trafficking for prostitution

Why a case study, one may ask? To answer such a question, one needs to define what is meant by a case study in the first place. Traditionally, most efforts to define case studies tend to be topic oriented and hence dependent on the characteristics of the study in question. However, exclusively citing the topic of study is an insufficient approach to generating a proper definition of the concept of case studies. Another definitional flaw is the tendency of methodology text books to not distinguish the concept of case studies from ethnographic method or participatory observations, hence treating case studies as a mode of data collection (Yin 2003: 12).

According to some, a case study approach is first and foremost a methodological approach, within which different sub-methods are used (Gillham 2005: 13 and Feagin, Orum and Sjoberg 1991: 2). According to others, a case study is not only a design feature or data collection tactic, but rather a comprehensive strategy covering every aspect of the research project, from the initial design and formulation of the research problem to the specific data collection technique and, finally, the way the data is analysed (Yin 2003: 13-14).

Regardless of which position you prefer, case studies are typically multi-method in nature and draw on a variety of data collecting procedures. The idea behind a case study is further to select one or a limited number of cases, which are then studied in detail. Ultimately, the objective is to generate as full an understanding as possible of the cases in question (Silverman 2007: 126). As such, case studies may be particularly rewarding when the phenomenon or problem under study is under-researched, which without doubt is true for the operational and organisational features of traffickers (Merriam 1998: 41).

Another advantage is that case studies make it possible to study social actions and structures in their natural settings rather than as artificially constructed experiments, which means that the contextual conditions are in focus. Further, cases studies allow for a more holistic study of complex social phenomena as well as for factoring in the dimensions of time and history as important factors of influence. Finally, case studies in practice facilitate theoretical innovation and generalisation (Feagin, Orum and Sjoberg 1991: 6-13, Yin 2003a: 13-14 and Hague and Harrop 2004: 79).

Researchers simply choose the case study strategy because their research problems or questions are of such a nature that the study would benefit from a case study approach (Merriam 1998: 41 and Yin 2003: 3). For example, case studies have a well established reputation for being suitable for researching organised crime (Feagin, Orum and Sjoberg 1991: 208). Several of the arguments presented above in favour of case studies also apply to studying trafficking for prostitution, in particular its operational and organisational features and the role of prostitution regimes.

First, obviously, trafficking for prostitution is a problem embedded in a complex relationship between several social, political and economical power structures related to gender, ethnicity and class. Second, historical aspects, such as political decisions, play significant roles in determining the present outcome in the trafficking for prostitution business. Third, research on trafficking for prostitution tends to be under-theorised and to draw generalising conclusions on either unreliable statistical data, or superficial qualitative analyses, something that qualitative case studies are designed to counteract. Fourth, and most importantly, case studies have, perhaps better than any other methodological approaches, a likelihood to understand the trafficking problem from the perspective of those studied, e.g. victims, traffickers, local women in prostitution, local pimps, etc, and thus are more likely to be able to analyse how government policies and practices on prostitution affect the behaviour of the said categories of people.

### 3.2.3.3 Case studies and the role of theory

Designing and carrying out a case study present the researcher with fundamental decisions about, among other things, the role of theory. Case studies too must have a theoretical dimension simply because case studies, in the absence of such a dimension, will provide little basis for wider generalisations, which is and remains one of the primary goals of social science (de Vaus 2005: 221).

Qualitative research typically employs an inductive research strategy, and thus aims at building concepts, hypotheses and eventually theories, rather than testing existing ones. Consequently, qualitative research projects are often motivated by a lack of theory to explain a specific phenomenon (Merriam 1998: 7, 45 and Maxwell 2005: 22). Case studies are most often used to develop or build new theories and the researcher typically begins with a simple question or perhaps a basic proposition, then studies one or more selected cases in detail and finally come up with a more specific theory or propositions (de Vaus 2005: 223).

Theory is thus usually the end goal of qualitative studies and inductively generated from the analysis of the data collected (Creswell 2003: 140). The lack of theory often forces the qualitative researcher to employ a bottom-up approach, that is to inductively build patterns and concepts by organising the data into “increasingly more abstract units of information” (Creswell 2007: 38). Hence, the advantage of qualitative research is that it is suitable for researching situations where the theories are underdeveloped and concepts vague, in which case qualitative investigations can lead to theoretical advancement (Gooding and Klingemann 1998: 750).

However, in qualitative studies, researcher may also use theory to explain or predict the relationship between the variables in the study. Cases where theories are used deductively present the theories in the beginning of the study (Creswell 2003: 140). Although case studies historically rest firmly in the inductive tradition as far as the relationship between theory and research, they are no longer necessarily exclusively synonymous with an inductive approach and have increasingly been used to test theories as well (Bryman 2004: 53). When an existing theory is tested by conducting a case study, the point is to see to what extent the theory actually works in a real life situation, and if not, ask why the predicted outcome failed to be realised. Is the theory fundamentally wrong? Or does it need a minor adjustment? Or is it perhaps only accurate under certain specific circumstances? (de Vaus 2005: 222).

While the operational and organisational features of traffickers operating various national markets for commercial sex have rarely been analysed, economists and criminologists have a tradition of analysing the operational and organisational features of other criminal organisations and networks, ultimately leading to the so called “business approach” to organised crime. I therefore see no imme-

mediate need to follow an inductive approach, that is, start from scratch with observations and eventually build a new theory. It seems more logical to use the “business approach” developed by economists and test it on the empirical reality of contemporary trafficking for prostitution. As such, I follow the more recent trend in cases studies and use an existing theory deductively rather than inductively develop a new one.

The final step of a deductive research approach in fact includes an inductive step in the sense that the researcher infers the implications of the findings for the original theory. In other words, the researcher typically discusses his or hers findings in the light of the theory or theories utilised (Bryman 2004: 8).

Likewise, it is important to keep in mind that deductive research strategies are not always as linear as they seem when described and modelled in methodology handbooks. The researcher’s view of the theory may change during the course of the study as a result of the analysis, new theories may be presented by other researchers or the relevance of a data set for the theory may only become apparent after the data has been collected. Moreover, theory may be nothing more than the literature on the topic, or a summary of the knowledge gathered reading books and articles. Even when explicit theories can be outlined, explicit hypotheses need not always be deduced at the start of the project (Bryman 2004: 8).

The last alternative will be the case here, and I do not intend to present explicit hypotheses at the beginning of the project. Rather, the theory will serve as an analytical framework that will guide the data analysis and interpretation (see next chapter) (Ragin 1987: 11).

Finally, good explanations obviously must rest on good descriptions of the phenomena the researcher sets out to explain. Description is not generated in a theoretical vacuum, so researchers always select and organise that which they set out to describe according to either existing theories or conceptual categories. Descriptive case studies, in particular multi case studies, typically use typologies which may be either theoretically or empirically generated. Hence, a typology can be theoretically generated by deduction (on the basis of an existing theory or literature) in which case they represent a set of ideal types, that is, theoretically constructed descriptions of categories that are not necessarily found in their pure form in the empirical reality. Still they serve as a valid point of com-

parison and guide for the data analysis (de Vaus 2005: 225-226, 251). Inductive typologies have been derived by starting with a simple question and a subsequent examination of the cases selected in the light of the question, by which a typology is generated (de Vaus 2005: 226). In this study, trafficking typologies have been developed based on previous research. These typologies will guide the data analysis and serve as a basis for comparison (see next chapter).

#### 3.2.3.4 Case selection

Apart from deciding what role theory will play in the case study, the researcher must also select the case or cases to be studied, which can be done in various ways and according to various criteria. For example, provided that the researcher has a clearly specified hypothesis, he or she can choose a “critical case” which will allow for a better understanding of the conditions the hypothesis will and will not hold (Bryman 2004: 51).

Theoretical sampling, also called focused sampling, is the normal method of selecting cases in case studies; in other words, selecting cases that will provide illuminating examples of a type of case or that will provide appropriate test of a theory (de Vaus 2005: 240).

Theoretical sampling means selecting groups or categories to study on the bases of their relevance to your research questions, your theoretical position ... and most importantly the explanation or account which you are developing. Theoretical sampling is concerned with constructing a sample ... which is meaningful theoretically, because it builds in certain characteristics or criteria which help to develop and test your theory and explanation (Mason 1996: 93-94, in Silverman 2007: 131).

In other instances, a case is chosen because it represents an “exemplifying case”, that is, “provides a suitable context for certain research questions to be answered, and as such, “allow the researcher to examine key social processes” (Bryman 2004: 51). Simply put, in this case the selection criteria stipulate that, given the purpose of the study, cases should be chosen to maximise what we can learn (Stake 1995: 4). Hence, in purposeful sampling, cases are chosen because they illustrate the aspect we are interested in studying (Silverman 2007: 129). Purposeful sampling is thus similar to that of

theoretical sampling, except that in the later case, the purpose behind the sampling is theoretically defined (Silverman 2007: 130).

Finally, when the number of cases to be selected is small, there is a valid point in carefully selecting them to cover the known range and variation of interesting variables (Hakim 2000: 62). Consequently, selecting cases pre-supposes a proper definition of the phenomenon under study (Merriam 1998: 196). In sum, most methodological textbooks encourage the researcher to select cases based on the goals of the study, existing theories and previous research (Maxwell: 2005: 71).

For this study, Denmark and Sweden, or more precisely, traffickers operating in Denmark and Sweden, were chosen as cases. The rationale behind this choice was in equal parts practical, theoretical, and purpose based. With regard to the first aspect, choosing Denmark and Sweden as the primary empirical sites was facilitated by the simple fact that I am a native Swedish speaker and read and therefore too understand Danish, including government reports and legal documents etc, which would not have been the case had I chosen for example the Netherlands or the Baltic Countries.

Second, the theoretical rationale for choosing Denmark and Sweden was in line with a purpose based rationale of case selection. Theoretically it is possible to define and identify four different types of “prostitution regimes” of which Denmark and Sweden represent the two extremes in the Scandinavian case. The said prostitution regimes are further, according to the “business theory” of organised crime, credited with determinable value when it comes to explaining the operational and organisational features of traffickers. Denmark and Sweden thus purposefully illustrate the aspect I am interesting in studying.

### 3.2.3.5 Unit of analysis

Defining your case is the same as what methodology books call defining your *unit of analysis*, which is often one of the most tricky parts of conducting a case study (Yin 2003a: 22 and de Vaus 220). At the simplest level of advice, the unit of analysis should by necessity be related to your research questions (Yin 2003a: 23). Further, different units of analysis call for different research designs and data collection strategies (Yin 2003a: 24). Hence, a case study that aims to answer how trafficking victims experience their relationship to their trafficker obviously benefits from being based on interviews with trafficking victims rather than document analysis.

Selecting the study's unit of analysis thus depends directly on the researcher's ability to accurately specify his or hers research questions. If a case study researcher does not manage to identify and favour one unit of analysis over another, the research questions are most likely not sufficiently specified (Yin 2003a: 24). A rewarding strategy of determining the unit of analysis is simply for the researcher to discuss and explain, to him- or herself, and to fellow researchers the questions he or she is trying to answer and how various potential units of analysis may answer the questions (Yin 2003a: 24).

In this study, the research question reads: "In what ways and to what extent are traffickers' operational and organisational features determined by the destination countries prostitution regime?"

The unit of analysis is logically Denmark's and Sweden's trafficking for the prostitution industry, which in turn consists of various subunits (see below)

### 3.2.3.6 Holistic vs. embedded designs

The case study researcher must also choose between a holistic or an embedded design (de Vaus 2005: 220; Yin 2003: 42). Holistic case study designs treat the object under study as a whole, and focuses on one level or one component during the analysis. In contrast, embedded case study designs approach the object from angle that it has more than one unit of analysis (so called subunits). To exemplify, a human trafficking organisation can be analysed at the holistic level by focusing on the characteristics of the organisation that apply to that level (e.g. size, type of organisation, geographical location, strengths and weaknesses etc).

Alternatively, the researcher may instead be convinced that the trafficking organisation has sub-levels that need to be studied to achieve a full picture of the organisation. This would encourage the researcher to choose an embedded case study design, and hence pay attention to the subunits he deems relevant for the case (e.g. individual members of the organisation, the different crimes carried out etc).

The holistic design is preferable when no logical subunits can be identified and when the utilised theory itself is holistic. However, in these cases the researcher must keep in mind not to conduct

his/hers study on a too abstract level, and thereby lose relevant operational details. Additionally, the researcher will experience difficulties if the nature of the case shifts during the course of the study, a shift that may be impossible to capture due to the characteristics of the initial holistic design and research problem/question. In these situations, the researcher has to start over again with a new design and research problem/question that is more relevant given the changes in the case (Yin 2003:45). In these cases an embedded design may be more robust, hence allowing the researcher to refocus the study to fit the new evidence without needing to start over. However, also the embedded case study design has its risks and disadvantages. One pitfall occurs when the study focuses exclusively on the subunits and fails to return to the larger unit of analysis (Yin 2003: 45).

I have decided to employ an embedded design. Hence, the analysis will not only focus on for example the organisational size and structure of the traffickers, but also on subunits such as the relationships between the various members making up a trafficking organisation or network.

### 3.2.3.7 Single vs. multiple designs

The case study researcher must also decide on whether or not to conduct a single or multiple case study. In cases where access is limited or where we have a well formulated theory and clear cut propositions, there is a point in choosing only one, typically *critical case*, that is, a case that meets all the requirements of the theory, to test this theory. However, if the circumstances allow it, choosing more than one case will likely provide a stronger and more convincing test of the theory employed, and help determine the conditions under which the theory will and will not hold. Multiple case designs are further essential when the purpose of the study is inductive (de Vaus 2005: 227 and Yin 2003a: 40, 47). Still, the decision to carry out a multiple case study is not to be taken lightly; rather, the researcher needs to carefully motivate the inclusion of every case (Yin 2003a: 47).

This study is designed as a multiple case study; both Denmark and Sweden have been selected as cases in accordance with the criteria presented earlier (see page 70). Obviously, selecting two cases provides a solid basis for comparison, which will be discussed next.

### 3.2.3.8 Comparative set up

Ultimately, the goal of social science is to analyse the relationship between various social phenomena. Explicit or not, comparative analysis plays a significant role in this process, for example by testing concepts, theories and hypotheses across time and space (Marsh and Stoker 1995: 176 and Ragin 1987: 1). There are several advantages to the comparative approach: it is straightforward; it allows for generating contextual descriptions and helps us to classify political processes; it allows us to test our hypothesis and eliminate rival explanations; and it enables us to explain and predict (Hague and Harrop 2004: 69-70 and Landman 2000: 4-10). Comparative analysis can thus be both deductive and inductive, help develop new theories, and test existing ones (Marsh and Stoker 1995: 176).

Some social scientists oppose the idea that studies of individual cases can be comparative; others conclude that also single case studies may be comparative provided that they utilise concepts developed elsewhere, test general theories or hypotheses, or generate new concepts or theories that are later tested elsewhere (Marsh and Stoker 1995: 177). Clearly, the question to what extent a case study can be comparative or not is less relevant in multi case studies as this one. In multi case studies, the main question is instead to what extent comparative analysis should focus on similar or different cases.

When comparing few cases, researchers thus typically employ either a “most similar system design” or a “most different system design” (Landman 2000: 27). Most similar systems designs are based on the idea of choosing relatively similar cases for comparison, that is, cases that are similar in all aspects except the one we wish to study (Collier 1993: 111 in Marsh and Stoker 1995: 179). Most comparative studies thus follow a most similar system design, according to which the researcher selects cases that are as similar as possible in as many aspects as possible, which in turn allows for ignoring a large number of variables under the assumption that they are equal. In other words a most similar system design is based on the assumption that the factors that are common for fairly homogenous cases are irrelevant when it comes to explaining the difference between them. When it comes to selecting cases, the recommendation, in the case of a most similar system design, is to include cases that are as similar as possible on all variables except the phenomenon the researcher wants to investigate (Dogan and Kazancigil 1994: 22, Landman 2000: 27 and Hague and Harrop

2004: 82). Put briefly: “The most similar systems design is based on a belief that a number of theoretically significant differences will be found among similar systems and that these differences can be used in explanation”. By systematically matching and contrasting various cases the researcher can thus identify the key explanatory variables while controlling for others (Goodin and Klingemann 1998: 755).

In most different system designs, the approach is logically the reverse; that is, choosing cases that are different in every aspect except the phenomenon we are interested in investigating (Dogan and Kazancigil 1994: 22, Landman 2000: 27 and Hague and Harrop 2004: 82).

The setup of my study rests on the underlying assumption that, apart from the nature of Denmark’s and Sweden’s prostitution and migration regime (independent variables), the two countries are fairly equal in all other relevant aspects (Scandinavian welfare states, members of the European Union etc). Differences in the dependent variables, that is the operational and organisational features of the human trafficking organisations and networks, are therefore assumed to be an outcome of the differences in the said independent variables, rather than anything else. The setup of the comparison will thereby be in direct line with the assumptions of the economic theory of organised crime as well as the most similar system design comparative approach.

### 3.2.3.9 Pitfalls of comparison

Obviously, the comparative approach like most other strategies has its pitfalls and challenges. For example, comparative research demands knowledge of more than one case. Social phenomenon may obviously be credited with different meanings in different countries. Likewise, “globalisation” make countries less independent of each other than they prefer, making it increasingly difficult to find cases that allow for testing theories (Hague and Harrop 2004: 71).

With regard to the first aspect, I feel confident that my knowledge of Denmark and Sweden with regard to prostitution and trafficking is fairly equal at the point of departure. With regard to the second aspect, it seems straightforward to assume that prostitution is given the same meaning in Denmark and Sweden. Finally, with regard to the third aspect, although it seems safe to conclude that the Scandinavian countries over the past centuries have exchanged ideas and solutions to various

problems in a constant interaction, Denmark and Sweden have nevertheless chosen different, one can even say, competing government strategies on prostitution and trafficking in women and children, thus allowing for a solid comparison.

In the case of most similar systems designs, it may in reality be difficult, if not impossible, to identify cases which are similar to each other on all except one variable of interest, perhaps in particular when the cases are countries. The solution is typically to focus on fewer variables (Marsh and Stoker 1995: 181). In this respect, I nevertheless make the case that Denmark and Sweden in fact are quite similar to each other except on their approach to migration, prostitution and trafficking in woman and children.

Further, even in most similar systems designs, some factors will evidently remain as possible explanations for the observed cross case differences, something referred to as “the problem of too many variables and too few cases” or “too many inferences and not enough observations” (Hague and Harrop 2004: 82 and Landman 2000: 38).

Typically, three solutions are recommended to solve the problem. First, the perhaps most obvious solution is to raise the number of observations to allow the “key factors of the study greater overall variation”. This can be done by comparing instances of the phenomenon and its hypothesised explanatory factors over time, or by including more countries in the study (Landman 2000: 40). In this particular case, I study trafficking for prostitution problem over a ten year period, which thus, according to the logic presented above, partly may solve the problem of too many variables and not enough observations.

Second, it is suggested to use the most similar system design to conduct a focused comparison of a few cases, and thereby seek to control for cross case similar factors and at the same time focus on the factors that are different and can be argued accounting for the outcome, a strategy in line with the “area study” approach (Landman 2000: 40).

Hence, a most similar system design is preferable in “area studies”, which are based on the theoretical justification that countries making up a particular geographical region of the world are very likely to be inherently similar in terms of politics, history, religion and culture thus presenting the

researcher with a perfect set up for a most similar system design, provided that the independent variable of interest differs between the countries in question (Landman 2000: 28). Clearly, it seems straightforward to argue that this is true in comparisons of Denmark and Sweden on the issue of prostitution and trafficking.

Finally, a third solution is to reduce the number of potential explanatory variables by focusing on the variables that are hypothesized and stipulated by the theory to be determinable for the outcome, which is done in the theory section of this dissertation (Landman 2000: 41).

Despite the solutions presented above, we have to recognise that the problem of too many variables and too few cases cannot be fully avoided or excluded. In response, some researchers observe that “in practise, the value of a focused comparison lies in the journey rather than then destination” (Hague and Harrop 2004: 82).

### 3.2.4 Data sources

#### 3.2.4.1 Ethical considerations: Securing informed consent

Securing informed consent is a central ethical principle in research based on informants, including, as in this case, experts like detective inspectors, public prosecutors, and social outreach workers. In short it implies that “prospective research participants should be given as much information as might be needed to make an informed decision about whether or not they wish to participate in the study” (Bryman 2004: 540).

Informed consent should at a minimum include that the informants understand that participation is voluntary and that they can withdraw from the study at any time. Moreover, it is recommended that participants are enlightened about the purpose of the study, the identity of the researcher and his/hers sponsors, and how the data will be used. In some cases it may also be relevant to outline potential risks of participating.

However, in some cases there may be a point in not revealing too much information about the study, since such information, if given beforehand, may distort the answers and thus affect the validity of the data. Finally, it may be appropriate that the researcher debriefs the informants about the result of the study after it has ended (de Vaus 2005: 83-85, Nachmias 2005: 81- 86, Hancock and Algozzine 2006: 40, Kvale 1996 1996: 112, Kvale 2007: 105, 107, Mitchell and Jolley 2003: 23 and Bryman 2004: 516).

Likewise, when it comes to interviewing experts in their official capacity as government employed professionals, securing informed consent raises the question of whom to ask for consent, the expert or his/her employer or supervisor? (Kvale 2007: 113 and Kvale 1996: 112). In this study, the participating experts signed the consent form in person, but in some cases they asked permission from their supervisors, which was given in all cases except two, who then declined my invitation.

Further, it needs to be considered how to secure the informed consent, orally or written? Obviously, for the researcher's own sake it is in most cases better to secure written consent, signed by both informant and researcher, which preferably also in detail states and regulates terms of the information with regard to, for example, present and future usage, as well as the informants' right to see the transcripts or the entire report/article/dissertation prior to its publication (Kvale 2007: 142 and Kvale 1996: 153). It is well known that experts typically want control over what is done with the information they provide and therefore usually demand accountability and reports (Gillham 2005: 64). In this study, the Danish informants, unlike the Swedish, in two cases agreed to participate only after having secured an agreement that they were allowed to read the dissertation prior to its release.

Further, in many studies, the informants' willingness to participate rests upon the researcher's ability to protect the anonymity and confidentiality of the participants, which often implies collecting, reporting and storing the data in such ways that the informant's identity is not accidentally revealed. Assuring confidentiality may have other methodological benefits, and informants who feel convinced that their answers will be kept confidential may not only be more willing to participate but also to provide more honest answers (de Vaus 2005: 87, Kvale 1996: 114 and Denzin and Lincoln 2003: 218).

However, protecting the identity of informants handling information confidentially may in some cases violate the laws of the country (Hancock and Algozzine 2006: 40). Sweden, for example, has laws criminalising and preventing researchers from keeping data lists or records of, for example, clients, traffickers, women in prostitution, which ultimately protect the integrity of the citizens. Researchers keeping such files may thus be subject to criminal charges and their computer may be confiscated by the police, which obviously may compromise the identity of the said informants.

Fortunately, none of my informants requested having their identity protected.

When researching organised crime, informants may during interviews reveal information concerning previous or ongoing criminal activities, and the researcher may then be called upon to witness in court, depending on the laws of the country (Kvale 2007: 109 and Kvale 1996: 114). In research on organised crime and prostitution it is thus obvious that potential informants, such as women in prostitution, traffickers, local pimps, and clients may be breaking one or more laws, as well as providing information about ongoing criminal activities, hence putting the researcher in an ethically difficult position. This was not relevant in my case, since I at no point intended to interview active traffickers or women in prostitution, trafficking victims included.

According to these recommendations, I formulated a letter of informed consent, which in many ways was inspired by a suggested letter found in Marshall and Rossman (2006: 87) and Mitchell and Jolley (2003: 477) as well as a checklist found in Bryman (2004: 516) (for the actual letter please see Appendix 1). The letter was along with a project description sent electronically to the experts prior to conducting the interview, thus giving them time to read and decide whether or not to participate. During this time they had the chance to discuss the study and their participation with their superiors and colleagues, as well as to get back to me should they have any more questions. When I met the informant/expert in person, the signed letter was handed over. However, some of the informants had not read the letter of informed consent in advance, and they were given 15 minutes at the beginning of the interview to read, consider, sign and hand over the letter before the interview could begin.

### 3.2.4.2 Choosing interview questions and creating an interview guide

In qualitative research, developing the interview guide is often the first logical preparatory step before actually conducting any interviews (Gillham 2005: 67 and Hancock and Algozzine 2006: 39). The principle behind an interview guide is to generate a schedule that is much less specific than the schedule generated for the purpose of conducting a structured interview. Rather than containing highly specified questions, an interview guide is semi-structured and typically comprises a “brief list of issues of memory prompts of areas to be covered”. In other words, an interview guide can be seen as checklist of topics to be covered during the interview (Marsh and Stoker 1995: 138 and Bryman 2004: 324). An interview guide approach is thus in line with the typically semi-structured nature of “expert interviews”, and most often it is rewarding only to raise broader themes of relevance, after which the experts are allowed to freely draw on their hopefully substantial professional experience on the problem under study.

As most other researchers, I found myself less and less dependent upon the interview guide as the number of interviews conducted increased. Knowing that this was a naturally recurring phenomenon in qualitative research I reminded myself to regularly check my interview guide as the later interviews progressed to see if I had not forgotten any areas or topics of importance (Merriam 1998: 82).

Many qualitative researchers are typically also concerned with the order of the questions in the interview guide. Generally, it is recommended to ask neutral and descriptive questions first, and more value-loaded questions later in the process (Merriam 1998: 82). In my case, I deliberately included the more descriptive, and as I perceived it, less sensitive, questions in the beginning, and ended the interview session with more analytical and value-loaded questions.

Part one of the interview guide concerns the operational strategies of traffickers operating in Denmark and Sweden and part two concerns their organisational structures. Part three focuses on the relationship between the said features and the prostitution regimes of Denmark and Sweden (for the actual interview guide please see appendix 2). As recommended by most methodology books, the themes and questions in the interview guide are formulated to help me answer my research questions (Bryman 2004: 324).

Qualitative methodology handbooks typically emphasize to “pilot test” the interview guide prior to the field trip to make sure that your research questions work as intended or if you need to revise some of them (Stake 1995: 65 and Maxwell 2005: 93). I tested the interview guide on one detective inspector in Gothenburg and the interview guide seemed to be well designed in most aspects.

### 3.2.4.3 Conducting expert interviews

As given by the name, expert interviews, or elite interviews as they are also called, focus on informants who, due to their profession, possess expertise on one or several areas of interest in the study. Valuable information can be obtained simply because the informants hold a professional position within a specific organisation mandated to deal with the problem under study (Marshall and Rossman 2006: 105 and Gillham 2005: 64).

Tapping the knowledge of for example police officers, public prosecutors and social outreach workers, that is, the very few who actually have direct contact, not only with victims of trafficking, but also traffickers, is rarely done for academic purposes, and research on human trafficking therefore misses out on potentially valuable sources of information.

There may be several reasons for this tendency. Law enforcement communities, in particular Eastern European, such as the Russian, may, as pointed out, be deeply corrupt, and even directly involved in the trafficking business, or at least suffer from the rumour of such participation, be it true or not (Stoecker and Shelly 2005: 3, Langberg 2005: 133 and IOM Nov 2002: 13). Also, police officers are, together with men in other male dominated occupational groups, according to the knowledge at hand, sadly among the most frequent buyers of commercial sex (Hughes 2002: 131).

Being a strongly gendered issue, the mission of combating in particular trafficking for prostitution may further have a low priority within the typically male dominated police forces and offices of public prosecutors, making these categories of potential informants unwilling to participate in research projects. Moreover, the field of research on human trafficking is dominated by feminist scholars, who obviously, in many cases for fully understandable reasons, are suspicious of and reluctant towards working with representatives from what may be perceived as a male dominated and

hetero normative organisation such as the police. Hence, when I presented my PhD-project at various seminars, in particular feminist scholars have been critical of my use of detective inspectors as informants, but not towards using social outreach workers or public prosecutors.

Finally, the police, more than any other categories of relevant public officials, are typically the first to be criticised and made into scapegoats, justified or not, when the media is looking for someone to blame for the lack of progress of national counter trafficking strategies.

However, while some of the concerns expressed above may be true and justified in some cases, there is today a common perception in the destinations countries of the European Union, Denmark and Sweden included, that the problem of trafficking in woman and children for commercial sexual exploitative purposes must be prioritised. Additionally, there is a strong and growing concern among public officials in the most prominent traditional Eastern European sending countries, such as Russia, Estonia, Latvia and Lithuania, about the rise in human trafficking, its impact on the country's woman and children, and its contribution to the growth of organised crime.

For these reasons, European sending as well destination countries have since some years back organised against human trafficking by creating specialised investigative units within the police and office of public prosecutors, as well as launched preventive social outreach programmes.

In the case of Scandinavia, law enforcement communities and social services have, depending on the country in question, between ten to five years of experience with combating trafficking in human beings, in particular trafficking in women and children for commercial sexual purposes. It is in other words possible to identify experienced and committed public officials who in a very true sense can be said to be experts on various aspects of human trafficking, an expertise that, unlike the expertise of most social scientists, is a result of numerous investigations, including direct street level observations, listening to hours of recorded taped and intercepted telephone conversations between traffickers, and interrogations with traffickers and their victims.

It should therefore not come as a surprise that the few studies that actually have gone through the trouble of locating government experts on human trafficking, have found it worthwhile and been able to fill some of the gaps of knowledge in research on human trafficking, and in particular as-

pects related to the operational and organisational features of trafficking organisations and networks (see for example Stoecker and Shelly 2005).

Interviewing professionals in their capacity as experts also has its disadvantages. First they may be difficult to gain access to due to a busy schedule. Second, they may even be difficult to contact. Third, interviewing experts typically forces the researcher/interviewer to structure the interview in accordance with the wishes of the interviewee, who, in addition, typically may be quite used to being interviewed by the media, and possibly other researchers, and therefore quite skilled and sophisticated in manipulating the interview in the direction he or she wishes (Marshall and Rossman 2006: 105 and Kvale 1996: 101).

When interviewed, experts generally favour broad open ended questions, allowing them to draw on their own experiences and knowledge. In other words, expert interviews are by necessity typically semi-structured. A rewarding strategy can thus most often be to only raise topics on which the interviewer and interviewee can have a informed discussion (Marshall and Rossman 2006: 105 and Gillham 2005: 64).

Conducting expert interviews places demands on the ability of the researcher who only, in the eyes of the expert interviewed, will come off as credible and competent if he or she displays significant knowledge about the topic (Marshall and Rossman 2006: 105 and Kvale 1996: 101). Experts typically also want to have control over what is done with the information they provide and therefore usually demand accountability and reporting back (Gillham 2005: 64). Finally experts typically also have valuable information on where to find, and how to acquire, important relevant documents and reports, as well as give you the names and contact data to other experts who potentially hold information of great relevance (Gillham 2005: 64).

#### 3.2.4.4 Interviewing detective inspectors

Human trafficking researchers in charge of studies that are based on expert interviews with, for example police officers, seem to have faced the same problems as I did, including in particular the limited number of identifiable government officials with special expertise and responsibility for trafficking issues (Viuhko 2010: 65).

As a consequence, conducting expert interviews with police officers is often seen as innovative and pioneering, but never the less prove to be a valuable complement to police reports, simply because they generally know a great deal more than what they write down,

Still, the researcher/interviewer must bear in mind that these informants sometimes like to speculate or give an impression that they know more than they do (Fijnaut, Bovenkerk, Bruinsma and van de Bunt 1998: 44, 46).

This did not seem to be the case when I interviewed Danish and Swedish detective inspectors in 2008. Rather, my informants on their own initiative quickly pointed out when they were sure about an answer, usually by giving references to a closed or ongoing trafficking case, and they also pointed out when they speculated or did not know the answer. In the latter case, the police detectives were very helpful in suggesting an alternative source of information that could help me find an answer, such as which document or report to consult, or which public prosecutor or social outreach worker to contact. Additionally, the detective inspectors in some cases especially wanted to point out “errors” and “exaggerations” in Danish and Swedish media coverage of trafficking for prostitution, including the degree of organisation and level of sophistication of traffickers operating in Denmark and Sweden and the alleged level of violence and threats that victims of trafficking are exposed to.

The interviewed police inspectors also exhibited strong loyalty towards their own country’s counter trafficking strategy, in particular the legal status of prostitution. In other words, the Danish detective inspectors were just as convinced of the superiority of Denmark’s de-criminalised approach to prostitution, as their Swedish counterparts were of counter trafficking properties of their country’s criminalised approach. None of the interviewed detective inspectors were able or willing to identify any negative consequences of their own country’s laws, which instead were typically praised for being well thought out and comprehensive, in contrast to the laws of the neighbouring countries.

This loyalty towards one’s country’s prostitution law was without exceptions present when I interviewed Danish and Swedish public prosecutors and social outreach workers. One possible explanation is that loyalty towards, and belief in, one’s country’s current law on prostitution is a prerequisite for police officers who want to be accepted and make a career in the prostitution and counter

trafficking unit. In other words, police officers who, for example, personally and professionally oppose the Sweden's criminalisation of the act of buying sexual services do not find it interesting or worthwhile to pursue a career in counter trafficking.

One can also observe that the prostitution laws in Denmark and Sweden enjoy strong support in the public, and even more so in Sweden than in Denmark, the support of the political establishment. Hence, from the individual police officer's perspective, expressing an opinion against their own country's law may thus prove counterproductive career wise.

The Danish and Swedish prostitution laws also represent the extreme ends of Scandinavian prostitution policies, and are therefore typically subject to polarisation and national prestige when compared. In my opinion, this conflict reflects a general public tendency to view Denmark as a very liberal country where everything "is allowed" from "drugs" to "sex" and Sweden a country where everything is forbidden and taboo.

On several occasions, when I asked questions that were perceived as politically sensitive, it was obvious that the informant hesitated or became more careful when answering. In particular the Danish detective inspectors at no time during the interview seemed unaware of the fact that the police authority over the years has been subject to critique with regard to its counter trafficking efforts, which in the media have been described as insufficient. Hence the police in Denmark have from time to time been accused of turning a blind eye to the problem, or for being more interested in finding, arresting and deporting foreign women and girls in prostitution, rather than investigating if they are potential victims of trafficking. This critique has also, although to a lesser degree, been launched against the Swedish police.

This may also explain why the Danish detective inspectors, in contrast to their Swedish colleagues, were significantly more restrictive when first contacted and asked if they wanted to participate. The Danish detective inspectors working at the national level, when contacted first asked for some time to consider their participation, and before giving a final answer they asked me to send the interview questions (interview guide) in advance. After some time, they let me know that they were not interested in participating.

Also the Danish detective inspectors working at the local police district of Århus first needed their supervisor's approval, and I had to send them the interview questions in advance. In this case I was too asked to remove some of the questions as a precondition for participation and instead direct them, as they were obviously considered a bit too sensitive, to the detective inspectors working at the national level, who, as described above, declined to participate. Finally, during the interview the detective inspectors requested a copy of the dissertation, prior to its publication, to read and make sure that they had not been incorrectly quoted. In these particular cases, a footnote was made to the letter of informed consent guaranteeing these informants access to the dissertation prior to its release.

In contrast, the Swedish detective inspectors at both the national and local level were less "suspicious" when first contacted, and did not ask about the contents of the questions before agreeing to participate.

My initial attempt to identify and contact Danish and Swedish police inspectors with special responsibility for investigating human trafficking cases revealed that the local police districts in both the countries prioritised the problem of trafficking for prostitution differently. In Denmark, the local districts of Copenhagen and Aarhus proved to have a well established, and seemingly prioritised, specialised counter trafficking units, whose detective inspectors were willing to participate in my study, whereas the districts of Odense and Aalborg showed no interest in participating and stated that trafficking for prostitution was not a big problem in their regions, and therefore not a problem that was prioritised.

In Sweden, the contacted representative for the local police district of Malmö gave me a similar answer when turning down my invitation, unlike the police districts of Stockholm and Gothenburg. Later, off the record, one of the interviewed Swedish public prosecutors informed me that the local police district of Malmö did not prioritise trafficking for prostitution, and therefore had been subject to much critique by the national level police authority, as well as the local police districts of Gothenburg and Stockholm.

These difficulties may give the impression that in particular the Danish detective inspectors were reluctant to participate, however, when interviewed, the detective inspectors from both Denmark

and Sweden expressed an interest in and support for my study, pointed to the importance of studying the operational and organisational features of traffickers, the impact of government prostitution policies and practices, as well as the need to compare one country's trafficking situation with that of the neighbouring countries. Finally, the detective inspectors interviewed proved able to provide information on several, for the study, relevant areas of interest, including:

- The operational strategies of the criminal organisations and networks involved in trafficking women and children into prostitution in Denmark and Sweden
- The actions of traffickers in relation to government policies and practices on prostitution, including actions in order to avoid detection and arrest
- The local organisation of traffickers and the sex industry

#### 3.2.4.5 Interviewing public prosecutors

Danish public prosecutors proved, with only one exception, very unwilling to participate as consulted experts in my study. As I came to understand it, the main reason was a fear of being incorrectly quoted, based on previous experiences with journalists. In contrast, the Swedish public prosecutors proved significantly more interested and all but one of the contacted public prosecutors were willing to participate. In retrospect, interviewing public prosecutors partly only served to confirm the information already gained from interviewing the detective inspectors, which is logical since the prosecutors' insights are based on the pre-investigative material prepared by his or hers subordinated detective inspectors. Additionally, the interviews provided me with valuable information on how the legal system, the office of public prosecutors and the courts, handle trafficking cases, and what legal conditions need to be satisfied and proven in order to secure a conviction. Hence, in my experience, a strategy aiming at generating new empirical data on human trafficking does best to interview public prosecutors only when the study is conducted partly or exclusively for the purpose of understanding the legal implications of the trade.

#### 3.2.4.6 Interviewing social outreach workers

Interviewing public social outreach workers proved most rewarding in Sweden, and slightly less rewarding in Denmark. The two interviewed Swedish social outreach workers each had at least 15 years' experience working with women in prostitution, and could therefore provide me with several valuable insights. The Danish social outreach workers were much younger and comparatively speaking more inexperienced, which obviously limited the return of the interviews. Once again, the Danish informants were more hesitant when answering questions that could be perceived as sensitive, in particular when asked to assess the potential negative impact of their country's policy and practice on prostitution. In contrast, the Swedish social outreach workers not only allowed themselves to critically assess the Swedish counter trafficking policy and practice over time, including their own professional performance, as well as the that of other Swedish authorities. Finally, the social outreach workers interviewed provided information on several relevant areas, including:

- The organisation of the local sex market, in particular street prostitution and massage clinics
- The relationship between foreign women and girls in prostitution and their trafficker or local pimp
- The relationship between foreign women and girls in prostitution and the local authorities
- The social situation of foreign women and girls in prostitution and how they perceive their own situation

#### 3.2.4.7 Focus group interviews

It should further be mentioned that the detective inspectors in Aarhus, as well as in Stockholm, and the social outreach workers in Copenhagen expressed a wish to be interviewed at the same time in order to save themselves, or rather the authorities in question, some time. Although this was not my initial intention, I felt obligated to comply to secure their participation. These particular experts were thus interviewed under "focus group" circumstances.

The focus group method is basically a method where more than one informant is interviewed at the same time; some say eight is the optimal number. The interview is typically structured around a fairly tightly defined topic, and the interviewees are selected simply because they are known to have

personal experiences with the topic. The multiple numbers of informants interviewed at the same time further allows studying and crediting meaning to the interaction between them. The interviewer is thus more of a moderator facilitating and encouraging the participants to interact. The interaction and the meaning derived from it are the main purpose of conducting a focus group interview. The obvious advantage is that it allows the researcher to collect data from a large number of participants in relatively short time; but the drawback is that it may be difficult to hold apart who says what (Bryman 2004: 346, 348; Creswell 2007: 133; Hakim 2000: 35 and Silverman 2006: 177, 180).

Interviewing some of the experts for this study was not the same as conducting focus group interviews in the traditional sense. The set up was chosen for practical and time saving purposes, on the request of the experts, and the objective was not to seek any meaning in the interaction between the experts participating.

For reliability reasons, it must still be asked if the answers received during these “focus group” interviews are the same that I would have received had I interviewed each participant individually. One indication that this would not have been the case is that the answers returned from the detective inspectors and social outreach workers individually do not differ much from the answers returned during the “focus group” interviews. However, I cannot rule out that the “focus group” set up has had an impact on the answers.

#### 3.2.4.8 Why leave out victims of trafficking and actual traffickers?

It could be argued that one important category of informants is missing in my study, namely the female trafficking victims. However, interviewing female trafficking victims is linked with many difficulties and ethical considerations that may limit the access as well as the outcome. First, many victims are unwilling to talk about their experiences due to the stigmatisation and shame of working in the sex industry. Further, many traffickers and exploiters in the sex industry use threats of violence against the victims and their families to control the victims and keep them from defecting, and in the case of escape, to keep them from cooperating with the police. Naturally, this also limits the victims’ willingness to participate in any research project as long as they are still in the receiving

country (IOM 1995, p. 20 and IOM Nov 2002, p 35-35 and Raymond, Hughes and Gomez 2001, p. 64).

Moreover, the victims may fear that they will be convicted for illegal entry into the receiving country and may for that reason be further reluctant to tell about their experiences. Additionally, the victims are usually traumatised by their experiences and may not be ready to talk to strangers about sensitive things such as sexual exploitation. Interviewing trafficking victims therefore demands great concern and awareness from the researcher and it is important to establish a long-term relationship built on trust and respect before asking any sensitive questions (IOM Nov 2002, p.11). At the same time, establishing a long-term relationship with trafficking victims is in most cases impossible, since they usually are deported shortly after their existence is revealed to the authorities in the destination countries, and usually only stay a short time with the NGO who provides the rehabilitation and in some cases protection upon the return to the origin country.

Traffickers have also been left out simply because it is difficult for researchers to gain access to traffickers and their environment. Further, traffickers successfully prosecuted and jailed in Denmark and Sweden obviously have few incentives to participate in any study.

#### 3.2.4.9 Using government publications and court verdicts

Many researchers seem to overlook government publications, such as police reports and court verdicts, as a source of information. There may be several reasons for this. Government publications may not always be electronically available, or they may be considered too old. Court verdicts may be difficult to identify, and may be protected by a national official secrets act, and therefore require the researcher to submit an official request which may take time to be processed.

Government reports published by, for example, the social services and the police, offer valuable information on:

- How the sex market is organised, including types of commercial sexual establishments and market segments

- Different actors on the sex market, including local pimps and local women and girls in prostitution, as well as foreign women and girls, and their organisers
- The situation of local women and girls in prostitution
- The situation of foreign women and girls
- Changes over time
- The progress of the government counter trafficking strategy

Court verdicts give a detailed picture of:

- The relation between the trafficking victim and her trafficker
- The victim's background
- Recruitment, transportation and exploitation practices
- The relationship between different members of the trafficking network

In this case, as in other cases where Scandinavian trafficking researchers have had the ambition to draw on court material, one often finds that the number of available cases dealing specifically with trafficking is rather limited. To partly overcome this insufficiency, some researchers have chosen also to include cases of (organised) procuring exhibiting some of the features that otherwise are central in the trafficking process, but for some reason not classified as trafficking cases by the courts. In these cases, the selection criteria have typically been that the cases should exhibit the involvement of a criminal organisation with a specific pre-defined structure and scope of criminal activity, the use of control strategies such as violence, threat and debt-bondage (Viuhko 2010: 65).

In retrospect, this is a strategy I believe would have been rewarding in this case too, but nevertheless one I have missed out on.

### 3.2.5 Validity

#### 3.2.5.1 Introduction

Validity is by some typically seen as one of the strengths of qualitative research, case studies in particular, in the sense that it allows the researcher to gather as much complementary and overlapping evidence as possible (Creswell 2003: 195 and Feagin, Orum and Sjoberg 1991: 19, 158). Others see validity as a less important aspect of qualitative case studies (Bryman 2004: 51). Regardless to what extent case study researchers believe that concepts such as internal and external validity are relevant for case studies, and although case study researchers investigate highly complex phenomena, they still have an ethical obligation to minimise misunderstandings and misrepresentations (Stake 1995: 109).

Validity may seem difficult for the novice, but as suggested by some authors of qualitative methodology handbooks, it need not be; in most cases common sense suffices. Validity is simply to be treated as the credibility of your descriptions, conclusions, explanations and interpretations. This straightforward way of treating validity is to first and foremost realise that an “objective truth” does not exist against which your accounts can be compared. Qualitative researchers need not attain some ultimate truth in order for the result of the study to be useful elsewhere (Maxwell 2005: 106). Consequently,

we don't need an observer-independent “gold standard” to which we can compare our accounts to see if they are valid. All we require is the possibility of *testing* these accounts against the world, giving the phenomena that we are trying to understand the chance to prove us wrong (Maxwell 2005: 106).

Accordingly, a key strategy is simply to ask what threats there may be to the validity in the study in question. In other words, asking in what ways the researcher may be wrong. Typically these threats are conceptualised as alternative explanations or rival hypotheses. Hence, validity is in this case to be understood as strategies used to identify and rule out such alternative explanations and rival hypotheses (Maxwell 2005: 106).

Case study researchers also have to deal with the problem of anecdotalism, in other words, convince the reader that the findings are based on a truly critical investigation of all their data and not on a few “well chosen examples”. Two solutions are typically suggested; triangulation and/or respondent validation (Silverman 2007: 212). In the following I will discuss the concept of internal and external validity, and their relevance, as I see it, for this study, and finally, how, through the means of triangulation, a sufficient level of validity hopefully can be achieved.

### 3.2.5.2 Internal validity

The researcher in charge of a study needs to boost the reader’s confidence that the chosen design can sustain the causal conclusions of the study. The actual capacity of the design to do so is captured by its internal validity (de Vaus 2005: 27 and Yin 2003a: 34). In short, the “Internal validity is the extent to which the structure of a research design enables us to draw unambiguous conclusions from our results” (de Vaus 2005: 28). Internal validity in practice thus refers to the extent to which a claimed causal relationship between two or more variables holds. In other words, how can we be sure that the independent variable is responsible for, at least parts of, the observed variation in the dependent variable? (Bryman 2004: 29).

As such, internal validity is relevant only in explanatory case studies, that is, case studies that seek to investigate the causality, that is, determine the relationship between the dependent and independent variable. Consequently, internal validity may be compromised if the researcher concludes that there is a causal relationship between two variables ( $x$ ,  $y$ ) but fails to observe that a third variable ( $z$ ) in fact has caused both  $y$  and  $x$ , or served as an intervening variable. Something typically called a “spurious correlation”. Threats to internal validity arise when the research is not able to screen the influence of variables other than the key causal variables, thus challenging the researcher to structure the study to allow for the elimination of alternative explanations (de Vaus 2005: 28, 233). Simply put, the researcher needs to make sure that rival explanations and possibilities have been considered and controlled for, and that the evidence converges rather than diverges (Yin 2003a: 36 and Silverman 2006: 289).

Clearly, trafficking for prostitution is a highly complex phenomenon where cause and effect may not be so easily sorted out. It may be tempting to adhere to those who claim that the concept of va-

lidity has no relevance for qualitative case studies, thus allowing oneself to skip looking for rival explanations or spurious correlations. However, not only is trafficking for prostitution a highly complex phenomenon, it is also a highly politicised subject where cause and effect typically are politically interpreted, making the concept of validity so much more important. Regardless of the complexity of the phenomenon of trafficking, I have always been of the opinion that validity is relevant also in the case of qualitative studies.

Still I choose not to make it more complicated than it has to be, and I subscribe to the idea that validity can and should be treated as straightforwardly as possible, by asking in what way one might be wrong, as well as give the reader the possibility to prove me wrong and to test my conclusions against the empirical reality of the trafficking business.

As far as cause and effect go, my study draws on a wider theoretical framework, namely the business approach to organised crime, which in turn has presented me with a predetermined order with regard to the relationship between the independent and dependent variables. Already from start, the underlying theoretical assumption and causal relationship to be further investigated is that the operational and organisational features of the traffickers operating the Danish and Swedish commercial sex markets are influenced by each country's regime on prostitution. In sum, the internal validity of this project rests on my ability to convince the reader that this holds true.

### 3.2.5.3 External validity

External validity concerns the extent to which the findings can be applied to other situations, in other words, be generalised to other empirical settings (Merriam 1998: 207, Merriam 2002: 28, Yin 2003a: 37, de Vaus 2005: 28 and Bryman 2004: 29). However, is it possible to generalise beyond a single case, one may ask? In other words, is the concept of external validity even relevant for case studies? Clearly, if not treated properly, the external validity of case studies may be problematic (Bryman 2004: 50-51 and Marshall and Rossman 2006: 202).

Several solutions have been suggested to solve this particular problem. The most utilised strategy is to triangulate different sources of data or methods, whereby the external validity can be strength-

ened. As mentioned, triangulation will be the main strategy for securing validity and reliability in this study, and will be discussed in greater detail later on (Marshall and Rossmann 2006: 202-203).

A second strategy suggested to increase the external validity of a case study is simply to increase the number of cases included, even if this only involves extending the study from one to two or three cases. Clearly this is not to equate with the generalizability obtained through statistical inference. Rather, in studies where the number of cases remains small, such as in this one, generalizability is achieved by carefully selecting a limited number of cases that cover the known range of variation as stipulated by the theory used (Hakim 2000: 62). External validity is thus strengthened and achieved by using more than one case to study the same phenomenon, provided that the sampling is done theoretically or purposefully rather than randomly (Merriam 1998: 208 and Merriam 2002: 29 and Yin 2003a: 19).

In this study, Denmark and Sweden have been selected as research sites to empirically study the operational and organisational features of traffickers. The selection has been purposefully as well as theoretically motivated. Denmark illustrates and represents the de-criminalised approach to prostitution, whereas Sweden, up until very recently, alone has represented the criminalised approach to prostitution in the unique sense that only men buying sex and not women selling sex are targeted by the law. According to the logic described above, the result of the study should thus be generalisable to other countries with similar prostitution regimes.

Multiple case studies can further contribute to our general knowledge provided that the analysis is conducted comparatively and relies on broader analytical constructs (Hague and Harrop 2004: 79). One solution that is utilised throughout this study is that the researcher explicitly shows how the data collected and analysed have been guided by general theoretical models and concepts (Marshall and Rossman 2006: 2002). As will be apparent in the next chapter, the economic theory of organised crime, the so called “businesses approach”, will guide the collection and analysis of the data, which, thus, according to the said logic will allow for generalisations to other settings.

Finally, case studies, if they offer a detailed illustration of a theme of wider interest, can be said to produce general knowledge (Hague and Harrop 2004: 79). Case studies in particular aim at providing “rich” or “thick” descriptions, that is, descriptions that are so detailed that they allow the reader

to determine how closely the research situation matches their own case, and thereby assess to what extent the findings can be transferred (Merriam 1998: 211 and Merriam 2002: 29). Clearly, generating a rich and detailed description of the operational and organisational features of traffickers operating in Denmark and Sweden is the main goal of this study, which thus will allow other researchers to assess to what extent my findings can be transferred to other empirical settings.

Likewise, there is nothing that prevents comparison of findings from in-depth case studies to findings from other studies in order to establish regularities and variations. Moreover, it is rarely the case that for example interviews are so unrepresentative or interpretations so misleading that all prospects for generalisations are eradicated. Finally, qualitative research results most often get to serve as a basis for subsequent quantitative research from which generalisations can be made (Marsh and Stoker 1995: 145).

#### 3.2.5.4 Triangulation

Triangulation is typically the main strategy suggested to enhance validity (Maxwell 2005: 93, Merriam 1998: 204 and Merriam 2002: 25). The basic idea is that if findings obtained through the use of multiple methods correspond, converge and basically lead to the same conclusions, then the validity of the findings and conclusions are stronger (Gillham 2005: 13, Silverman 2006: 291, Stake 1995: 114 and Hancock and Algozzine 2006: 66). Simply put, triangulation refers to the use of multiple data sources, methods, investigators, and theoretical perspectives in the study of the same empirical phenomenon to provide corroborating evidence (Feagin, Orum and Sjoberg 1991: 158, Creswell 2007: 208 and Creswell 2003: 196).

Accordingly, the researcher is encouraged take different bearings on the data concerning the same phenomenon, i.e., if what respondents say, and what they are observed to do, and what records show, is the same, naturally, it is pretty straightforward to assume that he or she has captured the true picture (Gillham 2005: 29). In practice, triangulation thus reduces the risk that a study's conclusions are wrong due to systematic biases or limitations of the data and methods used (Maxwell 2005: 93, Nachmias and Nachmias 2005: 206).

Many qualitative studies combine several methods for collecting data, a strategy through which the limitations of one method can be compensated for by the strengths of another (Marshall and Rossmann 2006: 131). Case studies in particular by nature call for a triangulated research strategy and are traditionally based on two or more methods of data collection, and as such, represent a powerful research design (Feagin, Orum and Sjoberg 1991: 158 and Hakim 2000: 71).

In everyday science, triangulation takes various forms, and in particular theory triangulation is rarely conducted in the sense that two, or more, competing theories are tested at the same time. Still, most qualitative case studies that use multiple researchers contain a less outspoken element of theory triangulation in the sense that two investigators with different academic backgrounds and experiences do not interpret and compare their data in a similar way. A sociologist feminist scholar, for example, would most likely credit other variables with more explanatory value than what an economist would, when researching trafficking for prostitution. Should they still reach the same conclusions, the validity of the conclusions can be said to be strong.

Not surprisingly, some therefore see investigator triangulation as the only way to truly eradicate researcher bias effects and enhance both validity and reliability (Merriam 2003: 25, Hakim 2000: 173-174 and Stake 1995: 113). This is unfortunately not a possibility in most PhD-projects since the very nature and purpose of the task require a single researcher design. However, with regard to theoretical triangulation, this dissertation draws on feminist, migration and economic theories, and although the economic “business” approach to organised crime will dominate the analysis, it still can be said to contain an element of theory triangulation.

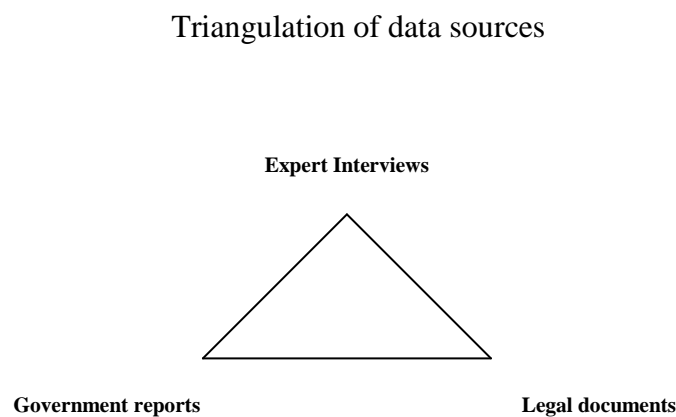
In the end, there is no “magic formula”, and the researcher can choose to employ only one form of triangulation or multiple triangulation, in which case multiple data sources, methods, theories and investigators are used simultaneously (Hakim 2000: 174). This study will thus rely on the most commonly used strategy to enhance validity, that is, triangulate data sources (Merriam 2003: 25, Hakim 2000: 173 and Stake 1995: 112).

Studies of organised crime thus make it clear that the researchers do well not to rely on a single data source or data collection method. In other words, triangulation of data sources and methods is fundamental in the research of organised crime to detect possible biases and contradictions (Fijnaut,

Bovenkerk, Bruinsma and van de Bunt 1998: 37). The methodological experiences of trafficking researchers indicate that it is essential to triangulate different methods and data sources, preferably overlapping sources, to achieve a high level of validity in trafficking studies (Aronowitz 2001: 179 and Lee 2005: 191).

Still, it needs to be acknowledged that triangulation does not automatically increase validity; methods and data sources may have the same biases. Consequently, qualitative researchers need to consider the particular sources of error or bias that may exist, and look for specific ways to deal with these, rather than rely on the selected method to do it for them. In practice validity threats are ruled out by evidence during the stage of analysis rather than by the methods used to collect the evidence (Maxwell 2005: 112). Should one set of data diverge, it should not automatically be ruled out as inaccurate, rather it requires the researcher in question to admit that the picture is more complex than perhaps first expected (Gillham 2005: 13).

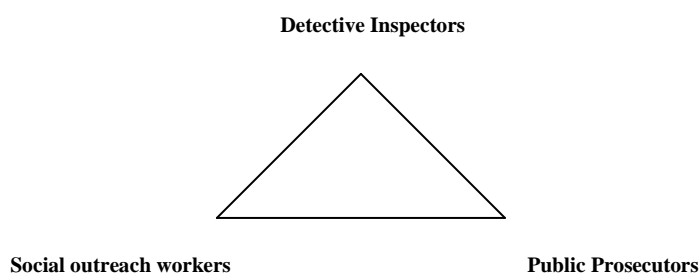
Finally, many qualitative researchers make the mistake of talking about validity and threats to validity in a too abstract way, without discussing how, for example, triangulation will work in practice (Maxwell 2005: 107). A graphical illustration of how triangulation will be carried out seems to be in place:



First, the data sources will be triangulated, which involves an element of method triangulation too. Second, as illustrated graphically below, the expert interviews will be further triangulated from the

perspective that the various categories of expert informants professionally approach and encounter traffickers and their victims rather differently.

#### Triangulation of the expert interviews



#### 3.2.5.5 Other validation strategies utilised

Other strategies to enhance validity can involve peer review, negative case analysis, clarifying researcher bias, member checking and rich description (Creswell 2007: 209 and Creswell 2003: 196).

One important threat to a study's validity is the deliberate selection of data that fits the researcher's theory or preconception, and the de-selection of data that contradicts the same theory or preconception, in other words, selection procedures that are influenced by the researcher's own biases (Maxwell 2005: 108). Consequently, another strategy to promote researcher integrity is to look for so called negative, i.e. opposite or contradictory evidence, that is, evidence that does not support the theory you are testing or developing, or your general understanding of the problem (Gillham 2005: 29). Finally, as will be discussed in greater detail later on, a rewarding strategy to deal with this threat is simply to openly present and discuss your own biases (Maxwell 2005: 108, Creswell 2007: 208, Creswell 2003: 196, Merriam 1998: 205 and Merriam 2002: 26).

Peer review involves asking colleagues to comment on the findings and conclusions of the study as they emerge. Naturally, graduate students by necessity have an element of peer review present during every step of their research project in the sense that they typically receive feedback from their supervisors throughout the writing process. Also, nothing prevents graduate students from contact-

ing other, preferably more senior, experts in the same topic, and ask them to read and comment on their dissertation. Finally, graduate students receive feedback from the members of the dissertation committee after submitting their final product (Merriam 1998: 205, Merriam 2002: 26, Creswell 2003: 196 and Creswell 2007: 2008).

Peer review has been utilised throughout my project. Apart from receiving feedback from my supervisors, I have also presented the findings of the study, and its underlying theoretical assumptions, in the form of several papers and articles presented during various PhD-seminars, which have given other graduate students as well as more senior colleagues the opportunity to comment. I have consulted some of the very few academic experts on trafficking and prostitution from a Scandinavian perspective, who kindly have read and commented on my study, and I have consulted the members of my own research group.

Finally, I have to some (lesser) extent utilised so called respondent or member validation, that is, consulted the people who provided me with data, in expert interviews, and asked them if they find my conclusions plausible. The general idea behind this strategy is simply that although the researcher may be using different words, the respondents/informants, should be able to recognise their own experiences, be they of personal or professional nature, in the researcher's interpretations, in which case validity can be claimed (Maxwell 2005: 111, Merriam 1998: 205, Merriam 2002: 26, Miller and Dingwall 1997: 41, Stake 1995: 115, Creswell 2007: 208 and Creswell 2003: 196).

In this case, two of my key expert informants kindly agreed to read parts of my dissertation and give feedback from the perspective of their professional experiences. Finally, qualitative case studies are by nature perfectly lined up to provide so called "rich" or "thick" descriptions. The purpose of a case study is typically to generate as detailed a description of the phenomenon under study as possible, which in turn allows the reader to assess the transferability of the findings to other settings, that is, assess the study's "charred characteristics" with other cases (Creswell 2007: 209, Creswell 2003: 196 and Maxwell 2005: 110).

## 3.2.6 Reliability in qualitative research

### 3.2.6.1 Introduction

Historically, case study research procedures have been poorly documented, which has given case studies a bad reputation with regard to, among other things, their reliability (Yin 2003a: 38). Over the years, the focus of methodological evaluation in qualitative research has generally been on validity rather than on reliability, which to some extent is understandable given that “perfect” validity entails “perfect” reliability, whereas the reverse is not true (Silverman 2006: 299 and Feagin, Orum and Sjoberg 1991: 240).

In fact, some researcher even question to what extent the concept of reliability, in its original quantitative meaning, is relevant when it comes to qualitative (case study) research. Consequently, authors of qualitative methodological handbooks occasionally treat and prioritise the concept slightly differently depending on their preferences. Still, qualitative researchers tend to employ the concept of reliability the same way as quantitative researchers do when assessing the result of a study (Bryman 2004: 237).

At the simplest level, reliability thus refers to the extent to which the result of a study can be replicated, in other words, the consistency of the result or “the degree to which the findings are independent of accidental circumstances of the research.” (Kvale 2007: 85, Silverman 2006: 285, Merriam 1998: 205 and Merriam 2002: 27). The mentioned criteria obviously point out the importance of explicit and transparent methods. As far as it is possible research should be carried out in such ways that it is replicable, which applies not only to the data collected, but also other steps taken to produce the conclusions of the study, such as carefully reporting references so that other researchers can locate and assess public sources used (King, Keohane and Verba 1994: 26). The concept of reliability thus subjects every case study researcher to carefully demonstrate how the study was carried out, for example with regard to data collecting procedures, to allow other researchers to repeat the study with the same results (Yin 2003a: 34).

However, as simple as this may sound, the conditions or settings of qualitative research projects are typically never static enough to allow exact replication. Informants may have passed away, or their perceptions of the world may have changed (Bryman 2004: 273, Merriam 1998: 205 and Merriam 2002: 27). Likewise, “unreliability” can be caused by a variety of factors, for example different interviewers can, depending on their age, gender, class and ethnicity, influence respondents’ answers differently (Creswell 2007: 31).

In qualitative research, case studies in particular, the researcher is typically the primary instrument of inquiry, so the notion of reliability with regard to instrumentation has a slightly different meaning in comparison to strictly quantitative studies. As statistical tools, techniques and instruments can be refined, so can a qualitative researcher’s ability through training and practice (Merriam 1998: 206 and Merriam 2002: 27).

As a PhD-student, I had only on one previous occasion conducted “scientific” interviews and was rather inexperienced when I conducted the first expert interviews for my project. The outcome might have been more rewarding had I been more senior in my capacity as a researcher.

Another strategy to improve reliability is to use high quality recording machines and carefully transcribe and translate the interviews so that important details are not lost in the process, such as pauses and overlaps (see below) (Creswell 2007: 209). In comparative case studies, one important aspect of securing reliability is to conduct the study in the empirical settings to be compared over and during roughly the same time period (Feagin, Orum and Sjoberg 1991: 18). The expert interviews referred to throughout this dissertation were thus conducted in Denmark and Sweden during the same continuous three month period in 2008.

Further, leading questions are well known to affect the answers of respondents and may thus compromise the reliability. However, in qualitative interviews, leading questions can also be a way to test the reliability of the informant’s answer (Kvale 2007: 258). In expert interviewing, experts may react against too leading questions by referring to their professional experiences of the phenomenon or problem under study. In my interviews, the detective inspectors in some cases protested against what they felt were incorrect implied meanings in some of my questions.

Case studies in particular are further claimed to be open to investigator biases, which therefore calls for actions to identify and minimise the influence of such biases (see below) (Feagin, Orum and Sjoberg 1991: 18).

Finally, it needs to be recognised that perfect validity and reliability never can be achieved, rather the goal of every study should be to maximise the validity and reliability through methodological techniques (Creswell 2007: 31). Even if it is not possible to obtain perfect reliability in qualitative studies, the best any researcher can do is adhere to the normally recommend guidelines for collecting and handling data, in which case other researchers should be able to arrive at the same findings (Feagin, Orum and Sjoberg 1991: 240).

### 3.2.6.2 Transcription and reliability

Transcribing interviews is a necessary element in all research projects. Not only does it allow for repeated examination of the answers to your interview questions, it also opens up the data to public review by other researchers, which makes it easier for the researcher in charge of the study to counter possible accusations that the result are biased. Finally, it allows for the data to be reused in other ways, in further studies, or by other researchers (Bryman 2004: 330).

Most often it is recommended to transcribe the interviews as soon as possible after the actual interview, so the interviewer's memory will help him or her to hear what is on the tape (Gillham 2005: 71). This was also my initial intention, but for various reasons, I needed to take one year off after conducting the last interview. Still, when listening to the recorded interviews and transcribing them, I felt I had great use of my memories from the actual interviews, which after all did not include that many informants.

Transcribing interviews is extremely time consuming, but the only way to present and analyse interview data is in a written format (Gillham 2005: 71 and Bryman 2004: 330). Successful transcription also requires a high quality tape recorder and microphone (Bryman 2004. 330). In this case an OLYMPUS Digital Voice Recorder model VN-4100PC, was used in combination with an external microphone. This allowed me to transfer the recorded digital files to a computer where the files could be organised, re-named and played.

While transcribing interviews may seem straightforward, it involves various methodological implications. For example, while the recorded interviews may be seen as solid, first-hand empirical data, the transcripts are not since they are subject to judgements and decisions on the researcher's part, and thus need to be assessed from the perspective of their validity and reliability (Kvale 1996: 163 and Marshall and Rossman 2006: 110).

Further, when listening to the recorded interviews, most researchers will find that some informants tend to repeat themselves, in which case there obviously is no point in transcribing segments of repeated almost identical talk delivered by the same respondent. Rather, it is recommended that the researcher searches for and only transcribes statements that really say something of value, and it is often a good idea to have a colleague double check your records and transcripts to make sure that they credit your selected transcripts with the same value (Gillham 2005: 71 and Bryman 2004: 332). Another problem is that some informants lose track when answering a question and repeat themselves. In response, I chose to transcribe and present only the part of the answer/dialogue that I deemed relevant. If an informant when asked starts to discuss matters related to recruitment of victims, but slips into discussing transportation of victims, this part of the dialogue is left out and saved for the part of the analysis that deals with transport. However, in some cases an overlapping answer may provide important and valuable insights on how the two stages in the trafficking process are related. In such cases, obviously, the interviews are transcribed, presented and analysed so that important information is not lost.

The concept of reliability thus also has bearings on transcription, and reliability can in the case of recorded interviews be weakened if the researcher fails to transcribe critical pauses and overlaps (Silverman 2006a: 287, Kvale 1996: 164 and Silverman 2007: 222). In other words, in qualitative research researchers are typically not only interested in what people say, but also in how they say it (Bryman 2004: 329-330). Of course, the transcription style depends on the nature of the interview and of the audience, that is, the purpose of the interview. In some cases it is highly relevant to transcribe interviews to clearly indicate the pauses made, their length and place in order to get the most out of the material; in other cases it will not add anything to the analysis and outcome (Kvale 1996: 170 and Kvale 2007: 156).

In expert interviews, I believe this dimension is of less importance. In cases where the informant has paused, and then continued giving relevant information, this is simply marked with three dots (...).

Finally, in cases where the interviews are conducted in another language than the language to be used when writing up the report or study, the interviews are typically simultaneously transcribed and translated. My interviews were conducted in Danish/Swedish and Swedish/Swedish, so I have translated the answers into English when transcribing.

The question of translation has only recently been covered by methodology handbooks. Obviously there is a risk that the terminology and grammatical structure when speaking for example Danish entail a meaning that is lost when translated to English (Marshall and Rossman 2006: 111 and Kvale 1996: 163). Transcribing further means translating from oral language to written language which often are based on different sets of rules, which thus raises questions with regard to the transcript's reliability. In the end it is thus important to remember that transcripts do not represent reality but are interpretative constructions (Kvale 1996: 165).

It can therefore be of value to know that I personally conducted, transcribed and translated every interview in this study. In the Swedish expert interviews, transcription did not caused me any trouble, since these interviews were conducted in Swedish and in environments free from disturbing noises. In the Danish interviews, the experts in all cases wanted to speak Danish. Unfortunately, in one case, the interview was carried out in a room with several other persons present, and a lot of disturbing noises were recorded which later compromised the transcription.

Although I have been living a couple of years in Denmark, and given that Danish and Swedish in many aspects are similar languages, transcribing the Danish interviews in some cases proved difficult, in which case I had to rely on a native Danish speaking friend for an extra opinion. Finally, translating the interviews from oral Danish and Swedish to written English was in some cases very difficult, especially finding a suitable English word that had the same meaning as the original Danish or Swedish word. In these cases I kept the word in its original language as I went along transcribing, and later on consulted an experienced English teacher (who happens to be my sister).

### 3.2.6.3 Handling potential biases

Not surprisingly, qualitative methods, including case study designs, are repeatedly facing critique for being particularly sensitive to researcher bias and therefore lacking objectivity (Yin 2003a: 10 and Kvale 1996: 64). In qualitative research two types of threats against validity, “researcher bias” and “reactivity”, are often mentioned. In the first case, the researcher is the primary instrument for gathering and analysing data which opens up for personal bias interference (Merriam 1998: 21, Maxwell 2005: 108 and Merriam 2002: 5). In the second case, qualitative research based on interviews may be subject to biases, since the interviewer may influence the interviewee’s responses, or the interviewee may try to impress the interviewer by giving what he or she feels is the socially most desirable response (Mitchell and Joelly 2003: 190). In observational studies, the very presence of the researcher may influence the setting or individuals under study which obviously may compromise the validity and reliability (Maxwell 2005: 108).

However, for qualitative researchers in general, and in particular case study researchers, avoiding a preconceived position is in most cases close to impossible since the very task of conducting a qualitatively designed study entails having an understanding of the problem or phenomenon beforehand, for example by conducting an extensive literature review. Consequently, in qualitative research various tests of biases are called for and have been developed (Yin 2003: 62).

1. Test whether the researcher relates to “contrary findings”, that is looks for “negative evidence” and follows up “rival explanations” (Yin 2003: 62 and Kvale 1996: 242)
2. Share the results with the informants in the study, which goes hand in hand with the ethical obligation to debrief participants (Hancock and Algozzine 2006: 66 and Kvale 1996: 242).
3. Allow case study methodology experts to critically review the study in order to identify biases that may threaten the credibility (Hancock and Algozzine 2006: 66).
4. Share the result with other researchers who are experts on the subject in question (Hancock and Algozzine 2006: 66).

4. The researcher explicitly and carefully articulates his or hers own personal preferences and biases, and how he or she attempts to handle and minimise the potential effect. By openly acknowledging that one may be biased in relation to the subject or phenomenon under study, and by discussing what measures have been taken ensure that the biases do not influence the research process, case study researcher can produce findings that are less likely to be questioned on reliability (Hancock and Algozzine 2006: 66, Marshall and Rossman 2006: 30 and Merriam 2002: 5).

5. “Triangulation”, which means combining different methods, data sources or researcher within the same study. Basing findings on evidence from interviews, documents and observations is more convincing than relying exclusively on one source of information (Hancock and Algozzine 2006: 66, Marshall and Rossman 2006: 202 and Kvale 1996: 242).

6. Relate the result to findings from other studies and the broader literature on the subject (Hancock and Algozzine 2006: 67).

Studies relying on informants such as experts may further be subject to “key informant biases”. This study, like many other qualitative studies, relies on a limited number of informants for a major part of the data collected, which means that the informants may have biases that will influence the result (Maxwell 2005: 91).

By using triangulation and by be open to negative evidence, as well as by sharing the result of the study with the informants, and most importantly, by carefully reporting my own personal preferences, the impact of “researcher bias” will hopefully be kept at a minimum.

#### 3.2.6.4 Personal preferences

Obviously, few social scientists commit to study trafficking for prostitution without being personally moved by the tragic and appalling stories of former victims. However, the personal interests of individual scientists often go far beyond the concern for the welfare of individual victims. Trafficking researchers are typically interested in the entire sex industry, including the legal status of prostitution, government action on the very same, and gender equality implications.

Clearly, interests in such questions of highly normative and political nature may present grounds for biases, however, as claimed in methodology handbooks, the very energy that comes from a high level of personal interest in a subject may in fact be necessary for the researcher to gain access to certain groups, organisations, agencies or experts (Marshall and Rossman 2006: 74). As suggested by qualitative methodology handbooks, the best thing a researcher can do is to admit and openly discuss his or her personal preferences and take actions to make sure that the preferences do not influence the result in such ways that its validity and reliability cannot be questioned.

Clearly, this calls for me presenting my own preferences in relation to trafficking for prostitution, and Scandinavian policies on prostitution. Personally, I have always favoured the Swedish approach of de-criminalising women selling sex, criminalising men buying sex as well as any third part facilitating and making money on the sex trade. Although research indicates that some (local) women describe their choice of occupation as entirely voluntarily and rational, and themselves as happily and independently working professional sex workers, I believe we should ask how representative these women are for the greater majority of women and girls in prostitution worldwide. Obviously, we will most likely find that they not only represent a minority of the women in prostitution, but also a minority that works at the top of the social and economic hierarchy that is the modern sex industry of today. Their present position in the sex industry, as well as their experiences, most likely are not representative of the large majority of women and girls in prostitution, and in particular not of the increasing numbers of foreign women, trafficking victims included.

Although some research suggests that women are hurt less from selling sex when they perceive their situation as self chosen, and when they to some greater extent can determine and set the terms of the trade, one needs to ask how likely various government policies on prostitution are to secure such working conditions for the large majority of women in prostitution, foreign women included.

Legalising prostitution as an attempt to secure such working conditions for women may seem rational, but as the experiences of Germany and the Netherlands have proven, while legalising may provide some women with better working conditions, a whole lot of women, perhaps the large majority, are still subject to unsafe illegal establishments, which typically develop in the aftermath of legalisation when the sex industry diversifies and expands out of government control.

In my opinion the presence of a sex industry, in particular a legalised one, will have consequences that reach far beyond individual women selling sex, and will in particular affect gender relations on the societal level in a negative way. For me, prostitution is not primarily a matter of individual choice, but an expression of male dominance and female subordination, that, when legitimised by governments, will ultimately stand in the way of gender equality, which I believe is a goal that all democracies should prioritise and strive towards.

Rather than satisfying the needs of a few independently employed upper class “sex workers”, I believe that government policies on prostitution should acknowledge the millions of women and children who worldwide annually enter the sex industry due to a lack of economic opportunity, and social and political protection. In my opinion the only sound way to prevent new women and children from being recruited into prostitution is to strike down on the sex industry where it hurts the most, that is, on the “demand side”.

I thus think that any policy that aims to prevent trafficking in women and children for commercial sexual exploitative purposes should first and foremost reduce the demand for prostitution and increase the costs of running sexual establishments, which ultimately will lower the profits made by traffickers and local third parties.

The way I see it, a government policy that does not strike down on the sex trade at every possible stage of commercial activity and point of profit generation will have little chance of succeeding. Hence, a policy must target not only traffickers and local pimps, but also clients as well as prohibit other commercial activities that are integral and necessary parts of the sex business, such as advertising in daily papers, renting out hotel rooms for sexual encounters, and most importantly, prevent the establishment of a large scale permanent and easily accessible commercial sexual infrastructure that allows for economics of scale in the prostitution business, which again promote the development and advancement of large scale professional trafficking networks and organisations.

For the same reason I favour the Swedish policy over the Danish. Obviously, the Swedish policy has negative consequences; for example, women in street prostitution are facing a harder and more competitive climate, as well as more abusive and desperate clients, since the enactment of the law in 1999. However, what women in street prostitution need is not a new law but targeted social pro-

grammes to help them leave the “street” and break free from their own, or their partner’s drug addiction.

To Swedish women who present themselves as strong independent and self employed professional sex workers who are being discriminated by the Swedish policy, I have only one thing to say: If they are as skilled and empowered professional female entrepreneurs as they claim, surely they will be able to use those entrepreneurial skills and energy to enter another line of business. After all, why should the needs of a few “lucky” women dictate the conditions for potentially thousands of trafficking victims, who unavoidably will be recruited and exploited after legalisation or decriminalisation of prostitution?

Further, it is important to recognise that local women in prostitution who are outspoken proponents of legalisation of prostitution typically have a hidden agenda. As experiences in Germany and the Netherlands show, legalisation of prostitution allows local women who have managed to work their way up in the hierarchy to stop selling sex and become pimps, in which case legalisation obviously provides them with more business opportunities and higher profits.

In sum, I believe that research on trafficking and prostitution benefits from not only studying and discussing the social power structures of the sex industry, but also its economic rational. Hopefully, being aware of my own preferences, combined with the methodological and analytical techniques presented above will be enough to avoid a biased result.

### 3.2.7 Limitations

When analysing the data generated through the expert interviews and when reading government publications, it is evident that the strategy of using such primary data sources has its limitations. First, data asymmetries exist between the two countries for various reasons. The Swedish informants were on average significantly more experienced than their Danish counterparts, which, I believe, is due to the fact that Swedish authorities started to organise against trafficking for prostitution by setting up specialised counter trafficking units, several years before the Danish authorities. Further, due to the political sensitivity of the problem, and the domestic media critique of the actions, or lack thereof, taken by Danish authorities in relation to the problem, several Danish experts

turned down my invitation to participate. The ones who participated in some cases did not want to answer questions where the answer could be perceived as critique against Denmark's counter trafficking strategy, in particular the policy on prostitution.

Second, among the Danish and as well as the Swedish detective inspectors, there seemed to be a common understanding that some of the aspects of the government counter trafficking strategy should be kept a secret, such as details of the surveillance techniques that the police employ to uncover cases of trafficking.

Third, the Danish and Swedish government publications exhibit asymmetries. In Denmark, in comparison to publications on local women in prostitution, few government investigations have been undertaken and made public on trafficking in women and girls into Denmark for commercial sexual purposes. In Sweden, the relationship is the opposite and there are several reports on trafficking for prostitution, including, since 1999, an annual police report, whereas relatively few reports are available on the situation of local women and girls in prostitution. Quite obviously, the quality and richness of the data could, in the absence of these limitations, potentially have been better, especially in the Danish case.

Further, the problem of trafficking in woman and children for commercial sexual purposes is politically sensitive, which obviously is something that the experts consulted are fully aware of. Hence, the experts' statements, as well as the government reports, risk being biased in favour of their own country's policy on prostitution and counter trafficking strategy, or the performance of their own agency, thereby pointing to the importance of a reliability control.

Studies of organised crime thus make it clear that the researchers in charge do well not to rely on a single data source or data collection method. In other words, triangulation of data sources and methods is fundamental in order to detect possible biases and contradictions (Fijnaut, Bovenkerk, Bruinsma and van de Bunt 1998: 37).

Finally, detective inspectors, public prosecutors and social outreach workers base their knowledge on a limited number, but nevertheless, real life cases of trafficking and sexual exploitation. Interviewing government officials in their capacity as experts on trafficking for prostitution thus also

merits the question of how representative the cases they base their knowledge on are for the large majority of trafficking for prostitution cases within the geographical region. As in the case of interviewing victims of trafficking, it needs to be asked if the cases brought to the authorities' attention, and selected for further investigation, have specific features that make them more likely to be prioritised. One criterion of prioritising is naturally a country's legal definition of trafficking, which the public prosecutor is bound by. However, in particular social outreach workers, and to a lesser extent, detective inspectors, can at least in the initial stage of an investigation work more indiscriminately, and therefore assimilate a perhaps more general and representative picture of the trafficking situation in their country. In other words, experts typically know more than what is written down in reports or reflected by the usually limited number of successfully prosecuted cases.

In conclusion, the question of representativity points to the importance of combining the result of expert interviews with other data sources in order to generate a more comprehensive picture.

### 3.2.8 Definitions

#### 3.2.8.1 Defining organised crime

Defining organised crime is a task with many challenges, including handling the different interests of the stakeholders involved, such as governments, national and international law enforcement agencies, and therefore no generally accepted definition exists. Although organised crime has been discussed in the criminological academic literature and by law enforcement agencies for many years, it is still difficult to determine what exactly is meant by the term "organised crime" (BRÅ 2005: 21, Abadinsky 2007: 2, Schloenhardt 2003: 91, Ryan and Rush 1997: 137, Fiorentini and Peltzman 2001: 3, Adamoli, Nocola, Savone and Zoffi 1998: 4, Albanese 2008: 263, UNCICP 2008: 47 and Kelly, Chin, Schatzberg 1994: 21).

The need for a common definition is nevertheless obvious, not only to facilitate cross border cooperation but also to allow for comparison between different countries, (Adamoli, Nicola, Savone and Zoffi 1998: 4). The various definitions typically have significant practical implications and determine how resources are allocated and the problem of organised crime "attacked" legally and territorially (Kelly, Chin, Schatzberg 1994: 21).

### 3.2.8.2 General characteristics of organised crime

First, a good definition of organised crime should capture its typically process oriented nature, i.e. that organised crime first and foremost denotes a process or method of carrying out criminal activities, rather than focusing on the specific type of crime or type of criminal activity it self (Adamoli, Nicola, Savone and Zoffi 1998: 4). Second, any definition of organised crime must highlight that it is a form of crime that is carried out under more organised forms than other ordinary crimes, and as such requires planning, division of labour, management, communication and financing (BRÅ 2002: 7). Typically, the common denominator of the definitions offered by governments, agencies and academics is that they credit organised crime with the following attributes:

Organised crime:

1. Has no political goal
2. Is hierarchical
3. Has limited or exclusive membership
4. Constitutes a unique subculture
5. Perpetuates itself
6. Exhibits a willingness to use violence and bribery
7. Demonstrates specialization/division of labour
8. Is monopolistic
9. Is governed by explicit rules and regulations

(Abadinsky 2007: 3, Ryan and Rush 1997: 137, Albanese 2008: 264 and ICMPD 1999: 12)

However, in recent years it has been increasingly questioned to what extent organised crime is monopolistic, has restricted membership or is non-ideological (Albanese 2008: 263). The lack of a common and unitarily agreed upon definition of what constitutes “organised crime” further captures the problem that one cannot easily uphold and work with a strict dichotomy between “non organised crime” and “organised crime”. In reality, it is a matter of varying degrees of organisation in terms of planning, professionalism, financing, hierarchy and division of labour.

Clearly, this does not imply that existing definitions offered internationally, regionally or locally are meaningless or useless. Definitions used in for example EU cooperation have significant impact on the design and implementation of counterstrategies, as well as the legal practices of the EU member countries' authorities (BRÅ 2002: 11).

### 3.2.8.3 EU's definition of organised crime

To facilitate the mapping of and cooperation against organised crime, Denmark and Sweden use the EU criteria for organised crime (BRÅ 2002: 20 -21, Rigspolitichefen 2000: 8, Rigspolitichefen 2001: 6, Rigspolitiet 2004: 7, Rigspolitiet 2003: 6, and Rigspolitiet 2002: 6).

EU's criteria for organised crime:

1. Cooperation between more than two persons
2. Each having prearranged functions
3. For long or previously unspecified time
4. Subject to the application of some form of discipline or monitoring
5. Suspicion of the commission of serious offences
6. Activity of an international level
7. Use of violent behaviour or other means serving to intimidate
8. Utilisation of commercial or business structure
9. Involvement in money laundering
10. Exercise of influence at the political level over the media, public administration, judicial authorities or economics
11. Motivated by profit or power

In order for a criminal constellation to be defined as organised crime, at least six of the 11 criteria presented above must be fulfilled, including the compulsory number 1, 3, 5 and 11 (Edwards and Gill 2002: 253, EUROPOL 2006: 11, Rikskriminalpolisen 2004: 37 and ICMPD 1999: 12).

EU's criteria for organised crime are consequently the basis from which the member countries conduct their data collection. As can be seen, the criteria lead to a relatively broad definition of organ-

ised crime, and the risk is that too much crime is defined as organised crime (Rikskriminalpolisen 2004: 7). The same can be said about the UN definition.

#### 3.2.8.4 UN's definition of organised crime

The new United Nations Convention against Transnational Organised Crime of 2000 constitutes the first serious attempt by the international community to answer the challenge of transnational organised crime with a global response in the form of an international law. The UN convention, and its two supplementary protocols on trafficking and smuggling, provide key definitions of the concept of organised crime, smuggling of migrants and trafficking in persons (UNODC 2006: 49-53). Accordingly, the signatory states are obligated to prevent and take legal measures against certain defined serious crimes if the crimes in question, such as money laundering and corruption, have international characteristics and have been carried out by a criminal organisation. A serious crime is in turn defined as a crime leading to more than four years of imprisonment (BRÅ 2002: 19).

The New United Nations Convention against Transnational Organised Crime thus recognises the need for a multidimensional and transnational approach to fighting organised crime, or, as it is stated in Article 1 in the convention document:

*The purpose of this Convention is to promote cooperation to prevent and combat transnational organised crime more effectively (Annex I, Article 1, United Nations Convention against Transnational Organised Crime)*

Clearly, in order for the convention to promote efficient transnational cooperation all states must commit to the same definition of organised crime. It can be noted that the text uses the term “organised criminal group” instead of the term “organised crime”. Article 2 of the convention document states that:

*(a) “Organised criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;*

(b) “*Serious crime*” shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

(c) “*Structured group*” shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure (Article 2, United Nations Convention against Transnational Organised Crime).

This definition of organised crime comprises not only large criminal organisations with a distinct internal structure, but also smaller criminal groups and more informal and loosely connected criminal networks. Consequently, the criteria for the number of members have been set very low, still the organisation (or network) must be structured and constant over time, which excludes more spontaneous or short lasting criminal unions. To be classified as organised crime, the crimes in question must have direct or indirect profit generating purposes, which excludes exclusively violent crimes, such as crimes motivated by racism and homophobia, or other politically motivated crimes (BRÅ 2002: 19).

As given by its name, the UN Convention Against Transnational Organised Crime further highlights the transnational aspects of organised crime by stating that a criminal offence is “transnational” if it is committed:

1. in more than one state
2. in one state but a substantial part of its planning or preparation takes place in another state
3. in one state but involves a criminal group that engages in criminal activities in more than one state
4. in one state but has substantial effects in another state

(Massari 2003: 57).

A relevant question is to what extent the criminal elements involved in trafficking women for prostitution in Scandinavia live up the EU and UN criteria. Since little is known about the operational

and organisational features of the traffickers operating in for example Scandinavia, this is a question without an immediate answer. Another way to approach the problem is to ask to what extent the known traditional organised crime is involved in the trafficking for prostitution business.

### 3.2.8.5 The involvement of traditional organised crime in the trafficking business

Is organised crime, in the true and traditional sense, involved in the trafficking for prostitution business? The question is central but not easy to answer. For sure, trafficking in women is by some typically equated and made synonymous with organised crime, but the features and characteristics of the known traffickers are not always in keeping with the features and characteristics of organised crime. Consequently, some seriously question if, to what extent and in what ways true organised crime can be said to be involved in trafficking for prostitution (Fijnaut, Bovenkerk, Bruinsma and van de Bunt 1998: 103, Salt 2000: 43-44 and Van Liemt 2004: 15).

The first group points to reports claiming that the Japanese Yakuza, the Russian Red Mafia, the Chechen, the Italian or the Albanian Mafia, and the Chinese Triads are involved, among other things due to the observation that these organisations already have the experience and trained personnel needed, well established and tested trafficking routes, a developed network of corrupt public officials, and finally, the needed criminal local contacts in various countries. Some reports even go as far as to suggest that otherwise normally competing traditional criminal organisations such as Japanese Yakuza and the Chinese Triads not only are involved in, but cooperate in trafficking operations (ICMPD 1999: 40, Van Liemt 2004: 15 and Farr 2005: 99-114).

The second group takes a more sceptical standpoint and points to, for example, studies in Asia that counter the claim that highly organised and national or transnational criminal organisations or networks are involved. Rather it seems that traffickers in these cases mostly are small time and function individually, or in small scale cooperation with a few others based on personal or family relationship (Kempdoo 2005: 16).

Most of the time, the exact function and role of these organisations in the trafficking for prostitution business remain unclear. In other cases, where the nature of the involvement is more certain, the scale of the participation remains unclear. Finally, some criminologist specialising in trafficking say

that it is a matter of crime that is organised rather than “organised crime” (Kempadoo 2005: 15, Van Liemt 2004: 15 and Fickenauer 2001: 172).

Obviously, determining the degree and nature of the involvement of organised crime in the trafficking for prostitution business is very challenging. Generally, information on large scale traditional criminal organisations and networks is more readily available than information on medium and small scale organisations and networks. Determining the involvement of organised crime obviously also implies a clear definition of what is meant by trafficking in human beings, and how it differs from smuggling of migrants, which, as we soon shall see, is complicated to establish in practice (ICMPD 1999: 40 and Burckert and Parent 2002: 14).

For example, Russian researchers make the case that almost all Russian traffickers fall under the Russian definition of organised crime, in the sense that they are organised as a group of people who work together over a longer period of time. At the same time it needs to be recognised that the said traffickers can vary significantly in terms of organisational features. Hence, some Russian traffickers work in groups with a limited number of individuals who only traffic a small number of women, whereas others are more coordinated and involve a large number of individuals (Stoecker and Shelley 2005: 5, 71).

In the end, determining the involvement of organised crime in the trafficking business boils down to a question of the operational and organisational features of the criminal elements involved in trafficking women and children for prostitution, that is, the very purpose of this dissertation.

Is it a matter of large scale stable and ultimately profit driven organisations with a clear hierarchy? Or is it a matter of loose networks working together on an ad-hoc basis or is trafficking for the most part carried out as small scale family based operations? (Van Liemt 2004: 15).

In the case of Sweden and Denmark traditional organised crime, such as the mafia in Italy and the USA, the South American cartels, the Japanese Yakuza and the Chinese Triads, is not relevant. Rather, the geographical proximity of the two countries (as well as Norway and Finland) to Russia, the Baltic States and Poland means that parts of the organised crime in these countries potentially may spill over to Sweden and Denmark.

Danish and Swedish authorities, such as the tax office, public prosecutors and the police have become increasingly aware that these criminal organisations over the past decade, increasingly, but without fully establishing themselves in Scandinavia, send representatives to find and exploit new markets for illegal goods and services (BRÅ 2002: 10). However, to what extent these organisations or networks also take part in trafficking for prostitution remains unclear.

### 3.2.8.6 Defining human trafficking

When studying the available government documents and research reports it is evident that many different definitions of trafficking are being used. Different various terms are typically used for the same phenomenon, such as alien smuggling, trafficking of aliens, illegal immigrant smuggling, human trafficking and trade in human beings. This lack of consensus and terminological confusion naturally constitutes a major obstacle to the advancement of the research and makes the available statistical data on the subject incomparable (Bruckert and Parent 2002: 5, Kempadoo 2005: vii, Raymond 2002, p. 492 and Aronowitz 2005: 164). The confusion concerns in particular in what distinct ways the concept of trafficking and smuggling are similar/different from each other.

As the concepts of trafficking and smuggling partly overlap, they share some basic characteristics. In both cases a third party is involved who is “in it for the money”; the trafficking and smuggling routes may be the same or similar; the same people may be involved (Van Liemt 2004: 13, ICMPD 1999: 24 and Schloenahrtdt 2003: 24).

Issues of human trafficking and human smuggling are closely intertwined as routes and methods of transport are sometimes the same, both often involve illegal crossing of borders, and both involve human suffering and exploitation (Beeks and Amir 2006: 70).

Naturally, there are several distinct ways in which the crime of trafficking and the crime smuggling differ. Where trafficking necessarily involves exploitation of a victim and typically coercion and deceit, smuggling is often conducted on the basis of an upfront (oral) voluntary contract between the smuggler and the smuggled. In the case of trafficking, the person recruited and exploited is theoretically first and foremost a victim, whereas in the case of smuggling, both parties (smuggler and

smuggled) are usually fully aware that laws are broken when a country's border is crossed illegally, thus turning them both into criminals in the eyes of the law. Hence, in the case of smuggling, the injured part is the state whose immigration laws are violated. Likewise the contact between the smuggler and the smuggled often ends after arrival to the destination country and the final payment has been made. In trafficking, the trafficker typically continues to exploit the victim for a profit through, for example, debt-bonded sexual exploitation (Van Liemt 2004: 13, Aronowitz 2005: 165, Beeks and Amir 2006: 70, ICMPD 1999:20 and Schloenhardt 2003: 24-25).

### 3.2.8.7 The role of the UN in defining human trafficking

The United Nations Convention against Transnational Organised Crime and its supplementing protocols on trafficking and smuggling seem to indicate that consensus on how to define trafficking, at least to some extent, has now been reached (Laczko and Gramegna 2003, p. 180). Unlike previous international instruments to fight human trafficking, for example the 1949 Convention for the suppression of trafficking in Persons and of the Exploitation of Prostitution of Others, the UN Trafficking protocol of 2000 not only calls for punishment of traffickers and assistance to trafficking victims, it also offers a working definition on trafficking in persons (UNODC 2006: 50):

(a) "Trafficking in Persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means or the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if it does not involve any of the means set forth in subparagraph (a) or this article;

(d) “Child” shall mean any person under eighteen years of age.

(Article 3, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children).

This definition of trafficking in person differs somewhat from the definition of smuggling of migrants as set out in the Protocol against Smuggling of Migrants by Land, Sea or Air:

(a) “Smuggling of migrants” shall mean 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;

(b) “Illegal entry” shall mean crossing of borders without complying with the necessary requirements for legal entry into the receiving State;

(Article 3, Protocol against the Smuggling of Migrants by Land, Sea and Air)

Human trafficking, as defined by the UN trafficking protocol of 2000, can be broken down into three constituent parts: criminal acts, the means used to commit these acts, and the goals (i.e. for the purpose of various forms of exploitation):

1. The action of: recruitment, transportation, transfer, harbouring or receipt of persons.
2. By means of: threat of use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving payments or benefits to a person in control of the victim.
3. For the purpose of exploitation, which includes, at a minimum, exploiting the prostitution of others, other forms of sexual exploitation, forced labour or services, slavery or similar practices, and the removal of organs.

(UNODC 2006: 51).

At least one of the above elements must be fulfilled for the trafficking definition to apply (UNODC 2006: 51 and Hayes 2008: 5).

According to the Palermo protocol, the victim's consent to leave his/her home country does not exclusively determine the dividing line between trafficking and smuggling. What started out as a smuggling process with an initial consent to being smuggled across a country's borders, will turn into a trafficking case if the person's consent has been gained through the use of deception and/or coercion, if the post-arrival phase is followed by exploitation. Likewise, the victim's consent to the intended exploitation is irrelevant if any of the means described in the definition has been used.

Most importantly, the victim's consent is always irrelevant if he or she is under 18, that is, regardless of whether any of the means have been used. The idea is that children under 18 legally cannot consent to being trafficked, even if they have not been threatened, forced, coerced, deceived or abducted. Nor can their custodians consent to having them trafficked (UNODC 2006: 51).

### 3.2.8.8 Practical implications and challenges

Studying the definitions in the two UN protocols in theory clarifies the distinction between trafficking in persons and smuggling of migrants. The crime of trafficking is characterised by the use of coercion, abduction, fraud, deception and exploitation, whereas the crime of smuggling is characterised by the illegal entry of a person into a country. Although the distinction may seem clear in theory, critical voices claim that there will still be room for misinterpretations and confusion, since in practice, the processes of trafficking persons and smuggling migrants exhibit many similarities and in many cases evidently overlap (Gijsbert van Liemt 2003, p.17, Bruckert and Parent 2002: 5 and Anderson and Davidson 2002, p. 10).

What starts out as a smuggling process may very well end up in a trafficking process with all the necessary elements of coercion and exploitation. Especially many young women, who have surren-

dered themselves to the mercy of human smugglers in the hope of migrating to a legitimate job, have ended up being trafficked into prostitution and sexual slavery (IOM Nov 2002, p. 14). What started out as voluntary participation in a smuggling operation may thus turn into a trafficking operation with all the necessary elements of deception, coercion and exploitation, and lack of consent (Van Liemt 2004: 13, Salt 2000: 34).

The UN Definition of Human Trafficking is further accused of being too broad and open-ended and therefore difficult to operationalize legally (Kempadoo 2005: 16). As the evidence from Denmark and Sweden indicates, the legal authorities in practice use a much more narrow definition.

Trafficking is by most accounts a significantly more complex concept in the sense that it not only requires taking into consideration the manner in which the victim enters the destination country, but also the level of his/her consent and the nature of the subsequent working conditions. In reality it is thus often difficult to establish if the elements of deception and coercion are sufficient to elevate a smuggling case to a trafficking case (Salt 2000: 33-34).



## 4. Theory and frame of analysis

### 4.1. Economic theory and organised crime: Introducing the “business approach”

Few studies of the trafficking for prostitution business have been conducted from an economic perspective, consequently little is known about the business structures and strategies of the criminal organisations and networks involved in the trade (Shelley 2003: 119). Economic analyses of organised crime is however not a new phenomenon and the first step towards an economic theory of organised crime was taken already in 1968 when the famous American economist and Nobel Prize winner, Gary Becker, published “Crime and Punishment: An Economic Approach” (Latov 2000: 7).

Becker examined criminal behaviour based on the assumption that crime is the result of the offender’s rational calculations. Hence, when deciding on whether or not to participate in crime, the offender first calculates and factors in:

1. All his practical opportunities to earn legitimate income
2. The amounts of income offered by these opportunities
3. The amounts of income offered by various illegal opportunities
4. The probability of being arrested
5. The probability of being prosecuted and punished

After making these calculations, the individual decides whether or not to take up a criminal career by choosing the line of work that offers him the highest discounted return (Schloenhardt 1999: 204, Schloenhardt 2002: 10, Schloenhardt 2003: 100).

In the late 1960s and during the 1970s, a growing number of economist researchers felt convinced that Gary Becker’s approach to organised crime had much to offer and were through subsequent research able to prove that organised crime operated much in the same way as legal and legitimate businesses do, and thus could and should be studied accordingly, that is, as primarily an economic

phenomenon. Organised crime has thus found to form, evolve and operate the same way as legitimate businesses, simply by responding to the demands of suppliers and customers, the only difference being that organised crime dealt in illegal goods and services.

Consequently, legal enterprises form and exist for the purpose of supplying various markets with legitimate services and goods in demand, organised crime thus form and exist for the purpose of supplying services and goods that are illegal but nevertheless in demand by the public (Kelly, Chin and Schatzberg 1994: 85, Schloenhardt 2002: 10, 15 Schloenhardt 2003: 100, Johansen 2005: 26 and Zaitch 2002: 22).

The underlying assumption of the “business approach” to organised crime is thus that “crime can be considered as an illegal economic activity” undertaken by individuals who are rational and normally calculating and who seek to maximise their preferences given the constraints they are subject to (Schloenhardt 1999: 204, Schloenhardt 2002: 11, Schloenhardt 2003: 100). Along the same line of reasoning, organised crime modifies its operational strategies with regard to supply, production, distribution and finance in order to maximise the returns of the business while at the same time minimising the resources and time spent on producing the goods or services in question, as well as the risks taken (Schloenhardt 2002: 14 and Passas (ed.) 1999: 16)

Just like legal enterprises, in an attempt to maximise its profit organised crime incorporates organisational structures, such as management, division of labour and positions assigned on the basis of the members individual skills, to reach a high level of efficiency in the production, trafficking and distribution of goods or service (Schloenhardt 1999: 205, Schloenhardt 2002: 13 and Schloenhardt 1999: 206).

In the attempt to maximise profits, organised crime, like legal business, thus seeks to:

1. Earn money by selling the goods and services which they provide
2. Use profits to pay employees and to invest in new technology and human resources in order to increase the financial return of the operations
3. Diversify investments among different fields to increase profits
4. Seek to expand into new geographical areas and/or new products.

(Schloenhardt 1999: 206).

The transnational aspects and tendency of contemporary organised crime also point to the similarities with legitimate corporations:

...criminal organizations share with other transnational actors, such as corporations and multinationals, a desire to maximize their freedom of actions and to minimize the effects of both national and international control over their activities. In this pursuit, they all engage in activities that readily cross national borders and are concerned with strategies aimed at minimizing risks, maximising profits and creating new market opportunities (Massari 2003: 57).

Further, criminal organisations face the same problems as legal and legitimate enterprises in terms of resource allocation, personnel recruitment and socialisation, solidarity, discipline, loyalty and conflicting goals and interests. Like legal enterprises, criminal organisations have to develop specific structures to deal with these problems (Cohen 1977: 103).

However, organised crime also faces unique challenges that legally operating enterprises do not. One such obvious challenge is the dilemma between hiding from authorities, competitors and enemies and visibility in relation to prospective customers. In the end, organised crime has to find a balance between secrecy and publicity. The particularities of this problem depend on market specific factors such as the relationship between organisation and customer, the level and nature of law enforcement, available (communication) technologies and mobility of the organisation's members. For criminal organisations the problem of secrecy vs. publicity ultimately forces the organisations to make several important decisions about co-offenders, victims, time, place and division of labour (Cohen 1977: 105).

Ultimately, the goal of applying economic theory to organised crime is to “examine the environment, structure and operations of organised crime, and to explore how criminal organisations respond to changing opportunities and market pressures.” Consequently, “Economic analysis explore the legal, social and political conditions which make the existence and emergence of organised crime possible, emphasising the financial, commercial and market choice dimensions of criminal organisations” (Schloenhardt 2002: 10 and Schloenhardt 2003. 100).

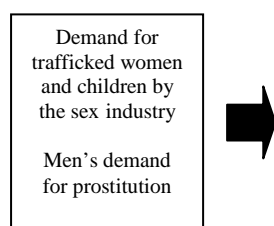
As a result of economic research on organised crime, factors such as culture, nationality and language are today considered less relevant when it comes to holding together criminal organisations and networks. What is decisive as a force of solidarity and unity is thus rather the desire to make a profit by responding to the public's demand for sex, gambling, tobacco, narcotics, smuggling (BRÅ 2002: 8).

In sum, there are several implications, rationales and advantages of using the “business approach” to analyse trafficking in women and children for commercial sexual purposes. First, it allows for analysing, describing and explaining the operational strategies and organisational structures of the criminal elements involved in trafficking women and children into Denmark and Sweden for commercial sexual exploitative purposes. Second, it allows for analysing and comparing the impact of the different Danish and Swedish regimes (policy and practice) in relation to prostitution, on the said operational and organisational features, which is the main objective of this project.

## 4.2 Step 1: Analysing the demand for illegal goods and services

According to the “business approach” to organised crime, the primary reason for organised crime to form, exist and operate is to make money from providing goods and services in demand by the public; goods and services that to various degrees are subject to prohibitions on the part of the government. The most fundamental condition for the development and existence of organised crime is a continuous demand for the goods, services and skills offered (Passas (ed.) 1999: 5). In other words, while members of the public may be victims of organised crime, it is important to recognise that they are also customers of the very same, and that organised crime would not exist had it not been for the public’s willingness to buy, for example, drugs or sex (Schloenhardt 1999: 205 and Schloenhardt 2002: 21). Simply put, as already stated, where legal enterprises form and exist for the purpose of supplying markets with legitimate services and goods in demand, organised crime forms and exists for the purpose of supplying services and goods that are illegal but nevertheless in demand by the public (Zaitch 2002: 22).

A first step when applying the “business approach” is thus a detailed analysis of the nature of the demand for the illegal goods and service in question. Along the same line of reasoning, a first step in the economic analysis of trafficking for prostitution is thus to study the receiving country’s sex industry’s demand for trafficked women and children as well as individual men’s demand for prostitution.



## 4.3 Step 2: Government policy and practice in relation to the demand

Understand organised crime and developing efficient counterstrategies require careful analysis of the structure of the markets serviced by organised crime, including external regulation of the market, that is, how government policies and practices intentional and unintentional affect the market (Edwards and Gill 2002: 262).

After concluded that there is a public demand for the goods and services offered by criminal organisations, the next step is to consider the government response in relation to the demand for these goods and services. From an economic point of view, it is evident that the ways in which goods and services, such as drugs and commercial sex, are made available on the market depend directly on the legal and social policies and practices related to the production of, demand for and consumption of these goods and services (Schloenhardt 1999: 207). The economic approach to organised crime thus rests on the basic assumption that economic variables in the form of market incentives play a significant role when it comes to explaining the actions of organised crime, variables that in turn are under the direct or indirect control of government policy markers (Fiorentini and Peltzman 1995: 2).

Ultimately, the legal policy and practice in relation to the goods and services in question will have a significant impact on how organised crime chooses to operate and organise when supplying these goods and services, including production and distribution. In the end, the extent and nature of the regulations will determine the operational and organisational features of organised crime (Schloenhardt 1999: 207 and schloenhardt 2002: 18). In other words, the investment decisions of organised crime are strictly dependent on the role played by the government and law enforcement authorities. The government's definition of the illegal market and, in particular, its choice of regulatory policy and practice, are the most important factors as far as how organised crime chooses to allocate its resources (Fiorentini and Peltzman 1995: 7).

When it comes to dealing with the public's demand for goods and services that are deemed to bring along negative externalities, governments are faced with either criminalising (prohibiting), legalising (regulating) or de-criminalising the transactions associated with for example drugs, in an at-

tempt to restrict the opportunities of organised crime to earn money from production, smuggling and sales (Fiorentini and Peltzman 1995: 20). Clearly, this places governments in a difficult position. At the same time as criminalisation of certain goods or service creates illegal markets and organised crime, governments face pressure to handle societal problems related to, for example consumption of drugs, tobacco and alcohol (Schloenhart 1999: 208).

However, predicting the impact of various government policies and practices on the actors in various markets is not as straightforward as initially imagined. For example, a policy and practice that drives out the smallest, least sophisticated and weakest suppliers and traders from a criminal market, will unintentionally but inevitably reinforce the tendency towards monopoly, which will, other things being equal, increase prices, which in turn, provided that the demand is inelastic, will lead to an increase in profits for the remaining suppliers and traders (Edwards and Gill 2002: 262).

From an economic point of view, the result of prohibiting or regulating a certain good or service is, at least partly, determined by the price elasticity of the demand. If the demand is sufficiently elastic, the increase in output that usually follows the event of a more liberal regulatory regime is bound to significantly increase the consumption of the good or service that was previously restricted (Fiorentini and Peltzman 1995: 20).

The law of demand clearly states that the quantity demanded of a certain good or service will vary intensely with its price. Obviously, nothing suggests that the same does not apply for illegal and illicit goods and services. Consequently, the price elasticity of demand for most illegal goods and services is likely to depend on the same variables that determine the price elasticity of demand for legal goods and services. Should there be many substitutes for the illegal goods and services in question, the demand is likely to be elastic, in which case a price change would cause a comparatively large change in the quantities demanded. Likewise, if the goods or services are a necessity in the eyes of the demander/consumer, the demand is likely to be inelastic, in which case a price change will lead to a comparatively small change in the quantities demanded.

Moreover, the demand for illegal goods and services naturally also depends on the availability of substitutes. Should the price of a substitute go up, the demand for the illegal goods or services will also increase. The implication is that should the price of a legal good or service increase, for exam-

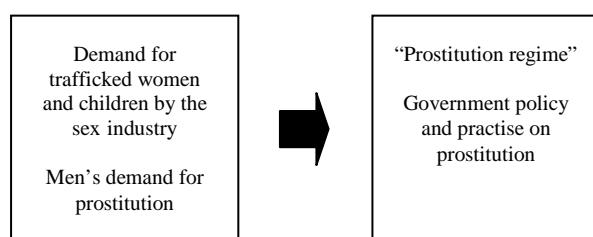
ple if the government raises the taxes or imposes other regulations that ultimately increase prices, the demand for the corresponding illegal good or service will increase, which will both increase prices and the equilibrium quantities consumed (Rogers 1973: 55). In this respect, the criminal organisations have a competitive advantage over legal entrepreneurs, or even the state, as far as responding to the increased demand following legalisation or de-criminalisation with a matching supply (Fiorentini and Peltzman 1995: 20).

Another key factor is to what extent organised crime strives towards monopoly or not. Among economist, organised crime was long believed to strive towards monopoly, and public policies against organised crime have in many cases been designed to break monopoly power, believing that introducing an element of competition will lower the prices of the goods and service in question, whereby profits will decrease and organised crime pull out (Dick 1995: 26). However, more recent empirical research of various markets traditionally serviced by criminal organisations and networks reveals that several markets, e.g. prostitution, in fact are highly competitive, especially among downstream suppliers (Dick 1995: 26).

Several illegal markets, e.g. prostitution, lack monopolistic entry barriers in which case complete monopolisation is impossible. Rather these markets seem to be dominated by criminal networks that may temporarily achieve monopoly locally, but are subject to endless competition translating into constant “redistribution of old markets and the assimilation of new ones.” (Latov 2000: 10).

When trying to understand and explain the operational and organisational features of the traffickers operating a certain market for prostitution we thus have to factor in government policy and practice in the relation to the sex market.

The second step of the analysis is thus to study the nature of the Danish and Swedish policies and practices related to prostitution.



## 4.4 Step 3: The illegal market catering to the demand

After having established that there is a demand for the goods and service offered by organised crime, and that governments respond to this demand by employing different legal policies and practices in relation to the production, distribution and consumption of the goods and services in question, the next step is to analyse how these policies and practices influence the structure and dynamics of the (illegal) market servicing this demand (Zaitch 2005: 23).

Economists conclude that organised crime, like legal enterprises, is bound by the business environment in its pursuit of profits. When applying economic theory to organised crime “it is essential to focus on the fundamental economic conditions that govern every commercial business, be it legal or illegal. These conditions include market opportunities and regulations which, in the case of criminal organisations, can be summarised as the illegal market” (Schloenhardt 1999: 206-207 and Schloenhardt 2002: 16).

The illegal market has been formally defined as:

... places within which goods and services are exchanged whose production, sale and consumption are forbidden or strictly regulated by the majority of national states and/or by international legislations (Arlacchi 1998: 203 in Schloenhardt 2002: 16).

From an economic point of view it is first important to recognise that illegal markets are not fixed, but change, sometimes drastically, over time. Prices may change, the market's entry barrier may change, new products may be introduced and new technologies be developed that drastically change the production, transportation and distribution conditions, all of which affect the behaviour of the criminal organisations and networks servicing these markets (Tremblay, Bouchard, Petit 2009: 27).

Research further indicates that various illegal markets differ considerably, which have implications for how organised crime operates and organises. There are illegal markets with insignificant entry barriers, such as the market for prostitution. In these cases there is no rationale for assuming the dominance of large scale hierarchically structured and centrally managed criminal organisations.

Rather, the low entry barriers allow for a competitive business environment where monopoly rarely can be achieved.

Other illegal markets have much higher entry barriers, e.g. central coordination and vertical integration. An example is the (international) market for heavy narcotics, where the market tends to be dominated by a few large scale powerful criminal organisations, perhaps most often organised as cartels operating on a territorial basis. The coordination of these organisations is characterised by vertically structured relationships where each element specialises in providing different input needed to supply an illegal service or good, such as corruption, violence, securing financing etc (Fiorentini and Peltzman 1995: 5).

Despite the illegal nature of the business that organised crime engages in, its choices and patterns still mainly follow the same economic profit making rationale as that of legitimate enterprises. However, at the same time the illegal nature of the business imposes challenges and shapes arrangements and behaviours in unique ways, which may lead to the use of means such as corruption and violence to reach the goals desired (Zaich 2002: 22).

Operating in illegal markets is not without specific problems that have significant operational and organisational implications for organised crime, among them that legal authorities cannot assist the participants on the illegal market in disputes about ownership and contracts. Nor can participants on the illegal market normally access banking facilities and capital or regular modes of transportation. However, the perhaps most immediate consequence of operating on illegal markets is that suppliers and intermediaries risk being arrested, prosecuted, imprisoned and having their assets confiscated.

In response, organised crime must develop other ways to secure access to capital, uphold contracts and settle disputes, internally as well as externally. These means in turn may include the use of threats, intimidations and violence as enforcement tools to maintain order and discipline, as well as to solve conflicts. It includes taking actions to minimize information about criminal operations and to structure their activities in such ways that the risk of detection is minimized, as well as carefully choosing whom to conduct business with (Schloenhardt 1999: 211, Schloenhardt 2002: 21, Tremblay, Bouchard, Petit 2009: 24 and Reuter 1983: xi, 114).

The significance of these factors varies across illegal markets. Drug trade is for example typically associated with more risks than trading in women (Reuter 1983: 114). Additionally, illegal markets are usually more unstable and lack the solid infrastructure that legitimate goods and services can make use of, such as regular stores. The lack of stability results in brand and customer loyalties that are fragile (Ruggiero and South 1995: 2).

When analysing illegal markets it is thus crucial to factor in the infrastructure available to organised crime, and how the use of this infrastructure impacts the profitability of the criminal operations. The bordello or massage clinic, for example, is the very market segment and commercial sexual infrastructure that is of most interest to criminal organisations operating various sex markets. A choice of different women “under the same roof” makes the establishments attractive to customers, which thus increases profits. Having a local “madam” or “supervisor” in charge of the bordello makes it easier to collect the profits and reduces the risk of arrest and prosecution. Finally, locally managed bordellos make it easier to develop a good relationship with the local police, including paying bribes (Winick 1995: 292).

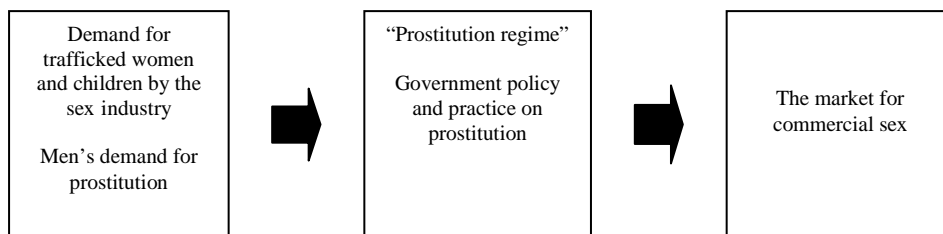
Corruption is yet another feature of contemporary organised crime and serves to, for example, secure border crossing, and to avoid customs and law enforcement (Schloenhardt 2002: 21). However, societies as a whole as well as individual government agencies exhibit different degrees of resistance towards corruption. In countries where organised crime cannot rely on corruption opportunities, it faces more risks and uncertainties, and is thus forced to adjust their strategies accordingly (Tremblay, Bouchard, Petit 2009: 24).

Finally, the varying ability to utilise regular advertising channels presents organised crime with varying possibilities to attract customers and to promote customer loyalty (Tremblay, Bouchard, Petit 2009: 24).

In sum, the government sets the boundaries for the illegal market by regulating which goods and services that are to be criminalised. In other words, the opportunities for, and hence the behaviours of organised crime, are ultimately determined by the “efficiency of control and law enforcement mechanism that seek to prevent and combat the activities in illegal markets” (Schloenhardt 2002: 18).

Based on this “economic” understanding of organised crime, it is suggested that it is governments that have the ultimate power to determine the status of certain goods or services, and therefore also the economic opportunities these markets present organise crime with (Schloenhardt 2002: 17, Schloenhardt 2003: 103).

After analysing the demand for trafficked women and children by customers and third parties of the sex industry, as well as the government policy and practice in relation this demand (and the sex industry as a whole), the next step in is to study how the market for commercial sex is organised in Denmark and Sweden.



## 4.5 Step 4: The operational strategy and organisational structure of organised crime

We have now reached the final step of the economic analysis of organised crime. The economic theory of organised crime stipulates that organised crime seeks to maximise the profits given the environment it is subject to. Its operational strategy and organisational structure is thereby believed to be determined by the economic opportunity, in terms of profit potentials and risks, the market in questions exhibits. The investment decisions of organised crime strictly depend on, not only the demand, but also the actions of governments and legal authorities in relation to the market catering to this demand.

In other words, organised crime factors in the “level of sanctions and the likelihood of their enforcement”, before deciding on the proper course of action, variables that obviously are under the direct or indirect control of governments (Fiorentini and Peltzman 2005: 2, 7). Like any other economic or business related activity, organised crime can apply various strategies and structures. The advantage of the “business approach” is that it not only allows for the study of the demand and structure and dynamics of the illegal market, and how government policies in relation to the goods and services affect each criminal market, but also how these variables influence the operational strategies and organisational structures of organised crime (Zaitch 2002: 23, Fiorentini and Peltzman 2005: 1 and Schloenhardt 1999: 206).

The main issue is whether or not the structure of the criminal organisations responsible for trafficking women and children for the purpose of prostitution resembles that of an organisation or a network. This debate mirrors the more general debate in criminology between an older tradition that typically portrays organised crime as large scale organisations with a hierarchical, centralised, bureaucratic structure, a clear division of labour, formal rules, continuity, *the corporate model*, and a more modern and recent approach that describes organised crime as loosely structured, decentralised and highly flexible networks, *the network model* (Schloenhardt 2002: 25-26, Schloenhardt 1999: 214, Schloenhardt 2003: 114, Abadinsky 2000: 6, Williams and Savona 1996: 4, Bruinsma and Bernasco 2004: 79, Zaitch 2005: 21, Johansen 2005: 21, 28 and Farr 2005: 96-97).

Rather than being seen as dichotomies, the hierarchical/organisational/corporate model and the network model are perhaps better understood as a continuum on which the organisational reality of organised crime exists (Williams and Savona 1996: 4). Comparative case studies of organised crime have identified and confirmed the existence of various structures ranging from traditional hierarchically structured organisations to loosely organised networks (UNCICP 2000: 63). These structures have been divided into various “typologies” that provide greater detail to what is meant by “organised crime”. Organisational typologies are not only developed for academic purposes, but also have important policy implications for law enforcement agencies (UNCICP 2000: 74).

### 4.5.1 The corporate/organisational/bureaucratic/hierarchical model

The traditional criminological approach to organised crime has been to describe the internal organisation as a hierarchical, centralised and pyramid like bureaucratic structure, very similar to that of an ordinary legitimate corporation (Schloenhardt 2002: 25-26, Schloenhardt 1999: 13 and Schloenhardt 2003: 114). A similar bureaucratic organisational structure is found in other “organisations”, such as the police and the military, and is said to be essential for carrying out large scale tasks efficiently. The common attributes of these structures are:

- ❖ A complicated hierarchy
- ❖ An extensive division of labour
- ❖ Positions assigned on the basis of skill
- ❖ Responsibilities carried out in an impersonal manner
- ❖ Extensive written rules and regulation
- ❖ Communication from the top of the hierarchy to persons at the bottom

(Abidinsky 2000: 6)

Other central characteristics may include:

- ❖ A single leader
- ❖ Strong systems of internal discipline
- ❖ Known by a specific name
- ❖ Often strong social identity
- ❖ Violence is essential to activities
- ❖ Often have a clear influence or control over defined territory

(UNCICP 2000: 76)

The relationship between staff members is characterised by a vertical procedure which allows for better control of the lower levels of staff and of ongoing operations. This type of structure is believed to carry specific advantages which are particularly favourable when penetrating and operat-

ing on stable illegal markets or simple business where the lower staff levels need few, if any, sophisticated or specialised skills. Finally, this type of structure is believed to lead to better management of resources and to facilitate exploitation of monopolies in illegal markets less open to competition (Schloenhardt 2002: 25-26, Schloenhardt 1999: 13 and Schloenhardt 2003: 114).

Advantages of centralisation are said to be:

1. Economies of scale in some basic services needed to perform the illegal activities
2. Exploitation of monopolistic prices in some markets less open to external competition
3. Internalisation of negative externalities due to the oversupply of violence
4. Avoidance or resources dissipation through competitive lobbying and corruption
5. Better management of a portfolio of risky activities
6. Easier access to national and international financial markets

(Fiorentini and Peltzman 1995: 6).

Additionally the hierarchical pyramid like structure protects the leaders of the organisations (Williams and Ernesto 1996: 30). Empirical studies serving to identify and classify the organisational structure of traffickers have confirmed that the hierarchical structure in fact is relevant in some cases. These traffickers thus uphold a structure based on strong internal lines of control and discipline and may exhibit a single leadership structure, a prominent social identity, and may use violence when carrying out their operations (UNODC 2002: 69).

However, large scale hierarchical structures also bring along certain specific disadvantages. First, centralised and hierarchical criminal organisations are more vulnerable if they have been infiltrated by the legal authorities. Second, the larger the criminal organisation and its production, smuggling and distribution of criminal goods and services, the greater the risk of detection (Johansen 2005: 22 and Tremblay, Bouchard, Petit 2009: 25).

Given these disadvantages, recent evidence suggests that criminal organisations increasingly move away from a high degree of central coordination due to:

1. The risks involved in illegal transactions decrease more than proportionally with their size since it is impossible to make contracts binding
2. The property rights over the commodity are not well defined and can be subjected to seizure by the enforcement agencies so that large investments in any given activity are discouraged
3. The participants in illegal activities run the risk of detection which is growing with the number of people involved because some members of the organisation may cooperate with the investigative agencies

(Fiorentini and Peltzman 1995: 6).

Instead, many criminal entrepreneurs take on the form of networks as well as reduce the number of offenders/members (Tremblay, Bouchard, Petit 2009: 25).

### 4.5.2 The network model

More recent criminological work on organised crime refutes the corporate pyramid like structure and instead describes organised crime as flexible, loosely structured and therefore highly adaptable networks. The relationship between the members of the network is described as horizontal rather than vertical and the network structure is believed to be particularly favourable when operating on more complex and dynamic markets with a high degree of competition (such as the market for prostitution) (Schloenhardt 2002: 25-26, Schloenhardt 1999: 13 and Schloenhardt 2003: 114).

Traditional models of criminal organizations that emphasize hierarchical or pyramidal structures are not particularly appropriate to transnational criminal organizations or transnational markets. Indeed the key to understanding transnational criminal organizations and the markets they inhabit is through criminal networks that are active in criminal markets that are also populated by a myriad of other actors (Williams 2003 in Farr 2005: 59).

Central features of criminal networks are:

- ❖ Defined by the activities of key individuals
- ❖ Prominence in network determined by contacts or skills
- ❖ Personal loyalties and ties more important than social or ethnic identities
- ❖ Network connections endure, coalescing around series of criminal projects
- ❖ Keeping a low public profile
- ❖ Reform after exit of key individuals

(UNCICP 2000: 83).

Further, the network structure is said to generate additional advantages in terms of greater flexibility and adaptability allowing for immediate reorganisation in response to government action and to keep pace with changing customer demands. Apart from greater flexibility, network structure is said to increase resistance towards law enforcement, because their loose structure makes it difficult to penetrate them for legal investigative purposes and identify and remove the main players. Also,

criminal networks can operate with a lower degree of formality and maintain a profile that makes them less likely to draw the authorities' attention in the first place.

Finally, should the authorities be successful in prosecuting and removing one or more of the leaders, criminal networks typically reconstitute (Johansen 2005: 30-31, Williams and Ernesto 1996: 30, UNCICP 2000: 74, Schloenhardt 2002: 25-26, Schloenhardt 1999: 13 and Schloenhardt 2003: 114).

Clearly, it is relevant to ask which "organisational typology" that best captures the reality of today's trafficking business. Traffickers are by some believed to have changed from "large, cumbersome, hierarchical entities to smaller, more flexible, horizontal structures", i.e. from organisational to network structures (Aronowitz 2001: 176). The trafficking industry of today is most often described as comprising of "loosely organized networks" that despite their lack of a centralised management represent a "highly sophisticated organizational form" (Farr 2005: 59). Others are satisfied with observing that "the complexity of transnational organised crime does not permit the construction of simple generalisations" and that traffickers obviously can differ substantially both in structure and in size (Shelly 1995: 464 in Schloenhard 2002: 27, Schloenhard 1999: 215, Budapest Group 1999: 31, Aronowitz 2001: 176 and Fickenauer 2001: 173).

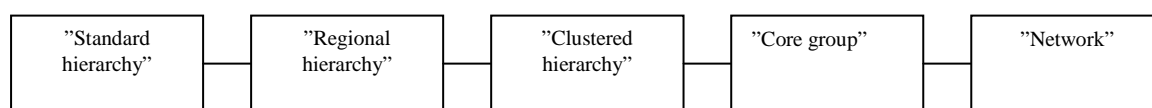
Further, it needs to be acknowledged that criminal networks worldwide differ considerably from each other on several central aspects. For example, Japanese and Sicilian networks have over time been fairly stable in contrast to drug dealing networks operating in Northern Europe. Sicilian networks further tend to have a "strong core" and a simple but efficient informal structure, whereas Russian criminal networks operating in the USA tend to be less centred around a strong core. Japanese networks are hierarchical in the sense that "everyone knows who the boss is". Some networks comprise of criminals from several different national groups, whereas others comprise of criminals of different nationalities.

Some networks trade only in one specific goods, others provide several criminal goods and services. Other networks only operate on illegal markets, whereas others engage on legal markets as well. Some networks, such as the Japanese, have a long standing tradition of cooperating with politicians, in contrast to for example Norwegian organised crime, which lacks political contacts. Finally, Italian and Russian networks are known to rely on corrupt public officials, an opportunity that Scandinavian organised crime typically does not have (Johansen 2005: 31-33).

### 4.5.3 Other organisational structures

In their pure form the corporate/organisational/bureaucratic/hierarchical model and the network model each represent the “extreme ends” of the continuum of organisational structures employed by organised crime. Between the corporate/organisational/bureaucratic/hierarchical and the network model we can identify several other typologies:

#### **The organisational continuum of organised crime**



#### 4.5.3.1 Regional hierarchy

Where “traditional” organised crime with a corporate/organisational/bureaucratic/hierarchical structure exhibits a strict line of command from the centre, some hierarchical organisations allow a certain degree of regional autonomy in day to day management:

In some cases, regional hierarchies appear to operate a franchise model in which regional groups pay money and give allegiance in order to use the name of a well know criminal group, helping to improve their own influence and instil fear into their competitors. The control structure at the centre is often replicated at the regional level. Levels of internal discipline are high, and instructions coming from the centre generally override any regional initiatives (UNCICP 2000: 77).

The main features of “regional hierarchy” organised crime are:

- ❖ A single leadership structure
- ❖ A line of command from the centre
- ❖ A degree of autonomy at the regional level
- ❖ Geographical/regional distribution

- ❖ Multiple activities
- ❖ Often strong social identity
- ❖ Violence essential to activities

(UNCICP 2000: 77).

Outlaw motor cycle gangs as well as some Asian organised crime groups such as the Yamaguchi-Gumi in Japan, the Fuck Ching gang in the US, and the Japanese Yakuza in Australia are typically organised according to the “regional hierarchy” model. These groups have a well defined hierarchical structure and leadership, but the leaders of the regional branches are allowed some autonomy with regard to the day to day business (UNCICP 2000: 78).

#### 4.5.3.2 Clustered hierarchy

Some organised crime groups employ an organisational structure that best can be described as a clustered hierarchy, in other words, “an association of organized crime groups with a governing oversight body” (UNCICP 2000: 78).

The main features of such groups are:

- ❖ Consist of a number of criminal groups
- ❖ Governing arrangement for the group present
- ❖ Cluster has stronger identity than constituent groups
- ❖ Degree of autonomy for constituent groups
- ❖ Formation strongly linked to social/historical context
- ❖ Relatively rare

This type of organisational structure is often a result of individual criminal groups coming together to divide up markets and settle or regulate conflicts. Typically, the degree of autonomy of the individual groups making up the cluster is relatively high, the membership criteria are relatively generous, and groups making up the cluster take part in multiple criminal activities. Finally, clustered

hierarchies are relatively rare. Examples are South African prison gangs, Italian dominated criminal groups operating in Germany, and the Russian based Ziberman cluster (UNCICP 2000: 80).

#### 4.5.3.3 Core group

Finally, there are also criminal groups that comprise of a limited number of individuals forming a tight and well structured “core”, which serves as a basis for the criminal business. The features of these core groups are:

- ❖ Core group surrounded by a loose network
- ❖ Limited number of individuals (20 or less)
- ❖ Tightly organised flat structure
- ❖ Small size that serves to maintain the internal discipline
- ❖ Seldom has a social identity
- ❖ Only a limited number of cases known by a specific name

Around the “core” there is typically a large number of individuals or even a network that are drawn on to conduct criminal operations. The “core” may utilise an internal division of labour, and the lack of a social identity highlights the fact that the structure serves a specific profit generating purpose (UNCICP 2000: 81 and UNODC 2002: 69). The “core group” structure, just like the “network” structure, is particularly relevant in the case of trafficking in women and children for prostitution and have been identified among traffickers operating in the Netherlands (UNCICP 2000: 81 and UNODC 2002: 69).

## 4.5.4 The organisational features of the trafficking business

### 4.5.4.1 Trafficking typologies

Successfully describing the organisational structures and management features of the criminal elements involved in trafficking women and children into sexual exploitation is challenging and it is and remains one of the least researched aspects of the problem.

First, the complexity of the international sex trade allows for a variety of different organisational structures to exist simultaneously (Farr 2005: 56). Second, the structure and size of the trafficking organisations/networks will differ between countries and regions depending on factors such as entry barriers to the illegal market, border control and the numbers and size of the competitors (Schloenhardt, 2001, p. 339).

The criminal elements involved can range from individual operators, small amateur groups, to large enterprises and international networks or organisations (Schloenhardt 1999: 215, Budapest Group 1999: 31, Aronowitz 2001: 176 and Fickenauer 2001: 173). Within and across these organisational structures, individual criminals can play a variety of different roles, from local recruiters in sending countries to bordello owners in destination countries (Farr 2005: 56, Schloenhardt 2003: 122, Schloenhardt 1999: 15 and Salt and Stein 1997: 477).

The trafficking business has also been found to attract a variety of players, some of whom operate with a low degree of professionalism and only occasionally take part in trafficking operations, in contrast to others, who run their operations on a more permanent basis and with a higher degree of professionalism and sophistication (Schloenhardt, 1999, p. 14, Bertone 2000, p. 7, IOM 1998 and Monzini 2001, p. 3).

Where some operate exclusively under a criminal status, others participate in the trafficking business by exploiting their legitimate official government or entrepreneurial status or position, e.g., police officer, immigration official, border guard, travel agent or hotel manager etc., thereby blurring the distinction between the legitimate and illegitimate (Farr 2005: 57).

Finally, some criminal elements seem only to have trafficking in women and children for the purpose of sexual exploitation on their repertoire, whereas others engage in different criminal activities, such as drug trafficking, extortion and theft (Farr 2005: 97 and Budapest Group 1999: 29).

Nevertheless, the academic need for generalisation has led some researchers to categorise traffickers according to different organisational typologies. In a pioneer attempt already in 1999, Andreas Schloenhardt divided human traffickers into *amateur traffickers*, *small groups of organised traffickers* and *international trafficking networks*. Schloenhardt was obviously one of the pioneers in studying the organisational features of human smugglers and traffickers, and he remains one of the foremost authorities on the issue. His typologies are constantly referred to, also in research today.

#### 4.5.4.2 Amateur traffickers

The *amateur or small scale traffickers* comprise individuals who only carry out single tasks in the trafficking process such as providing and operating vehicles for border crossing. Some of these individuals only occasionally engage in trafficking and most often use their own boats and cars. These types of traffickers are most likely to be found in border areas and have also been found to cooperate with larger international trafficking organisations due to their knowledge of the local environment (Schloenhardt, 1999: 14, Schloenhardt 2002: 28, Schloenhardt 2003: 115, Graycar 1999: 9, Bertone 2000: 7, IOM 1998 and Monzini 2001: 3).

#### 4.5.4.3 Small groups and medium sized groups of organised traffickers

In South Asia, *small and medium-sized groups* of locally organised criminals seem to dominate the trafficking business. The traffickers and recruiters are in many cases former female victims of trafficking. Further, many traffickers have links to their home villages and are bound together by family or community relationships (The Swedish Ministry for Foreign Affairs, 2001: 16). These types of traffickers usually specialise in leading victims from one country to another, via well-known and established trafficking routes. In comparison to amateur traffickers, they exhibit a higher level of sophistication and specialisation, and run their trafficking operations on a more permanent basis

(Schloenhardt, 1999: 14, Schloenhardt 2002: 28, Schloenhardt 2003: 116. Graycar 1999: 9, Bertone 2000: 7, IOM 1998 and Monzini 2001: 3).

#### 4.5.4.4 Large scale international trafficking networks

In Europe and Southeast Asia the trafficking business is believed to be dominated by *large professional international trafficking networks* (The Swedish Ministry for Foreign Affairs, 2001: 16), The networks are built up by large criminal organisations and their activities usually comprise every stage in the trafficking process. They participate in recruitment of victims, production of falsified travel documents and passports, illegal border crossing as well as exploitation of the victims in the sex industries in the destination countries. Due to the complex international structure, these international networks are very flexible and can respond much faster when governments change legislation or increase border controls and law enforcement (Schloenhardt, 1999: 14, Schloenhardt 2002: 28, Schloenhardt 2003: 116, Graycar 1999: 9, Bertone 2000: 15, IOM 1998 and Monzini 2001: 4).

The typologies developed by Schloenhardt suffering from one major weakness: They simultaneously describe the size and organisational structure of human traffickers and human smugglers, which may be a result of a weak empirical data base, or the general concept confusion about the proper definition of and distinction between human trafficking and human smuggling that early human trafficking research was subject to (see Schloenhardt 1999: 14 and 2002: 27).

Later years' research has proven that traffickers and human smugglers in many cases belong to different networks and operate along different routes, which also holds true in the Scandinavian case; thereby not said that the typologies presented above lack any analytical value. The differentiation of traffickers in three typologies have nevertheless persisted and been empirically validated also in recent years across various geographical locations.

Already in 1995, Italian researchers, Pormodoro and Stefanizzi, identified three organisational levels in the case of Italian illicit prostitution: (1) individual criminal entrepreneurs engaged in small scale commercial sexual activities, such as running a bordello, in a particular area; (2) medium level prostitution schemes where the female victims are controlled by same criminal elements throughout the operation; (3) more sophisticated large scale international trafficking organisations, typically

linked to local criminal organisations, that keep the women exploited under tight control (Pormodoro and Stefanizzi (1995) in Aronowitz 2001: 173).

As late as 2008, the Swedish National Council for Crime Prevention identified three networks involved in trafficking in women and children into Sweden. These networks were described as small scale, medium scale and large scale networks, a typology that also seems valid in Denmark (BRÅ 2008a: 131-134 and BRÅ 2008b: 36-37).

#### 4.5.4.5 Trafficking typologies and definitions of organised crime

A relevant question is to what extent the organisational features of the trafficking typologies presented above (amateur traffickers, small groups and medium sized groups of organised traffickers and large scale international trafficking networks) correspond to the more general organisational typologies over organised crime presented earlier?

Yet another relevant question is to what extent the trafficking typologies live up the EU's and UN's definitions of organised crime, as well as the definitions offered by the research on organised crime.

We can conclude that "amateur traffickers" do live up to the common denominators of most "academic" definitions of organised crime.

Obviously, the individuals that comprise these so called "amateur traffickers" are not hierarchically organised and most likely not monopolistic. However, when they cooperate with large international trafficking organisations, they may be a part of criminal constellations that may live up to several of the main features of organised crime as defined in the research literature, or by the EU or UN. Amateur traffickers on their own do not live up to the EU's and UN's definitions of organised crime.

The "small groups and medium sized groups of organised traffickers" are more likely to live up to at least some of the central features of organised crime, as defined in the research literature, for example willingness to use violence, some kind of leadership structure, specialisation and division of labour and finally and perhaps most importantly, running their trafficking operations on a permanent basis and over long periods of time. Further, as I see it, these traffickers are likely to live up to

at least some of the conditions in EU's definition, particularly the compulsory conditions 1, 3, 5 and 11. Additionally, it seems reasonable to assume that these traffickers occasionally live up to condition 2 (Each having prearranged functions) and condition 6 (Activity on the international level) and condition 7 (Use of violent behaviour or other means serving to intimidate), in which case they live up to the compulsory conditions as well as the additional two required criteria needed to be classified as organised crime by EU's standards.

With regard to UN's definitions, it is likely that these "small groups and medium sized groups of organised traffickers" live up to required conditions. These trafficker groups typically to comprise of "three or more persons", who are cooperating "in order to obtain, directly or indirectly, a financial or other material benefit". It is further highly likely that these traffickers take part in serious crimes that are "punishable by a maximum deprivation of liberty of at least four years or a more serious penalty". Finally, it seems logical to conclude that they also live up to UN's definition with regard being "transnational" in the sense that the trafficking operations comprise of crimes committed in more than one state, crimes that in turn are likely committed in one state but partly planned and prepared in another.

According to the same logic, there can be no doubt that the "large scale international trafficking networks" live up to the definitions of organised crime offered by the research literature, as well as the EU and UN.

As far as positioning the trafficking typologies in relation to the "organisation-network continuum", we can conclude that amateur traffickers and small groups and medium sized groups of organised traffickers are more likely to employ a network structure, which is in line with the result of the more recent studies on the nature of the structure of the criminal elements involved in the trafficking business (see for example BRÅ 2008a and BRÅ 2008b).

Schloenhard's third typology, "large scale international trafficking networks", uses the term "network"; however, at the same time the networks are described as having a prominent vertical, differentiated management structure which brings the organisational structure closer to that of a hierarchical organisation.

In summary, given the lack of more detailed data and actual case examples of each typology, it is difficult to give any more precise answers.

#### 4.5.5 Management of staff, risk minimisation and damage control

Just like legally operating enterprises, organised crime face challenges in terms of management of staff, risk minimisation and damage control. The challenges include recruiting and training new members, management development and performance evaluation. Hence, depending on the structure of the illegal market, and in order to maximise profits and minimize risks, organised crime faces several management decisions with regard to division of labour and specialisation of employees. Large scale traffickers, for example, typically “differentiate vertically by implementing different levels of employees and horizontally by separating tasks” as a direct strategy to maximize the profit from trafficking and exploiting women and children, minimize the risk of detection, and reduce and control the damage in case of government intervention (Schloenhardt 2002: 32, Schloenhardt 1999: 216 and Schloenhardt 2003: 120).

##### 4.5.5.1 Vertical differentiation

The illegal status of organised crime and the clandestine nature of its activities generate particular problems with regard to the management of the staff. Unlike legitimate enterprises, organised crime cannot rely on “commercial bonds between members of the staff”, since they are not enforceable under ordinary labour laws. Instead, criminal organisations and networks depend on “shared ideology, loyalty and terror” (Schloenhardt 2002: 33). Every member of organised crime represents a threat simply because he or she possesses knowledge of the structure of the network or organisation, as well as of ongoing criminal operations, knowledge that can be passed on to law enforcement agencies in case of detection and apprehension (Schloenhardt 1999: 217).

As a consequence, “secrecy, money, and the creation of fear in the form of threat and intimidation are the major tools to ensure loyal performance of the employees and to prevent detection, arrest and seizure of assets” (Schloenhardt 2002: 33).

Large scale organised crime typically also upholds an internal vertical structure as far as staff management and thus differentiates between staff levels to protect the core arrangers and investors from prosecution. This is done by keeping the information given to the lower staff levels about the structure of the organisation/network and ongoing operations at an absolute minimum, and by restricting the number of individuals who have detailed knowledge about the higher ranking members and of future operations (Schloenhardt 2002: 33, Schloenhardt 1999: 217, Schloenhardt 2001: 340 and Schloenhardt 2003: 120).

The management and working levels of large scale trafficking organisations and networks are typically deliberately held apart as a way to minimize the damage in case of detection and investigation by law enforcement agencies (Budapest Group 1999: 31 and Salt and Stein 1997: 478). To prevent betrayal by staff members, criminal organisations and networks may also use financial rewards to ensure loyalty and prevent members from leaking compromising information to competitors or legal authorities (Schloenhardt 2002: 33, Schloenhardt 1999: 217 and Schloenhardt 2003: 120). Finally, perhaps as a last resort, the leadership of criminal organisations and networks may use threats, intimidation and violence against staff who are believed to act disloyally (Schloenhardt 2002: 33, Schloenhardt 1999: 216 and Schloenhardt 2003: 120).

In sum, the management of large scale trafficking networks and organisations is based on a vertical structure and chain of command that allows control of every sub-unit. The relationship between these lower level sub-units in turn is best described as horizontally managed and differentiated (Aronowitz 2001: 174).

#### 4.5.5.2 Horizontal differentiation

Horizontal differentiation is a central feature of most organised crime, and also larger trafficking organisations and networks have been found to uphold a horizontal division of labour that separates the different tasks in the trafficking process, as a means to ensure that the staff possesses the qualifications and specialised skills needed at each step of the trafficking process (Salt and Stein 1997: 478, Schloenhardt 2002: 33, Schloenhardt 1999: 217, Schloenhardt 2001: 341 and Schloenhardt 2003: 121).

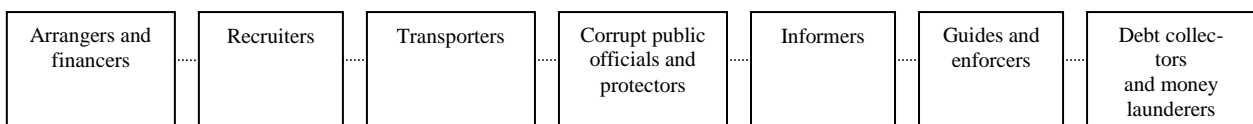
Having different and separated sub-units carrying out different tasks in the trafficking process also protects the network or organisation as a whole, should there be a government investigation. In such cases, the cellular horizontal differentiated structure ensures that only a small unit of the network or organisation is compromised (Salt and Stein 2001: 478, Schloenhardt 2002: 33, Schloenhardt 1999: 217, Schloenhardt 2001: 341 and Schloenhardt 2003: 121).

The term “horizontal” may be a bit deceiving and give the impression that the different sub-units are equals in terms of their hierarchical position within the network or organisation. However, this seems not to be the case and the “street level” sub-units are typically separated from higher level sub-units in order to protect higher level arrangers of strategic importance. Moreover, the staff comprising sub-units working the “street level” usually has little, if any, education and skills, since their tasks usually do not require any specific knowledge or abilities.

To be able to counteract law enforcement strategies and technologies the trafficking organisations also need employees with more specialised and advanced skills who can respond quickly to changes in law enforcement and legislative measures by modifying the modes, means and routes of ongoing or planned trafficking operations (Aronowitz 2001: 174, Schloenhardt 1999: 217 and Schloenhardt 2001: 341).

The division of labour further explains why arrested lower level traffickers and rescued victims of trafficking, when questioned, often have very little information to give, simply because they, due to the cellular structure of the trafficking network or organisation in question, only have been exposed to a minor part of the entire structure or trafficking operation (Salt and Stein 1997: 479).

The horizontal relationship is illustrated below:



### *Arrangers and financiers*

At the top the organisations/networks are the *arrangers* and *financers* who organise and monitor the trafficking operations and invest the money needed. Individuals at this level are usually not known to the lower levels of employees and most certainly not to the trafficking victims (Graycar 1999: 11, Schloenhardt 2003, p. 121-122, Schloenhardt 2002: 34, Aronowitz 2001: 175 and Schloenhardt 1999, p. 217).

### *Recruiters*

The *recruiters* work as middlemen between the arrangers and the customers of the trafficking organisation, e.g. bordello owners. They are in charge of finding, mobilising and organising the trafficking victims, collect their payments and prepare their travel documents. They are usually kept in the dark about the precise trafficking route until the last minute and are usually not paid on a permanent basis but rather per job (Graycar 1999: 11, Schloenhardt 2003, p. 122, Schloenhardt 2002: 34, Schloenhardt 1999, p. 217, Farr 2005: 63, Aronowitz 2001: 175 and Salt and Stein 1997, p. 477).

### *Transporters*

*Transporters* are responsible for bringing the victims from the sending country to the receiving country. Once arrived in the receiving country, the transporters bring the victims from the point of entry (airports, seaports etc) to the intended location, usually in a big city. Usually, transporters technically sophisticated and must be able to change their operations at short notice in response to changing law enforcement and border control activities. They are usually kept unaware of the internal structure of the trafficking organisation and stay in contact with the organisation through intermediaries (Graycar 1999: 11, Schloenhardt 2003, p. 122, Schloenhardt 2002: 34, Schloenhardt 1999, p. 217, Farr 2005: 63, Aronowitz 2001: 175 and Slat and Stein 1997, p. 480).

### *Corrupt public officials and protectors*

The next identified important category in human trafficking is *corrupt public officials and protectors*. The trafficking organisation has to rely on the service and protection of corrupt public officials in both sending and receiving countries. By bribing government officials, the trafficking organisation obtains travel documents for their victims and can establish safe trafficking routes along which border guards, law enforcement and immigration authorities turn a blind eye or even protect the trafficking activities (Graycar 1999: 11, Schloenhardt 2003, p. 122, Schloenhardt 1999, p. 217, Schloenhardt 2002: 34, Human Rights Watch 2002, p. 26-27, Graycar 1999, p. 11, Farr 2005: 64, Aronowitz 2001: 175 and Swedish Department for Global Development 2003, p. 44).

### *Informers*

To be able to carry out its activities in the most profitable way and to minimise the risk of detection, the trafficking organisation needs an efficient information gathering system. In some cases this task is appointed to a special group of *informers* who collect and distribute information on border control activities, immigration and transit procedures, asylum systems and law enforcement activities (Graycar 1999: 11, Schloenhardt 2002: 35, Schloenhardt 1999, p. 217, Schloenhardt 2003, p. 123, Aronowitz 2001: 175 and Salt and Stein 1997, p. 478).

### *Guides or crew members*

Special *guides* or *crew members* are in charge of moving the victims between transit points by operating the trafficking vessels such as cars, lorries and boats (Graycar 1999: 11, Schloenhardt 1999, p. 217, Schloenhardt 2002: 35, Aronowitz 2001: 175 and Schloenhardt 2003, p. 123).

### *Enforcers*

*Enforcers* maintain order among the trafficking victims and are responsible for communication, financial transactions and providing food and water to the victims (Graycar 1999: 11, Schloenhardt 2002: 35, Schloenhardt 1999, p. 217, Aronowitz 2001: 175 and Schloenhardt 2003, p. 123).

### *Debt collectors*

*Debt collectors* collect the trafficking fees. They often use threats and violence to ensure payment (Graycar 1999: 11, Schloenhardt 2002: 35, Schloenhardt 1999, p. 217, Aronowitz 2001: 175 and Schloenhardt 2003, p. 123).

### *Money launderers*

*Money launderers* are experts at laundering the proceeds from the trafficking business, usually by disguising the proceeds through a string of bank account transactions (Graycar 1999: 11, Schloenhardt 2002: 36, Schloenhardt 1999, p. 217, Aronowitz 2001: 175 and Schloenhardt 2003, p. 123).

### *Supporting personnel and specialists*

Finally, *supporting personnel* and *specialists* usually comprise local people at embarkation and transit points who have expert knowledge of the local environment and provide accommodation and other forms of assistance that help the organisation carry out the trafficking operations (Graycar 1999: 11, Schloenhardt 2002: 36, Schloenhardt 1999, p. 217, Aronowitz 2001: 175 and Schloenhardt 2003, p. 124).

## 4.5.6 Criminal diversification or specialisation?

Another aspect of interest is to what extent the criminal networks trafficking women and girls for sexual exploitation exhibit a diversified or specialised criminal behaviour. In other words, do these networks, like most other criminal organisations or networks, take part in multiple criminal activities, or do they exclusively engage in female trafficking?

The literature does not give an unambiguous answer. Some researchers claim that there are strong connections between trafficking in women and drug trafficking, simply because criminal organisations with a long tradition of drug trafficking can use their well-tested trafficking routes, personnel and experiences to traffick woman and children as well. Especially Asian organised crime is believed to use the same routes and methods of transportation for simultaneously trafficking people and drugs (Schloenhardt 1999: 216, Schloenhardt 2003: 117, Schloenhardt 2002: 29, Schloenhardt

2001: 340, Aronowitz 2001: 178, Budapest Group 1999: 17 and Farr 2005: 97). Other criminal activities may include gun trafficking, car thefts, burglaries and money laundering (Budapest Group 1999: 17 and Aronowitz 2001: 178). In other cases, it seems that criminal organisations/networks first “proliferate and then diversify”:

Albanian crime groups, for example, first began to expand their sex trafficking territory, moving into neighbouring countries, such as Italy, and then to more distant countries, such as the Netherlands. As the Albanian mafia proliferated, it also found opportunities to diversify. According to one account, the Albanians began to invest sex trafficking profits in the illegal drug industry, thus forming stronger connections with drug traffickers and the drug trafficking industry (Farr 2005: 97).

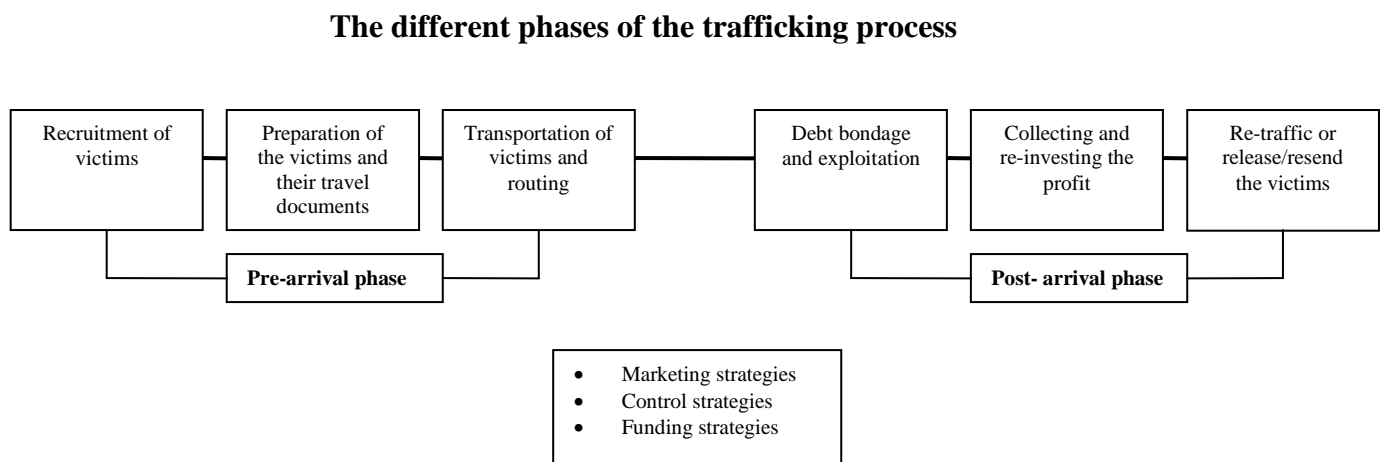
In other geographical locations, there seems to be few actual cases where the authorities have uncovered simultaneous drug and human trafficking operations (Schloenhardt 2002: 29). In Sweden, however, individuals investigated for the crime or trafficking have also been found guilty of crimes related to theft and possession of drugs and weapons. However, in most of these cases, it seems that the drugs encountered first and foremost are intended for personal use (BRÅ 2008b: 39 and BRÅ 2008a: 170). In a few other cases traffickers operating the Swedish market for commercial sex have actually been proven to be involved in large scale drug operations (BRÅ 2007: 4, BRÅ 2008b: 39).

Finally, as described, there are reasons to distinguish between “the horizontal interdependencies between different criminal activities engaged in by the same criminal organisations” from “the vertical chains for individual crimes” necessary to successfully carry out a human trafficking operation, such as, corrupting government officials, falsifying identification and travel documents, rape and pimping etc. (Schloenhardt 1999: 216, Schloenhardt 2003: 117, Schloenhardt 2002: 29, Schloenhardt 2001: 340).

#### 4.5.7 The operational features of the trafficking business

The operational strategies of traffickers are, just like the organisational structures, affected by the nature of the demand for prostitution, the government policy and practice in relation to this demand, and finally the nature and structure of the sex market. Hence, in the economic terms of the “business approach” to organised crime, traffickers adjust their operational strategies to the dominant “business conditions” of the sex markets in order to maximise profits and minimise the risks. Unfortunately, as in the case of the organisational structures of traffickers, their operational strategies have only been studied to a limited extent.

A common denominator of the research that does exist is the tendency to describe the operational strategies of traffickers in terms of a process, where each phase is presented in accordance with its chronological order, as given by the illustration below:



As given by the model, the trafficking process is typically divided into a pre- and post-arrival phase, where the activities in the first phase happen prior to arrival in the destination country, i.e. either in the sending country or during the process of transition, whereas the post-arrival phase represents the activities taking place after arrival.

Additionally, three other central elements have to be in place for a trafficking operation to be initiated and successfully carried out, namely, funding of the operation, strategies to control the victims throughout the process and marketing strategies.

#### 4.5.8 The role of migration policies and practices

Being a cross border phenomenon, traffickers in one way or another obviously also have to relate to the various elements of each respective destination country's migration regime, such as visa policy, as well as border control arrangements. In the case of migrant smuggling it is typically assumed that stricter border controls and decreased opportunities to legally migrate only result in higher smuggling fees, thereby making the business more profitable and even more attractive to organised crime (Väyrynen 2002: 3, Van Liemt 2004: 6 and Swedish Department for Global Development 2003: 30).

Can the same be said in the case of trafficking for prostitution? First, although trafficking for prostitution and smuggling of migrants exhibit many similarities, and occasionally may overlap, the two phenomena are based on fundamentally different economic setups. Where human smugglers typically require payment in advance, and make the main profit from providing irregular migrants with the service of clandestine cross border transport, traffickers make their profit from recruiting and commercially sexually exploiting the female victims either in their own establishments, or by "selling" them to local bordello owners or to other criminal networks in destination (or transit) countries.

Why then, one may ask, do young women risk their lives in the hands of traffickers rather than utilise the service of migrant smugglers? Obviously, as poverty, lack of economic opportunities and unemployment are the main reasons behind young women's willingness to migrate, many women and girls in sending countries simply lack the financial means to pay the upfront cost requested by human smugglers (Swedish Ministry of Foreign Affairs 2001: 8 and Sipaviciene 2002). Even if they have the money needed, young women typically lack access to the informal migration networks that facilitate not only migration, but also regular or irregular employment, when reaching the desired destination country, hence leaving them exposed to traffickers' recruitment attempts (El-Cherkeh, Stirbu, Lazaroiu and Radu 2004: 6 and 91).

From the perspective of the individual trafficker, the destination country's migration regime, in particular visa policies and border control, is first and foremost associated with making an investment decision. In other words, is it deemed economically rewarding to invest in the technology needed and develop operational strategies and organisational structures to overcome the obstacles presented by a region's (EU's) or country's migration regime?

While poverty, gender and ethnic discrimination play important roles in increasing women and girls willingness to migrate, thereby aiding traffickers in the recruitment process, trafficking would probably not occur had it not been for the traffickers' motivation to make a profit, which in the case of women and girls is dependent on the demand for prostitution in the destination countries (Friesendorf (Ed) 2009: 273).

Not surprisingly, traffickers in various parts of the world have over the years developed technological and organisational solutions, and operational strategies, to overcome and bypass border controls (Koff 2005: 399, The Budapest Group 1999: 35 and Schloenhardt 2001: 343). Likewise, counter trafficking strategies employing measures of migration control have typically led to increased collaboration between traffickers to overcome the obstacles (Koff 2005: 399, 410). As a consequence, traffickers of today are fully capable of coordinating their activities and establish routines to secure the visas and passports, for example by bribing border officials (Smartt 2003: 174 – 175). From the perspective of traffickers, stricter migration regimes, including higher levels of border control, is thus a question of making a investment decision, employ a management strategy and develop an organisational structure to overcome these obstacles (Van Liemt 2004: 18).

Although trafficking is often described in global terms, it is empirically speaking mostly a regional phenomenon (Global Commission on International Migration 2005: 39). It is therefore particularly interesting to study the effect of EU enlargement on traffickers, who, as a consequence, obviously face new possibilities as well as challenges. The most immediate effect of the Schengen Agreement is that it has tightened the external borders of the European Union, as the same time as internal borders have been made increasingly easier to cross (Väyrynen 2002: 3).

Traffickers originating in sending countries such as Turkey or Russia thus face the same challenges today as they did in the “old” days of the EU, whereas traffickers originating in other traditional sending countries, such as the Baltic states and Romania, have benefited from the enlargements of 2004 and 2007, which obviously facilitated cross border movement into destination countries such as Sweden and Denmark (Koff 2005: 411, RKP KUT 2005: 5 and RKP KUT 2007: 17).

At the same time it seems that traffickers in many cases easily circumvent EU's external border control arrangement simply by having victims entering the Schengen area on a tourist (Schengen) visa, after which they can access the entire EU. When the tourist visas expires, making the victims' stay illegal, traffickers typically deliberately take advantage of the situation by continuously exploiting the illegal status of their victims (El-Cherkeh, Stirbu, Lazaroiu and Radu 2004: 25).

In summary, there seems to be a rationale for including a destination country's migration regime in the economic model, thereby allowing us to analyse how traffickers' investment decisions, operational strategies and organisational structure are influenced by, for example, visa policies and border control arrangements. At the same time, such an inclusion must be based on the understanding that, as a factor of influence, a country's prostitution regime, in all its essentials, takes precedence over the country's migration regime, since, after all, trafficking for prostitution is a demand and profit driven industry.

## 4.6 The final model

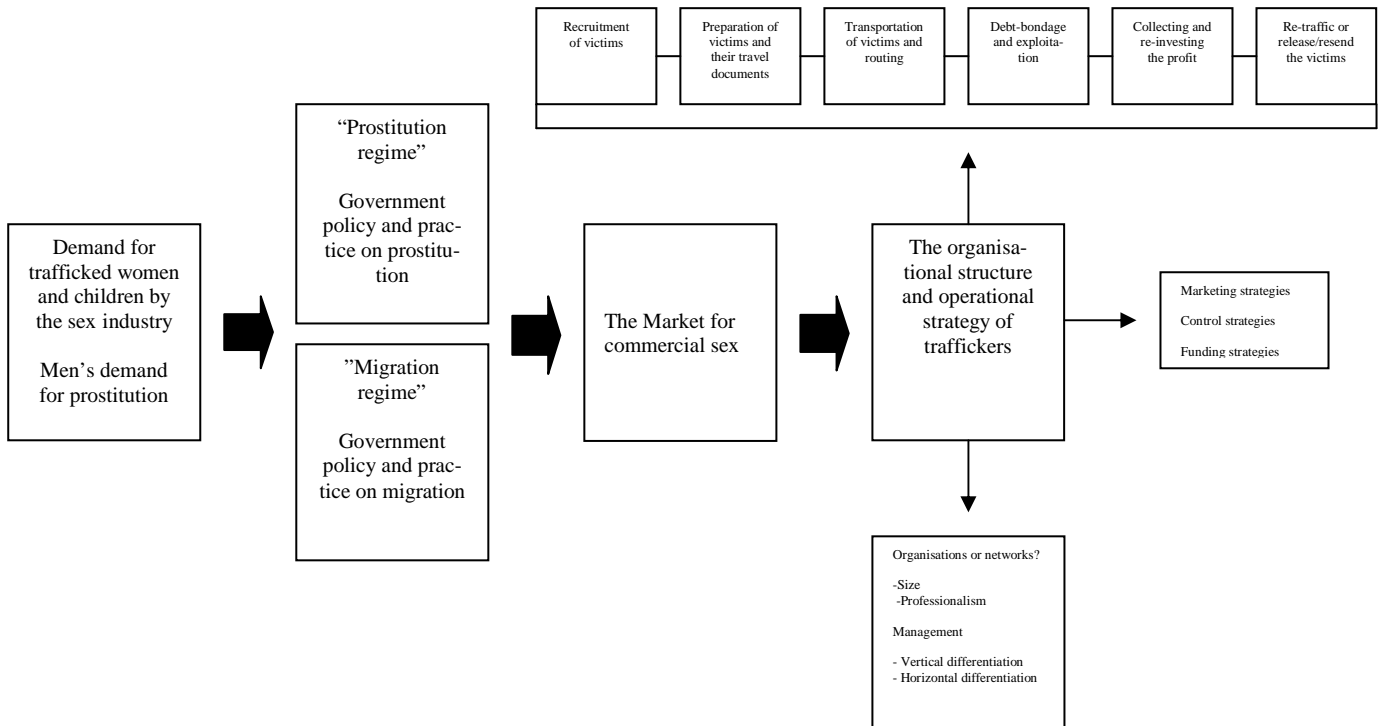
Finally, we can present the complete model and analytical frame of the “business” approach to trafficking for prostitution. In order to describe, explain and understand the operational strategies and organisational structures of traffickers operating a certain national market for commercial sex, as a first step one needs to study the nature of demand for prostitution in the destination country, including individual men’s demand for prostitution, as well as third parties’ rationale for exploiting trafficked women and girls instead of employing/exploiting local women and girls in their commercial sexual establishment.

As a second step, one needs to study the government policies in practices in relation to prostitution, including the regulation of the organisation of commercial sexual establishments, the act of buying and selling sex, advertising commercial sexual service, procuring, health aspects and, naturally, the specific counter trafficking strategy and the actions of the police, courts and social services.

As a third step, one needs to conduct a detailed study of the conditions of each individual market for commercial sex, including, for example, the market segments and the infrastructure supporting them.

As a fourth step, we can now finally describe and understand why traffickers choose to organise and operate they way they do.

### “The business approach to trafficking for prostitution”



#### 4.6.1 Limitations of the “business approach”

Like any other theoretical perspective, the “business approach” has its limitations and has for example been criticised for not sufficiently differing between various forms of organised criminality (smuggling, extortion and executions on demand etc) (Johansen 2005: 28).

The proponents of the “business approach” have also been criticised for the tendency to over represent illegal enterprises in organisational or bureaucratic terms. However, as indicated by the theoretical review, recent economic studies have responded to the critique and in fact proven that for example drug enterprises often are more flexible, decentralised, dynamic, smaller and disorganised than previously assumed (Zaitch 2005: 23).

Others point out that the business structures of criminal organisations and networks engaged in trafficking for prostitution also have “historical roots”, and as such, they are not exclusively determined by contemporary conditions in the destination countries, but also by historical (as well as contemporary) conditions in the sending/origin countries (Shelley 2003: 126).

Further, the way criminal entrepreneurs choose to organise depends not only on the dominant business conditions on the market, but also on the organisational experience of the leaders (Abadinsky 2000: 6). A valid claim can thus be made against the “business approach” that it places too much emphasis on the economic conditions of the markets in the destination country when it comes to explaining the operational strategy and organisational structure of the criminal entrepreneurs servicing these markets, and thus not fully manages to incorporate factors in the sending/origin country that can also be claimed to have an influence. Nor does the “business approach” consider the impact of the personal experiences and preferences of individual criminals.

Further, applying economic theory to trafficking in women and children may seem cynical and negligent towards the social circumstances surrounding traffickers and their victims. Voices have been raised against “cynically” treating women and children as any other “tradable commodities”. However, there is evidence that for example post-Soviet traffickers in fact recruit and sell women and girls as if they were a regular natural resource. The women and girls recruited are often sold to intermediaries or directly to local bordello owners at the highest bid. The strategy generates short term profits but does not maximise profits in the longer run.

Balkan traffickers, in contrast, are more opportunistic and employ an integrated business strategy, which allows them to profit from the continued exploitation of women and girls recruited by putting them to work in bordellos in Western Europe under their own control. In this case, it is thus the ability to control the women and girls from point of recruitment to point of exploitation that allows profit maximisation (Shelley 2003: 120, 126).

Another critique often launched against any attempt to analyse trafficking for prostitution from an economic perspective is that it does not allow the women and girls recruited and exploited any agency. In my opinion, this is necessarily not the case although the agency of the victims naturely never will be in the primary focus in the case of an economic approach to the problem. Consequently, as I see it, from a “business” perspective, that is, from the traffickers’ perspective, the agency of the women and girls recruited and exploited is instead a “management problem”. In this respect, agencies have recently observed a change in traffickers’ interaction with their victims in recent years. Instead of using blunt force and violence, traffickers increasingly engage in non vio-

lent “partnerships” with the recruited women, who are allowed to keep some of the money from selling sex. The women and girls are in these cases generally more satisfied and positive and therefore also more likely to protect the traffickers, and therefore refuse to cooperate and witness against their traffickers in legal investigations. In conclusion, the tendency to allow trafficking victims “greater freedom” and to keep some of the money, is a deliberate risk minimising strategy utilised by traffickers. Typically these girls perceive themselves as “voluntarily migrating sex workers” rather than victims of trafficking and sexual exploitation (Leman and Janssens 2008: 441-442).

Another feature of rationality is for the management of a trafficking organisation or network to create working conditions for the women that do not immediately destroy them mentally or physically, for example by allowing the women a certain degree of agency (Leman and Janssens 2008: 443-444).

In sum, clearly women and girls trafficked into prostitution exhibit agency to various degrees. What is interesting from an economic point of view is however how traffickers choose to deal with this agency in their attempts to maximise profits and minimise risks.

While the critique against the “business approach” to organised crime in many cases is valid, I still find the approach superior when it comes to explaining the operational strategies and organisational structures of traffickers.

## 5. Analysis

### 5.1 Step 1: Analysing the demand for trafficked women and children

#### 5.1.1 Introduction

For many trafficking researchers, regardless of their theoretical preferences, it has become increasingly obvious that demand side factors take precedence over supply side factors, when it comes to explaining trafficking for prostitution. Or simply put, a sex industry without male customers would immediately go broke and take away the main economic incentive of the trafficking for prostitution business (Raymond 2004: 1160).

[Although] factors such as lack of livelihood options, conflict, and structural inequalities create conditions for the displacement and mobility of populations and, hence, contribute to the “freeing up” of marginal and vulnerable groups, thereby creating a potential supply of migrants and livelihood-seekers. The sites of work that draw on this supply of migrant livelihood-seekers are contingent upon demand from particular sector of the economy for certain types of labour that would enable maximization of profits (Kempadoo 2005: 7).

As it seems, trafficking in women and children into EU destination countries is partly a matter of the preferences of the third parties of the sex industry, that is, the “employers”. In other words, “employing” marginalised and vulnerable foreign women and girls for “sexual labour”, rather than local western or independent foreign women, allows the third parties of the sex industry (local pimps, organisers and traffickers) to reach as high profits as possible, by maximizing the income and minimizing the costs (Manzini 2001: 1).

To stay in business, pimps and traffickers need a steady supply of victims. A pimp can only use a woman or a girl for a limited period of time before she needs to be replaced usually because of poor physical or mental health or addiction (Hughes 2005: 10).

In this respect, the state is also responsible for creating a demand for prostitution by adopting laws, policies and practices that allow traffickers to operate and maintain the flow of trafficked women and girls into the country's sex industry. From the perspective that trafficking partly is driven by the demand generated by the third parties of the sex industry for cheap, submissive and easily controllable women and girls it is equally important to consider that the destination country's regime on prostitution, which may, unintentionally, contribute to creating market conditions that allow traffickers to access, penetrate and expand their activities on the sex market in question (2005: Hughes 8). "The cost of doing business is a consideration for traffickers. They make decisions on where to traffic victims and set up business based on profit margins, as well as risk of arrest and prosecution." (Hughes 2005: 10). Clearly, this acknowledgement is in direct line with the assumptions of the "business approach" to organised crime.

It suggests that it is the structure of the sex market, and how it changes and is affected by new government policies and practices in relation to prostitution that is determinable, and perhaps in particular practices that allow the third parties of the sex industry to organise their business in such ways that it allows maximising profits and minimising costs and risks.

Consequently, a country with a government policy and practice on prostitution that allows the sex market to organise businesses by setting up an running commercial sexual establishments (bordellos, massage clinics etc), in such ways that it allows the businesses to benefit from economies of scale and at the same time provide clients with "fresh new faces" on a regular basis, is clearly more likely to see an increased inflow of trafficked victims than a country where the policy and practice on prostitution makes it harder for traffickers to run their businesses smoothly.

However, the presence of foreign women and children in Scandinavian commercial sexual establishments is not only a matter of the "employers' preferences", it is equally a matter of individual men's commercial sexual preferences.

### 5.1.2 Quantitative investigations of men's demand for prostitution

Existing research seems to indicate that the general demand for prostitution almost exclusively is generated by men and that the male propensity to pay for sex varies substantially between countries and regions. As indicated by the statistics presented below, men in some countries only visit prostitutes to a limited extent, whereas in other countries well over one third, and some times two thirds, of the male population buy sex (Anderson and Davidson 2002: 29).

**Table1** *The percentage of men who, at some point in their lives, have paid for sex*

Country	Percent	N	Year	Original Source
Finland	13	624	1999	Haavio-Mannilla & Rotkirch 2000
Norway	13		1989	Prieur and Taksdal 1989
Norway	11	1617	1992	Leridon et al. 1998
Sweden	14	1475	1996	Lewin et al. 1998
Great Britain	7	7941	1991	Wellings et al. 1993
The Netherlands	14	392	1989	Leridon et al. 1998
Switzerland	19	1260	1992	Leridon et al. 1998
Spain	39	409	1992	Leridon et al. 1998
Russia*	10	870	1996	Haavio-Mannilla & Rotkirch 2000
USA	16	1709	1992	Micheal et al. 1994
Denmark	14	6350	2005	Lautrup 2005
Denmark	14	165	1987	Schmidt et al. 1989

\*The Russian figure only applies to the area of St Petersburg

(The table is based on Månsson (2004: 163) in Hedin, ed. (2004).

The corresponding figures for Italy and Germany are 17 and 18 percent respectively (Raymond 2004: 1166).

At first, it may seem difficult to explain these variations, however, their existence alone seem to indicate that the traditional penis-centred hetero-sexist explanation, with constant references to a natural and unstoppable male (biological) sex drive, is insufficient and outdated.

Over the years, studies estimating western men's propensity to pay for sex have been carried out in most western countries, but for most countries not frequently enough to allow meaningful comparisons over time.

Exceptions are the studies undertaken by Schmidt et al. (1989) and Lautrup (2005), which indicate that Danish men's demand for prostitution was the same (14%) in 1989 as in 2005, and Lewin et al. (1998) and Kuosmanens (2008), which indicate that Swedish men's demand for prostitution has dropped from 13,6 % in 1996 to 8 % in 2008.

Still, it is questionable whether the figures on the absolute levels of local men's demand for prostitution generated by these studies successfully can be used as predictive indicators of each country's potential status as a destination for victims of trafficking. Hence, in addition to asking "*how many men admit to having paid for sex at some point in their lives?*" it seems equally important to ask, "*at what cost?*", "*in what type of commercial sexual establishment?*", and most importantly, "*with what type of girl?*" and in "*what country?*"

Nor do the figures capture the demand generated by visiting (sex) tourists and business men, which is troublesome since these categories of men are known to be the most frequent buyers of sex, and comprise in some regions, countries and cities a significant part of all sex buying men.

Consequently, it is quite evident that the capitals of the EU member countries, due to the different legal status of prostitution and the extent and nature of their sex industries, enjoy substantially different popularity and status among the said categories of customers (see for example discussions on sex buyer chat rooms such as: [www.worldsexguide.com](http://www.worldsexguide.com) or [www.worldsexguide.org](http://www.worldsexguide.org)).

In this respect, Copenhagen is typically referred to as the "capital of sex" in Scandinavia. Not surprisingly, the demand for commercial sex by visiting business men to a large extent contributes to the growth of the Danish sex market. It is further often the hosting firm that pays for sexual services to visiting foreign business men. Visits to strip or sex clubs, or massage clinics, typically serve to "keep the customers happy" and speed up the process of securing the contract. Obviously, for some business men, this has become a "tradition" and an expectation each time they visit Denmark (Moustgaard and Brun 2001: 220).

In sum, with few exemptions, as I see it, estimates on local western men's propensity to pay for sex do not fully explain the relationship between men's demand for prostitution and the inflow of trafficked women and children. Instead we need to turn to recent years' qualitative research.

### 5.1.3 Qualitative investigations of men's demand for prostitution

Modern qualitative research on male demand for prostitution first concludes that there is a strong link between the social construction of masculine identity and the desire to pay for sex. Treating prostitution as a male confirming and reinforcing practice would further explain why men are more prone to buy sex in situations where they feel that their masculinity is at risk, e.g. when working in exploitative environments, under conditions which they do not control. Typically, this involves situations where the social premium placed on the masculine identity suddenly increases, such as armed conflicts (Anderson and Davidson 2002: 29 and IOM Dec 2003: 17).

It has long been a well documented fact that in times of war and peace, soldiers stationed abroad use women and children in prostitution (see Seol 2003, Enloe 2000a and 200b, Moon H.S 1997). During the 1990s it became increasingly clear that this exploitative pattern of behaviour also to some extent applied to soldiers serving in peacekeeping operations in the Former Yugoslavia, Somalia, Eritrea, Democratic Republic of the Congo, Mozambique, Liberia, Sierra Leone, Cambodia and East Timor. Clearly, the unfortunate actions of these soldiers have, to varying degrees, contributed to the spread of HIV/AIDS, organised crime, corruption, sex tourism and trafficking in women and children (Cockburn and Zarkov 2002: 62, DPKO 2004: 1 and Agathangelou and Ling L.H.M. 2003: 135).

Modern research further suggests that there is a link between male demand for prostitution and the social diminishing and devaluation of women. In situations where society devalues femininity, it is important for men to confirm their masculinity by distancing themselves from everything that can be interpreted and perceived as feminine, e.g. turning down an opportunity for heterosexual intercourse (Anderson and Davidson 2002: 29).

Not surprisingly, these findings support the findings of other studies confirming that men belonging to some, typically male dominated and hetero-normative occupational groups, such as soldiers, police officers, seafarers and truckers, are more frequent sex buyers than men belonging to other occupational groups (Hughes 2002: 131).

At the same time, it is important to recognise that male demand for prostitution also thrives in societies where gender equality is broadly and politically accepted as desirable, e.g. in Denmark and Sweden. More than anything, this suggests that male demand for prostitution is not only about gender and power, but also a means to confirm class and race privileges and identity (Anderson and Davidson 2002, p. 30).

From a female trafficking point of view, this allows us to nuance the debate on the role of male demand for prostitution. Further, and most importantly, it brings us closer to finding a direct positive relationship between men's commercial sexual preferences and the exploitation of trafficked foreign women and children in the local bordellos of say, Denmark and Sweden.

#### 5.1.4 Is there a specific demand for victims of trafficking?

Clearly, there are market segments where female trafficking victims are more likely to be found. These typically include establishments where prostitution is provided as cheap as possible and where the women and children are strictly controlled and subject to violence and abuse by clients and third parties alike. This calls for examining if there are consumer preferences that are likely to lead to the establishments of such market segments and commercial sexual establishments.

First, interview based research has found that some male clients are more willing than others to knowingly buy women and children in prostitution who are victims of trafficking. Typically, these men do not imagine or perceive women in prostitution as "consenting subjects within the prostitution contract". They seem to think that the women and children encountered in prostitution simply are tradable objects or commodities, and that they, in their capacity as clients, temporarily can purchase the exclusive power of ownership over them (Anderson and Davidson 2003: 24):

*When there is violence ... it is mostly the prostitute's fault. See, I am going to buy something. If I am satisfied with what I am buying, then why would I be violent? I will be violent when I am cheated, when I am offered a substandard service, when I am abused or ill treated ... Sometimes (violence) is because the prostitute wants the client to use condoms. They force it on the client ... He will naturally be disgruntled, and there will be altercations* (Indian bank clerk, married, aged 54 in Anderson and Davidson 2003: 24).

Clearly, clients who reason this way are more likely to be violent when purchasing sex and, further, to express a preference for younger and more vulnerable women and children in prostitution, hence providing a stronger incentive for third parties to “employ” victims of trafficking in their commercial sexual establishment (Anderson and Davidson 2003: 24).

Second, studies suggest that the price is an important factor in determining men's sexual consumption habits and that the level of demand for prostitution may rise quickly when sexual services are provided at a lower price (Anderson and Davidson 2002: 31). Likewise, the market for commercial sex has been found to exhibit substantial price variation between countries and regions, evidently making men prepared to travel “cross border”, or even “cross continent” to find commercial sex at a lower cost (Anderson and Davidson 2002:131).

Finally, it coincides with findings that some categories of customers, predominately those known to be more prone to buy sex, such as soldiers, seafarers, tourists and business people, are also more likely to visit establishments where prostitution is provided as cheap as possible, and subsequently, where victims of traffickers are found (Hughes 2002: 131).

Third, research based on men's writings on the internet describing their personal commercial sexual experiences and habits, further reveals the race and ethnicity of the women and children encountered to be a big issue (Raymond, Hughes and Gomez 2001: 41 and Anderson and Davidson 2003: 57). Not surprisingly, this coincides with evidence that women and children belonging to ethnic minorities are overrepresented in the sex industries of most countries in the world (Randers-Person and Jenssen 2001). Further, it is quite evident that the third parties of the global sex industry deliberately target women from ethnic minorities and deliberately use racist and sexist stereotypes when marketing the women and children serving in their local sexual establishments.

There can thus be no doubt that pimps and owners of local bordellos and sex clubs are quite aware that some male customers deliberately seek out women and children with a specific racial/ethnic or national belonging, whom they believe to be exotic and to exhibit a specific desirable stereotypical sexual behaviour (submissive, compliant, wild, loose etc) (Raymond, Hughes and Gomez 2001: 41 and Månsson 2004: 175). Likewise, interviews with white male sex tourists travelling to South East Asia, Latin America and the Caribbean reveal attitudes towards race and sexuality that simultaneously sexualise women of other races and ethnicity and de-sexualise white western women, who typically are described as “infected by feminism”, “not knowing their place” and as “boring in the bedroom” (Anderson and Davidson 2002: 32).

With regard to this development, some researchers even talk about “the prostitution of entire societies”, meaning that due to the development of a large scale sex industry in South East Asia, and a well established tradition and practice of sex tourism in the region, western men automatically associate Thai women with prostitution (Biemann 2002, Taylor and Jamieson 1999: 267, 272 and Pettman 1997: 97).

### 5.1.5 Danish and Swedish client’s relationship to women in prostitution

Research from Denmark indicates that Danish men paying for sex comprise a representative selection of the greater population of Danish men. Clients may to an equal extent be married or unmarried, come from different age groups, although men between 25 and 40 seem to dominate. The clients come from every social class, and are typically not physically or mentally handicapped. Further, the majority of Danish men appear only to have bought sex on a single occasion or at the most a couple of times, although one third of the men admitting having paid for sex can be categorised as “regular customers” (Rasmussen 2007: 153).

Swedish clients too comprise a representative selection of greater population of Swedish men. They may be teenagers or men well into their eighties. However, most commonly they are between thirty and fifty years old. As in the case of Denmark, some Swedish men only buy sex once in their life, whereas others do it a couple times per year, or at least once a month. Further, it is common that the Swedish client is employed and has a regular income. Moreover, investigations show that approximately half of the Swedish clients have a higher education (university or university college level).

Approximately half are married or in a relationship with a woman. Finally, around 40 percent have children (BRÅ 2008b: 23-24).

Given that Sweden was a pioneer country when it comes to criminalising the client it is especially interesting to study how men explain that they continue to buy sex despite the law. In this respect it has been found that Swedish clients relate in different ways to the law. Some men do not perceive it as a barrier or obstacle to paying for sex. These men either neglect the risk or factor it in when deciding to visit a prostitute. Other clients perceive the law as a great obstacle and violating it causes fear and anxiety. They try to minimize the risk of getting caught by carefully choosing time and location for their encounters with prostitutes. Among other things, they make sure not to be seen in streets where women selling sex reside; alternatively, they buy a pre-paid non-registered cell phone to avoid identification if the police use telephone tapping (against the organiser/pimp/trafficker). Some clients handle the problem by buying sex abroad instead of in Sweden.

These and other strategies used by Swedish clients to avoid detection and possible prosecution suggest that the Swedish law has perhaps not changed the attitudes towards paying for sex among this particular category of clients, but rather served to decrease their activity as clients in Sweden. In the long run, this may reduce the number of commercial sexual transactions and consequently the number of women and girls trafficked into Sweden (BRÅ 2008b: 26).

Still, the question remains how Danish and Swedish customers relate to the fact that they risk exploiting victims of trafficking if they choose a foreign woman or girl over a local Danish or Swedish. In Sweden, it is clear that clients taking part in scientific studies and accept to be interviewed are sceptical of the law criminalising the client, which is described as “bad”, “stupid” and “wrong”. However, they are all outspoken proponents of the trafficking law and agree that trafficking is a huge problem. They also believe that there is a huge difference between buying sex and exploiting victims of trafficking.

*Clients claim to be aware of the problem with trafficking and they say that they never would buy sex from a trafficked girl* (Thomas Ahlstrand, Public Prosecutors, Interviewed 2008-09-16).

Further, these men typically find that more trafficking cases would be reported had the purchase of sexual services not been criminal. In Denmark as well as in Sweden clients think that they are able to determine when they encounter a trafficked victims and when they encounter a “voluntarily migrated sex worker” (BRÅ 2008b: 26 and Lautrup 2005: 95).

*The clients always believe that they are able to see if the women are here against their will*  
(Hanne Mainz, Social Outreach worker, Interviewed 2008-11-07)

However, despite this self perceived code of ethics, some Danish and Swedish men without doubt buy sex from trafficking victims and one may ask what commercial sexual preferences lead them to exploit these vulnerable foreign women and girls rather than to buying sex from “self employed” local Danish and Swedish prostitutes.

Since the beginning of the 1980s, several studies have been conducted and published on Scandinavian men’s relationship to prostitution. Most of the studies are qualitative and primarily based on interviews with men buying sex, and conducted mainly for the purpose of determining men’s motivation for visiting women in prostitution (Månsson 2004. 167).

In this respect, five different and distinct motivations for buying sex have been identified:

The fantasy about the “dirty whore”	Display contradictive emotions of delight and contempt. The image of the “dirty whore” enhances the sexual excitement
The notion of a “different type of sexuality”	Sexual frustration in combination with the notion of a certain type of sexuality that cannot be experienced with a non-prostituted woman. Typical statement: “My wife is not prepared to try anything new”
The notion of the “good-hearted comforter”	Typical statement: “There are no other women for me”. References to shyness, fear, age as well as physical or mental handicaps
The notion of sex as a consumer product	Typical statement: “It’s like going to McDonald’s”. References to men’s constantly recurring need to “clean the pipes”
The notion of a “different kind of woman”	Typical statement: “She treats me as the man I am”. References to changed gender relations and lost gender power

Table copied from Månsson (2004: 168) (my translation).

Especially men driven by the last motive, the notion of a “different kind of woman”, are likely to demand foreign women in prostitution, trafficking victims included, when buying sex in Denmark

and Sweden. Consequently, this particular category of Scandinavian customers' commercial sexual preferences corresponds to the general preferences of western men who specifically seek out women of a different ethnicity than their own.

Likewise, it can be argued that men only looking for cheap way to "clean their pipes", that is the fourth motive in the table above, are more likely to seek out foreign women in prostitution, trafficking victims included, whose prices may be lower than the prices charged by local Danish and Swedish women in prostitution, or alternatively, be at the same level but include more sexual services or a more free right of use and enjoyment.

### 5.1.6 The structure of the market is determinable

In sum, it seems that men's demand for especially cheap and submissive women and children in prostitution and women and children of a different ethnic or national origin than their own, at least in theory, can have a mutually reinforcing effect on the flow of foreign women and children trafficked into a country or a region.

However, this relationship may not be as straightforward and simple as the evidence presented above initially indicates. Although some (western) men explicitly seem to ask for Asian, African, Latin American or Eastern European women and children when visiting bordellos and sex clubs within their own nation borders, other recent studies suggest that some clients prefer to be sexually serviced by women and children sharing their own national and racial identity. For example, research based on interviews with male Thai and Danish clients clearly displayed their preference for women and children of their own nationality, who were perceived as better equipped to meet their specific sexual demands. In these cases, foreign women and children were seen as a "poor man's substitute" for more desirable, but more costly, local women and children in prostitution (IOM Dec 2003: 21-22 and O'Connell Davidson 2003: 58).

This all suggests that when it comes to explaining the trafficking flow and, in the end, the actions of trafficking organisations and networks, the structure of the market may be determinable, and perhaps in particular so, the establishment of a lower price (ethnic) segment. Naturally, the lower price segment is precisely where the commercial sexual activity takes place in environments that cannot

at all times be controlled or monitored by government authorities, e.g. unregistered bordellos, small bars, truck stops and private apartments, hence making it even more attractive to criminal elements.

In my opinion, this suggests that abolitionists as well as sex worker's rights feminist both partly may be wrong; abolitionist because they have a too simplified perception of men's demand for prostitution, and sex worker's rights feminist because they base their arguments on a too simplified understanding of the sex market, which obviously is much more heterogeneous and diversified than they expect. In conclusion, it seems important to study the structure of the sex market and its change after legalisation or de-criminalisation of prostitution, and perhaps in particular if it leads to the establishment of a low price ethnic market segment, which can be argued being of much importance when it comes to explaining the actions of traffickers and determining to what extent a country will become a major destination for female victims of trafficking.

### 5.1.7 Summary and comparative conclusions

The first step when applying the "business approach" to trafficking for prostitution is to analyse the demand for prostitution in general as well as the specific demand for victims of trafficking. Clearly, the "demand" aspect can be approached from two perspectives, that of the "employer" and that of the individual man buying sex. With regard to the former, "employers" in the western sex industries, that is, owners/organisers of bordellos, massage clinics and escort agencies, or for that matter pimps organising women in street prostitution, can under some circumstances maximise their profits simply by exploiting marginalised and vulnerable trafficking victims instead of employing local western women. With regard to the latter, it is a matter of determining whether men from the western destination countries hold such commercial sexual preferences that they under some circumstances prefer being sexually services by a foreign trafficked victim rather than a local woman of their own nationality.

Unfortunately, individual men's demand for prostitution, i.e. prostitution from the clients' perspective, is, as the following analysis shows, a relatively un-researched area. The research that does exist primarily indicates that men's propensity to pay for sex differs substantially between different countries, suggesting that social and cultural factors play a significant role rather than factors related to men's biological sex drive.

While generating quantitative estimates on men's different propensities to pay for sex may be a valuable task, the estimates do not fully suffice as indicators of a country's status as destination country for victims of trafficking. For one thing, the estimates do not incorporate the demand generated by visiting sex tourists and business men, categories of clients who are known to seek out prostitution where it is provided as cheap as possible, and apparently more likely to end up at commercial sexual establishments that exploit victims of trafficking. In this respect, Denmark, due to its de-criminalised approach to prostitution, is a more popular destination for these clients than Sweden.

It is therefore perhaps more rewarding to consider the qualitative research from recent years on men's commercial sexual habits and preferences, which allows us to immediately identify commercial sexual preferences that lead some men to deliberately choose trafficked victims (and other marginalised foreign women and girls in prostitution) for sexually services, rather to local and independently working women.

Accordingly, there is a group of clients who do not imagine or perceive women and girls in prostitution as consenting subjects in the prostitution contract, and they regard women and girls in prostitution as tradable objects that they in their capacity as clients temporarily can purchase exclusive power over. Naturally, clients reasoning in this way are more likely to be violent when purchasing sex, as well as to demand more vulnerable, submissive and marginalised women and girls, thereby providing a stronger incentive for third parties to employ/exploit victims or trafficking in their commercial sexual establishments/business rather than local women.

Other consumer preferences are more likely to generate a positive inflow of female trafficking victims, rather than, to the same extent, providing an incentive for local women to engage in prostitution. Research suggests that many men seek prostitution at the lowest cost possible, which simply often means frequenting commercial sexual establishments that exploit foreign women and girls, trafficking victims included. Finally, some categories of clients are well known to exhibit preferences for women and girls with another ethnicity than their own.

Overall, it seems that men's demand for especially cheap and submissive women and children in prostitution and women and children of a different ethnic or national origin than their own, at least

in theory, can have a mutually reinforcing effect on the flow of foreign women and children trafficked into a country or a region.

Given that the lower ends of the continuum that is the heterogeneous sex industry of today, in other words, the lower price ethnic segment of local (western) sex markets, is also the very market segment where victims of trafficking are more likely to be found, this merits the question of what determines the structure of the sex market in each country. Or, in other words, are there relevant country specific features under which circumstances the sex market will become more diversified, see an expansion of its low price ethnic market segment, and therefore more likely to be partly taken over by criminal elements?

This brings us to the next step of the “business approach”, which factors in the government policy and practice in relation to the goods or services in question provided by the criminal organisations under study, i.e., the Danish and Swedish government policies on prostitution, henceforth called “prostitution regime”. Before moving on to the next step, it is suitable to consider the limitations and methodological considerations of this first part of the analysis

### 5.1.8 Limitations of the data and methodological considerations

This first step of the analysis is almost exclusively based on secondary data in the form of reports and studies conducted by other researchers for various purposes. Additionally, the number of studies, data and results that are specific to the Danish and Swedish context are limited. However, the limited research that is available on men’s commercial sexual preferences in my opinion exhibits a high level of reliability, in particular in the sense that much of the research is independent and disconnected from the feminist debate on prostitution and as such thus is not generated primarily to make a stand in the “abolitionist” vs. “sex workers’ rights” conflict, where men’s demand for prostitution are clearly one of the main controversies.

However, relying exclusively on secondary data implies several methodological limitations. First, it does not allow me the same control over data collection as if I had interviewed local bordello owners or clients first hand or, alternatively, “experts” working with psychological treatment of clients who wish to break free from buying sex. Second, exclusively relying on secondary data does not

allow me to fully utilise the main strategy outlined in the methodological chapter intended to ensure the reliability and validity of my conclusions, i.e. triangulating different data sources (research, reports, expert interviews and court verdicts). Still an element of triangulation is present in the sense that the secondary data used is internally triangulated.

In retrospect, I can finally fortunately conclude that there are few data asymmetries between the two countries. In other words, Danish and Swedish men's demand for prostitution seems to be equally researched.

## 5.2 Step 2: Analysing the Danish and Swedish prostitution regimes

### 5.2.1 The Danish and Swedish laws and strategies on prostitution and human trafficking

#### 5.2.1.1 The Danish government and prostitution policy: A historical recapitulation

In 1874 a law was introduced in Denmark to prevent the spread of STDs and it criminalised women selling sex under “hidden” circumstances. Women violating this law were forced to undergo regular health controls, and could ultimately be forcibly admitted in government bordellos as “public women” and thereby be subject to weekly visitations by the police. Only state authorised prostitution was legal, based on the idea that prostitution was evil, but nevertheless a necessity for the sake of the public’s health.

Eventually, the law was increasingly criticised by the Danish women’s movement for being “indirect” legalisation of prostitution and demeaning of women. The movement found the law unreasonable since it only forced women and not the men to undergo health controls. The protest caused an amendment of the law in 1895, where after it was no longer possible to forcibly admit women to the state controlled bordellos.

“Regulated” prostitution existed until 1906 when it was abolished with the introduction of the “October law” (§199), which was in place until 1999. Between 1906 and 1999, women in prostitution were regarded as “drifters” and when encountered by the police were “ordered” to find a legal regular job. After the October law and far into the 1900s women in prostitution, or those suspected of being in prostitution, could still be subject to police action and health controls. In the mid-1930s “mental hygiene medical controls” of women suspected of being in prostitution were introduced.

In summary, throughout the 1900s Danish laws on prostitution exclusively targeted women selling sex. Consequently, women making their primary income from prostitution could in theory, if they

did not comply with the police, be fined or get up to one year imprisonment (Københavns Kommune, Socialforvaltningen 2007: 81-82, 84)

#### 5.2.1.2 The current Danish law on prostitution

In 1999, prostitution in Denmark was de-criminalised when the law against “drifting” (§199) was abolished, and it is no longer illegal to have prostitution as main source of income. Still prostitution is not considered a legal regular form of job, and women selling sex are thus not protected by the Danish labour laws (Danna 2001: 35 and Københavns Kommune, Socialforvaltningen 2007: 82).

The current Danish policy on prostitution falls under the new abolitionist model, and article 228 of the criminal code penalises keeping a bordello with imprisonment of up to 4 years. Article 229.2 criminalises “any person who lets a room in a hotel or an inn for prostitution as a profession”, and offenders are liable to detention or imprisonment for a term not exceeding 1 year, or in mitigating circumstance, to a fine. In other words, outdoor prostitution is not prohibited, but indoor prostitution is. However, it is not illegal for a woman to sell sex in her own apartment.

The Danish law is very similar to the law in regulatory countries. In Denmark, women in prostitution also have to register for tax purposes at the local tax office, but they are not obligated to undergo compulsory health checks.

According to article 223.1 of the new law that went into force 1 July 1999, it is illegal to purchase sex from anyone under the age of 18, and the customer can be sentenced to a maximum of 2 years’ imprisonment. In other words, buying sex from someone who is over the age of 18 (and not forced) is not illegal. Should the person selling sex be under the age of 15, it is a matter of “sexual abuse” in which case the client can be imprisoned for up to 6 years (§ 222).

The Danish criminal code further punishes pimping, procuring, or profiting from the prostitution of others. The penalty for pimping (article 228) is up to 4 years in prison. Article 228 thus also criminalises the keeping of a bordello. It criminalises anyone who aides a person under 21 to engage in prostitution, or aides or convinces someone under the age of 21 to leave Denmark for prostitution in

a foreign country. Consequently, Danish massage clinics and escort agencies thus do not, at least not openly, cooperate with or hire women under the age of 21.

Further, the penalty for functioning as an intermediary (article 229) is up to 3 years imprisonment. Such persons can be hotel portieres and bartenders. Likewise, it is illegal to knowingly rent someone a hotel room to be used for prostitution, if it has happened one more than once and if the hotel owner/employee knows that the room is used for commercial sexual activities.

If a person found guilty of violating article 228 and 229 has a criminal record with regard to the crimes in question, his or hers penalty may be increased by up to half of the current sentences. Finally, the Danish criminal code (article 229.3) punishes anyone who “allows himself to be maintained, in whole or in part, by a women who makes her living from prostitution” with imprisonment for a term not exceeding 4 years. (European Parliament 2005: 20-21 and Københavns Kommune, Socialforvaltningen 2007: 82)

The Danish Police Law allows the police to “remove” women in prostitution from places open to the public (§§ 5 -6). Likewise, the law on restaurants forbids “restaurant owners to allow prostitutes in their premises (§31). Finally, it forbids “passive soliciting” if it causes disturbance to residents or passers-by (Danna 2001: 35).

Taxwise, prostitution is considered a service occupation. Women selling sex, and owners of massage clinics, are thus subject to the tax laws like all other Danes. Women selling sex must register at the tax office as independent business women and are in such cases registered as “other service providers”.

In summary, prostitution in Denmark, from the perspective of the government and society, is not considered a legal occupation, but rather a social problem best solved with social-political initiatives (Københavns Kommune, Socialforvaltningen 2007: 83, 85-86).

### 5.2.1.3 The Danish strategy against trafficking

Denmark's ambition for its counter trafficking strategy is described in so called "government action plans". The first was presented in 2002 and the latest is from 2007 covering the years 2007-2010. The action plans are a result of cooperation between four ministries: equality, justice, development and integration.

As stated in the 2007 action plan, the Danish strategy against trafficking rests on four legs:

- ❖ Initiatives to strengthen investigations so that organisers are identified and punished
- ❖ Support victims by strengthening social efforts and initiatives in Denmark
- ❖ Prevent trafficking by limiting the demand and increase the public's knowledge
- ❖ Prevent trafficking by improving international cooperation, including improving the preventive initiatives in the sending countries

(Rigspolitiet 2009: 2 and Rigspolitiet 2010: 3).

Clearly, the first point is primarily a police task. The local police districts are obligated to report trafficking information to the national police authority. This information, combined with information from for example the tax office, allows the police to work proactively, in other words initiate investigations instead of waiting for someone to report a suspected crime of trafficking. Consequently, the national police authority has the main responsibility and coordinating role in combating trafficking (Rigspolitiet 2009: 2).

The local police districts make "control visits" to bordellos/escort agencies; in 2007 511 control visits were made to 360 commercial sexual establishments (Rigspolitiet 2007: 15). The purpose is to make sure that the regulations are followed. The control visits are further to be carried out in cooperation with other authorities, e.g. the social services, and the results must be reported back to the national police authority, whose representatives may assist and participate in operations carried out by the local police districts. The strategy further pre-supposes that students at the police academy are properly educated about trafficking and prostitution (Rigspolitiet 2009: 5 and Den Danske Europabevægelse 2008: 47-48).

In 2007, the national police authority, in cooperation with the office of public prosecutors, published a handbook to be used in the fight against trafficking. The handbook offers detailed information and advice of an investigative nature. The handbook advises that all women encountered in prostitution by the police initially should be regarded as victims of crimes, make sure that they are informed about the social service offers available to them, and the police must be prepared to help the women contact relevant authorities or organisations, if they wish. Further, it is recommended that the police, when undertaking operations, should inform and invite other relevant authorities, such as the social services, to come along to give direct advice and support to the women encountered (Rigspolitiet 2009: 7). The Danish police thus cooperate with various other authorities, social services and organisations, such as the tax office, the Red Cross, Save the Children, REDEN and Pro Vest (Rigspolitiet 2007: 15).

The Danish police further take part in various international partnerships, e.g. yearly meetings with the trafficking units of EUROPOL and FRONTEX, and with INTERPOL (Rigspolitiet 2009: 15). In 2007 the Centre Against Trafficking (Center mod Menneskehandel (CMM)) was established. It is the centre's responsibility to make sure that victims of trafficking receive a prepared and coordinated treatment while still in the country. Its three main goals are:

- ❖ To prepare the social initiatives for victims of trafficking
- ❖ To coordinate cooperation between the social organisations and other authorities
- ❖ To gather and spread knowledge and information about trafficking

These organisations include Reden International, Pro Vest, Kompetencecenter Prostitution, as well as local emergency centres for women, and the Danish Red Cross (Regeringens Handlingsplan 2008: 2 and Rigspolitiet 2009: 8).

Together these organisations offer the following services to trafficking victims and other foreign women in prostitution in Denmark:

- ❖ Anonymous advice about possibilities, rights and other resources
- ❖ Health related harm reduction, such as medical, psychological and dental treatment.

- ❖ Direct support during police raids about rights and resources
- ❖ Legal counselling and support
- ❖ Planning of home trip in cooperation with for example the IOM, information about resources and possibilities in the home country, travel papers, accompany during travel, arrange reception of victims by the IOM or an NGO upon arrival, assistance with treatment in home country and with finding alternative means of support.

(Regeringens Handlingsplan 2008: 8-9).

Reden International is a private institution that supports foreign women in prostitution in Denmark. The social outreach workers employed master more than 20 languages, and the institution arranges social meetings for women in prostitution, operates a 24 hour crisis centre and outreach work among women in prostitution ([www.Redeninternational.dk](http://www.Redeninternational.dk)).

Pro Vest offers foreign women in prostitution in Denmark counselling about “their situation”, advice on how to best protect themselves, information about possibilities and rights, advice on how to work independently and how to get support if they feel forced into prostitution or are otherwise exploited against their will. Pro Vest further offers free and anonymous medical checks, run drop-in centres, visits women at massage clinics or other environments, and hands out free condoms ([www.provest.dk](http://www.provest.dk)).

The Competence Centre for Prostitution (Kompetencecenter Prostitution) was established in response to one of the government’s action plans against trafficking. The centre is responsible for social and health related initiatives for women in prostitution, including outreach work, telephone and internet advice, psychological assistance, building bridges between women in prostitution and the social services and the health system. The centre is responsible for “scientific production” in the field of prostitution to make sure that “professionals” who come into contact with women in prostitution have the necessary knowledge and competence, as well as to offer a scientific foundation on which evaluations of the laws and practices can be based. The centre is further responsible for “methodological” development with regard to social outreach work aimed at women in prostitution, as well advising municipal employees and bureaucrats on how to meet and treat women in prostitution ([www.servicestyrelsen.dk](http://www.servicestyrelsen.dk)).

In August 2007 the Aliens Act (udlændingeloven) was changed to allow trafficking victims without residence permit, under special circumstances, a so called 100 days “reflection period”, provided that the trafficking victim is willing to cooperate with the authorities in the preparation of her return. These “special circumstances” can be that the victims should witness against her trafficker in court or must remain in Denmark for other legal or investigative purposes (Regeringens Handlingsplan 2008: 4).

Naturally, the Danish laws on prostitution and trafficking can be said to comprise the very foundation of the Danish counter trafficking strategy, perhaps especially the trafficking law (§262 a), but also the law of 1999 (§223) decriminalising prostitution by making it illegal to buy sex from anyone under the age of 18 (but not from women over the age of 18), as well as the law (§228) criminalising pimping, keeping a bordello and in other ways profiting from the prostitution of others. In theory, these acts combined are supposed to make the Danish market for prostitution less attractive to criminal elements.

#### 5.2.1.4 The Swedish government and prostitution policy: a historical recapitulation

As many other European countries, Sweden in the nineteenth century adopted compulsory medical inspections of women in prostitution, legitimised by the idea that prostitution was a socially necessary phenomenon, and at the same time a source of the spread of STDs. In 1918 the *Lex Veneris* stated that both women and men were responsible for spreading STD, but the vagrancy law defining women in prostitution as socially deviant remained in place until 1964, when street prostitution was decriminalised. By then, indoor prostitution existed in various forms, but was not subject to debate or policy making due to the lack of information and the assumption that indoor prostitution equalled “upper class” prostitution. In the late 1970s the government’s lenient approach to prostitution was criticised for condoning criminality, and like in many other countries, the debate was polarised between those who perceived prostitution as a legitimate social transaction (the sex workers’ rights camp) and those who perceived it as male oppression and exploitation of women (the abolitionist camp) (Hubbard, Matthews and Scoular 2008: 142-143).

During the last decades, Swedish prostitution policy making has relied on commissions established by the government or the parliament. The investigations of these commissions, often headed by one person assisted by a team of experts, have led to the drafting and passing of new or changed prostitution laws (Svanström in Outshoorn (ed.) 2004: 226)

The first large scale commission was initiated in 1981 and was largely a result of the critique launched against a commission from 1976, which recommended softening the rape charge by lowering the penalties. In response, several women's organisations came together and demanded a new investigation. The topic of the 1981 commission was the black economy surrounding the sex industry, and it focused on especially young girls being used in prostitution, public pornographic shows and sex clubs. On 1 July 1982 a law was passed that prohibited public pornographic shows. In line with the commission's recommendations, prostitution was not criminalised (Svanström in Outshoorn (ed.) 2004: 227-231).

The second commission was initiated in 1995 preceded by numerous requests by MPs to criminalise clients of women in prostitution. Naturally the issue of concern for the commission was to investigate the potential of criminalising male clients but not the women selling sex. After two years of investigation, the commission presented its report which suggested that both clients and the women selling sex should be criminalised. The commission expressed its opinion that it would be "peculiar" if only the buying party would be seen as guilty and the selling party would be considered innocent. The commission further believed that criminalising both parties would be necessary in order for the law to be efficient. The commission further suggested abandoning the term "prostitution" in favour of the term "sex trade" (könshandel) to indicate that prostitution not only involves women in heterosexual prostitution but also men in homosexual prostitution.

Further, it is important to recognise that the "foreign element" or rather the fear that the sex market is taken over by foreign organisers/pimps and women (trafficking victims) was not a major issue or concern at this time, although such elements were included, but not to the extent claimed in recent years.

Immediately after the release the report was attacked by prominent experts. In their view, criminalising both parties would only obscure and conceal what prostitution was really about, namely men's

power and men's sexuality. Exclusively criminalising the client would mark a "historical turning point in relation to that double standard which always permeated the patriarchal society, which is the basis of the existence of prostitution." The government waited for the result of another investigation of violence against women (kvinnofrid), which, along with other proposals concerning aspects of violence against women, suggested that only the client was to be criminalised. In the end, the government and the parliament disregarded the recommendation of the commission this time (Svanström in Outshoorn (ed.) 2004: 233-236).

What finally tipped the scale in favour of passing a law criminalising the male client and not the women selling sex was the investigation preceding the so called violence against women act 1997/1998. The act was presented by the minister of gender equality in February 1998, where after a debate in the parliament and the media took place. When it passed the violence against women bill, the parliament thus also voted in favour of criminalising the clients by making it illegal to buy sexual services. The law came into effect on 1 January 1999; 181 members of the parliament voted in favour of the law, 92 against and 63 were absent (Svanström in Outshoorn (ed.) 2004: 239-241 and Hubbard, Matthews and Scoular 2008: 142-143).

#### 5.2.1.5 The current Swedish law criminalising the purchase of sexual services

Since 1 January 1999, the Swedish prostitution policy falls under the prohibitionist model and the law states that (1998: 408):

Someone who for payment obtains a casual sexual relationship is penalised, unless the action entails punishment in accordance with the Criminal Code, for the purchase of sexual services with a fine or imprisonment for a maximum of 6 months.

This first law criminalising the clients of women in prostitution was only a temporary solution until the result of a forthcoming more general review of the laws related to crimes of sexual nature was made available (Statens Offentliga Utredningar (SOU 2010: 49) 2010: 76).

In 2005, as a result of a this large scale review of the laws related to crimes of sexual nature the original law criminalising the purchase of sexual services was abolished and replaced by a new law,

basically saying the same thing. Accordingly, Penal Code (2004:406) Chapter 6, Section 11 states that:

Someone who, in a case other than as intended previously in this chapter, obtains casual sexual intercourse in return for payment, is convicted of the *purchase of a sexual service* and sentenced to a fine or a custodial sentence of a maximum of six months.

What has been stated in the first paragraph also applies even if the remuneration has been promised or given by someone else.

The difference between the new and the old law was that the phrase “sexual services “ was changed to “sexual service“. This was done to clarify that the “purchase” needed only to be a one time event in order for the act to be criminal.

Further, a second piece was added as to clarify that the person who received the sexual service committed a criminal act even if he/she was not the one paying for the sexual service in question (Statens Offentliga Utredningar (SOU 2010: 49) 2010: 79).

The Penal Code (2004:406) Chapter 6, Section 9 further specifically criminalises the purchase of a sexual act from a child. Accordingly:

Someone who, in a case other than as intended previously in this chapter, induces a child below the age of eighteen to carry out or endure a sexual act in return for payment is sentenced for the *purchase of a sexual act from a child* to a fine or to a custodial sentence of at most two years.

What has been stated in the first paragraph also applies even if the remuneration has been promised or given by someone else.

Purchasing a sexual service from a child is thus considered as more aggravating than purchasing a sexual act from an adult, which is illustrated by the penalty scale that in the first cases allows for a two years imprisonment of the convicted client (Statens Offentliga Utredningar (SOU 2010: 49) 2010: 79).

The Penal Code in Section 12, Chapter 6 (2004:406) in turn deals with procuring and aggravated procuring, according to which:

Anyone who encourages or improperly economically exploits a person having casual sexual relations in return for payment is sentenced for **procuring** to a term of imprisonment of a maximum of four years.

If a person who has leased an apartment with a right of usage becomes aware that the apartment is being used entirely or to a significant degree for casual sexual relations in return for payment and does not do what may reasonably be expected in order for the lease to come to an end, and if this activity continues or is resumed in the apartment, then he or she shall be regarded as having promoted the activity and will be sentenced for culpability in compliance with para. 1.

If a crime as referred to in para. 1 or 2 is regarded as grievous, then the perpetrator shall be convicted for **aggravated procuring** and sentenced to a term of imprisonment of a minimum of two and a maximum of eight years. When considering whether or not the crime is grievous, special attention shall be paid to whether the activity was conducted on a large scale, entailed significant financial gain or involved the ruthless exploitation of another person.

The act of procuring is thus to be considered aggravated if the crime related to an activity “was carried out on a fairly large scale, resulted in considerable gain or involved ruthless exploitation”.

A crime of procuring may also be considered to be aggravated if it has “aspects of human trafficking and involves the transport of girls and women to Sweden from other countries for the purposes of prostitution”.

Finally one can observe that the maximum punishment for aggravated procuring has been increased to a term of between six and eight years. This was done in order to be able to “punish those who plan and organise procuring in the nature of human trafficking, though where it has not been possible to prove the requirement of improper influence” (Rikspolisstyrelsen 2010 (English version)).

#### 5.2.1.6 The Swedish strategy against trafficking

In light of the Danish policy on and strategy towards prostitution and human trafficking it is obviously particularly interesting to study the corresponding Swedish policy and strategy, which, in comparison, from a strict business perspective, comes off as less contradictory in the sense that it strikes down on the sex trade along its entire chain, and in particular where the profit is generated for the first time, that is, when customers pay for sex. The law criminalising clients of women in prostitution together with the law against trafficking allows for simultaneously targeting traffickers, local pimps and clients, which, according to the experience of the Swedish police, is essential to stop organised crime from growing strong in the sex business (RKP KUT 2005: 31 and RKP KUT 2007: 8). In theory at least, the mission of the legal authorities, in particular that of the police, is made more straightforward and each foreign woman found in prostitution Sweden can, at least initially during the investigation, be treated as a potential victim of trafficking, rather than a “voluntarily migrated professional sex worker”.

By its proponents, the Swedish law that criminalises the purchase of sexual services is presented as a role model when it comes to preventing trafficking in women and children simply because it targets the demand for prostitution (Regeringskansliet 2008: 121).

The Swedish authorities have for years carried out specific social work related to women in prostitution. In Stockholm, Gothenburg and Malmö there are municipality based prostitution groups where social workers conduct outreach work in the environments where women in prostitution are found, street prostitution in particular, but also via the internet. Advice, support and rehabilitation are offered with the ultimate goal of helping women to leave prostitution behind. The municipalities of the three cities also run a KAST project, which offers support, advice and rehabilitation to men who want to stop buying sex (Holmström and Skilbrei 2008: 25 and Regeringskansliet 2008: 12).

In Sweden, the national police authority, which is a part of the national police board, coordinates police work against organised crime nationally with the local police authorities, as well as internationally with for example Europol and Interpol. The national police authority is responsible for coordinating counter trafficking operations with other relevant authorities such as the customs office and tax office, the coastguard and the enforcement district. Internationally, the national police au-

thority participates in the Task-Force on Organised Crime in the Baltic Sea Region, which has a specific expert group for trafficking in women and children, the purpose being to exchange information and experiences, coordinate projects, and create and promote international contacts between national legal authorities in the region, as well as EUROPOL and FRONTEX (Regeringskansliet 2008: 122).

The Swedish police has also carried out several specific projects against trafficking, including project EUROPE, undertaken as surveillance projects by the Stockholm police authority to map the trafficking and procuring organisations in the district and develop new counterstrategies. The police authorities in Stockholm and Gothenburg have formed special counter trafficking task forces in cooperation with the office of public prosecutors to increase the number of prosecutions (Regeringskansliet 2008: 123).

The national police authority has further carried out several educational programs with the staff at Swedish embassies, social services and the migration authority to improve the chances that trafficking is identified at an early stage, for example already when traffickers apply for visa or residence permits for their victims, or when they cross the border into Sweden. The national police authority has also held training courses for students at the police academies and for the border control staff (Regeringskansliet 2008: 123).

The official Swedish standpoint is that the Swedish law criminalising the clients of women in prostitution, together with the trafficking law and the specialised prostitution and trafficking investigation groups forms a efficient strategy against trafficking for prostitution that among other things make traffickers prefer to operate in the neighbouring countries instead of Sweden.

The criminal status of the clients further legitimises a more profound police presence in the environments where the commercial sexual activities are known to take place, which obviously facilitates uncovering cases of trafficking for prostitution. Investigations of suspected clients have in many cases revealed ongoing trafficking operations (Åklagarmyndigheten 2005: 6).

In contrast to many other European countries where the risk of traffickers getting caught is considered low, traffickers themselves seem to consider operating the Swedish market for commercial sex

as more risky. Tapped telephone conversations between traffickers, as well interrogations with traffickers, and interviews with victims, in fact reveal that traffickers prefer the Danish sex market over the Swedish (RKP KUT 2004: 32 and RKP KUT 2003: 26 and RKP KUT 2009: 10).

At the same time the Swedish authorities seem to be aware that much can be done to improve the Swedish strategy against trafficking for prostitution. In the latest Government Action Plan presented in 2007 five improvement areas are pointed out and 213 million Skr have been earmarked for 2008-2010.

The five areas are:

1. Increased support to and protection of the victims: the Swedish UNICF has received government funding to develop, together with the social services, educational material for training the staff in social services, the health care system, the migration authority and the police, to increase their knowledge and understanding of problems related to prostitution and trafficking, including the rights of the victims. Other categories to be educated are employees at the protective shelters where victims of trafficking are placed. Further, the government intends to increase and improve the resources for rehabilitating victims of trafficking and develop cooperation with other actors, organisations as well as authorities in other countries in order to secure a safer return for victims of trafficking (Regeringskansliet 2008: 9 and Regeringskansliet 2007: 12).
2. Strengthening the preventive work: Increase public awareness about trafficking and prostitution to change attitudes. Codes of ethics and conduct will be introduced in authorities and organisations to decrease the demand for prostitution and thereby the recruitment of women and girls into prostitution. The KAST project will be evaluated before it can be further developed and spread. The social service will evaluate and develop the work done by the social services prostitution groups (Regeringskansliet 2008: 12 and Regeringskansliet 2007: 17).
3. Improving the quality and efficiency of the legal system: Give the police and the office of public prosecutors increased funding to strengthen the operational capacity through methodological and competence development. The staff at the police authority, the office of public

prosecutors, the courts and migration authority will be trained to handle trafficking and prostitution cases. The law criminalising the purchase of sexual services will be evaluated in order to determine how the law is used in practice, and its consequences for the level of prostitution and trafficking (Regeringskansliet 2008: 15 and Regeringskansliet 2007: 21).

4. Increased national and international cooperation: The country administrative board will coordinate initiatives that aim to protect and support victims. The government will promote the Baltic Sea cooperation. The trafficking perspective will be more closely tied to the Swedish development cooperation (Regeringskansliet 2008: 18 and Regeringskansliet 2007: 26).
5. Increasing knowledge: The government has set aside funding to increase knowledge about trafficking and prostitution. This includes research projects on the situation of homo-, bi- and transsexuals in prostitution, as well as young people's experience with prostitution, on sexual exploitation of girls and boys, and of attitudes towards the purchase of sexual services. Several of these research projects have recently been completed, the results are published and are in some cases referred to in this study (Regeringskansliet 2008: 20 and Regeringskansliet 2007: 30).

The effect of the initiatives will be evaluated in 2011, but they are already claimed to have caused a drastic increase in the number of prosecutions related to the purchase of sexual services ([www.dn.se](http://www.dn.se) 2010-02-27).

#### 5.2.1.7 The Palermo protocol and Danish and Swedish trafficking laws

Naturally, the Danish and Swedish anti-trafficking strategies also comprise of laws against trafficking. Danish and Swedish official definitions and trafficking legislation are primarily a result of UN policy making and to a lesser extent EU policy making of recent years. To understand not only the design of the Danish and Swedish trafficking laws, but also the practice of the very same, we need to review the coming to being of the ground breaking UN and EU convention and agreements.

In accordance with the UN Palermo protocol, the Danish Criminal Code was supplemented in 2002 with the Act 380, according to which trafficking is punishable with imprisonment for up to 8 years

(§262a). The Swedish Criminal Code was supplemented on 1 July 2002, with a new piece of legislation that introduced the offence of “trafficking in human beings for sexual purposes” (Chapter 4:1a of the Penal Code). A person found guilty of trafficking a women or a child for the purpose of sexual exploitation may be sentenced to minimum 2 years and maximum 10 years in prison (RKP KUT 2005: 11).

#### 5.2.1.8 The role of the European Union

The European Union engaged in combating human trafficking for the first time in 1996 when the Communication on the subject of trafficking in women for the purpose of sexual exploitation was announced by the European Commission (Communication from the Commission to the Council and the European Parliament on Trafficking in women for the purpose of sexual exploitation, COM (96) 567 final, 20.11.1996). The goal was to develop a comprehensive and multidisciplinary approach to tackling especially female trafficking. The Communication on the subject of trafficking in women for the purpose of sexual exploitation initiated in 1996 was followed up in 1997 by the Joint Action of February 1997 to combat trafficking in human beings and sexual exploitation of children. The purpose was to encourage EU’s member states to review their human trafficking legislation, promote judicial cooperation and to ensure appropriate protection and assistance to victims and their families.

The first more comprehensive and influential EU initiative, the EU Framework Agreement on Trafficking in Human Beings, was launched in 2002, its definition of trafficking is in most aspects similar to that of the UN Palermo protocol. However, unlike the UN protocol, the EU agreement also advocates criminalisation of trafficking that takes place exclusively within the borders of a country (Baumbach 2008: 16).

In 2004, in response to the EU Framework Agreement on Trafficking in Human Beings of 2002, the law was altered in both Denmark and Sweden to include trafficking for other exploitative purposes than sexual, such as forced labour and organ removal, as well as trafficking that is not transnational (Holmström and Skilbrei 2008: 21, 28 and RKP KUT 2005: 1).

Finally, in May 2005 the EU launched the “Convention on Action against Trafficking in Human Beings”, which entered into force in February 2008. Accordingly, trafficking is defined in similar terms as the Palermo protocol in order to promote international consensus. The convention calls upon states to take measures to criminalise transnational as well as domestic trafficking, whether “organised crime” is involved or not (Baumbach 2008: 17).

#### 5.2.1.9 The Palermo protocol and Danish and Swedish laws on prostitution

As a consequence of the UN Palermo convention and EU framework agreement, the trafficking legislation looks quite alike in Denmark and Sweden, with the exception of references to the relationship between trafficking and prostitution. The Danish Act 380 does not provide the specific offence of Trafficking in Human Beings for the purpose of sexual exploitation, whereas the Swedish Chapter 4:1a of the Penal Code explicitly states that trafficking is taking place for the purpose of sexual exploitation of women, as well as for other purposes, such as for organ removal, military service and forced labour. The explanation for this difference is of course related to the different legal status that prostitution enjoys in the two countries.

Are such diverging legal statuses of prostitution in line with the Palermo protocol one may ask?

This question answers to the debate preceding the Palermo protocol, namely, to what extent the protocol explicitly should recognise that trafficking in many cases is a highly gendered practice, that is, takes place primarily to provide women and children for prostitution, or if the language of the convention was to be more gender neutral.

In retrospect, one can only conclude that the Palermo protocol, perhaps in order to secure as many signatures as possible, left the issue of “prostitution” open by using the vague terms “exploitation or prostitution of others” and “other forms of sexual exploitation”. Hence, the Palermo protocol does not take a stand in the matter and leaves it up to the signatory states’ own judgment to choose whether or not to criminalise all forms of prostitution (Hayes 2008: 6).

The Swedish government has thus been able to keep the law of 1999, defining all prostitution as exploitation of women and therefore “forced” in one way or another, and still sign and ratify the Palermo protocol, whereas the Danish government has signed and ratified the protocol in question, but nevertheless kept prostitution de-criminalised.

## 5.2.3 Problems related to the practice of the Danish strategy against human trafficking

### 5.2.3.1 Introduction

Danish laws on prostitution and trafficking have been increasingly debated in recent years. Researchers, journalists, as well as politicians, are often sceptical or critical of the Danish authorities' ability to handle problems related to prostitution in general, and problems related to trafficking in women and children for commercial sexual purposes in particular. The critique concerns, among other things, the contradictory nature of the Danish policy on and strategy towards prostitution, as captured and illustrated by the following statements:

*I don't know if you can talk about a Danish strategy with regard to prostitution and trafficking, and if there is one, it is certainly contradictory. On the one hand prostitution is regarded as a social problem where women in prostitution are to be helped, on the other hand there are tax laws that require women selling sex to pay taxes for their income ... third Danish labour laws do not consider prostitution a real job ... and hence do not offer women the same rights as other workers (Ingrid Lüttichav and Thomas Laigaard, Social Outreach Workers, Interviewed in 2008-11-21).*

Others point out that prostitution in Denmark is portrayed in several different ways at the same time, which is confusing for the public:

*It is a social problem ... it is a means to offer sexual relief to handicapped men ... it is an unnecessary evil ... it is a free choice ... there are too many messages (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

The rights of women and girls trafficked into prostitution in Denmark are further compromised by the Danish authorities' priorities with regard to the "trafficking problem". Of the three main goals of the Danish strategy against trafficking in the action plan, only one concerns the welfare of the victims. The will to prosecute the traffickers and to decrease and limit the number of foreigners who

illegally reside in Denmark may when implemented in fact contradict the needs and interest of the individual victim, and violate her rights. Calls have therefore been made for a more “human rights based” approach that secures that victims of trafficking ending up in Denmark receive the treatment they actually are entitled to according to international conventions (Olsen 2007).

The lack of a rights-based perspective have been pointed out also with regard to the social initiatives in the Danish action plan against trafficking. Although the purpose of running the 24 hour hotline is to be able to inform trafficking victims about their actual rights, the same hotline has been criticised for once again disregarding the victims’ rights by automatically informing callers that any information that they reveal can be used by the police for investigative purposes, and that such information will be handed over to the police (Olsen 2007).

The social initiatives have further been criticised for not being based on scientific results, but rather on assumptions about prostitution, and its causes and consequences (Holmström and Skilbrei 2008: 26). Finally, much of the critique is specifically related to the nature and practice of the Danish laws related on prostitution which by some have been described as nothing more than a “paper product”.

In theory, the Police Law outlaws both “active” and “passive” soliciting which thus, again in theory, closes off the legal space for prostitution, also in open areas. The possibilities of legal, sheltered prostitution are in theory limited. In practice, however, the Danish legal system is much less strict when it comes to prostitution than the system of other countries with similar laws, which is illustrated by the limited number of prosecutions and convictions for offences related to prostitution. While the police may target street prostitution, there is a substantial toleration for indoor prostitution and prosecution for procuring remains limited. Even though prostitution is officially regarded a “problem” to be limited, advertisements in daily papers offering sexual services are still allowed (Danna 2001: 7, 35, 42).

Without doubt, the Danish effort to combat trafficking has, at least “historically”, not met the standards of several other EU countries. For example, two years after the introduction of the Danish trafficking law (§ 262a) the Danish Centre for Gender Equality Research concluded that Danish authorities, the police included, lagged considerably behind the authorities of other EU countries in terms of organising against trafficking (Centre for Ligestillingsforskning 2004: 6).

Danish researchers and journalist have even gone as far as to claim that it is without risk to traffick women into Denmark for the purpose of sexual exploitation, due to, among other things, the unsystematic counter trafficking strategy of the Danish police (Baumbach 2008: 38). It is only in recent years that the Danish authorities have adopted a more structured and coordinated strategy against trafficking, and the effects are yet to be seen (see for example Ligestillingsafdelningen 2007 and Rigspolitiet 2007).

#### 5.2.3.2 The mission of the police and the prosecutors

The media and MPs have on several occasions criticised the Danish police for not prioritising trafficking. However, the mission of the police with regard to prostitution and trafficking is not as easy as perhaps first imagined as the de-criminalised approach to prostitution in many situations ties the hands of the police. At the same time as the police face public and political pressure to apprehend traffickers and rescue their victims, the police also face critique and are accused of harassing women in prostitution if they pay them too much attention, which obviously complicates things when it comes to investigate suspected cases of trafficking. The police, however, disagree with other stakeholders with regard to the seriousness of the problem. Where politicians, humanitarian aid organisations and the media perceive trafficking for prostitution as a substantial and increasing problem, the Danish police claim that it is not a big problem and several police officers have stated publicly that they see trafficking as a very limited problem in Denmark (Ravn 2007: 29, Holmström and Skilbrei 2008: 18 and Baumbach 2008: 3).

Clearly this is problematic since it is well known from other countries that the number of identified victims of trafficking and sexual exploitation is directly dependent on the resources spent and efforts made on the part of the police. In other words, you will not find what you do not look for (RKP KUT 2009: 6). The Danish police have further been accused of not prioritising the problem or even, in some cases, of turning a blind eye towards suspected ongoing trafficking operations (Moustgaard and Brun 2001: 148, 177). In response, the Danish police claim that it is almost impossible to investigate and bring traffickers to justice (Videnscenter for Ligestilling 2001: 45).

Clearly, investigating trafficking in countries with de-criminalised prostitution is difficult. The police in Denmark cannot automatically assume that every foreign woman encountered in prostitution in Denmark is a victim of trafficking. It is in other words difficult for the police to assess whether or not a woman has been forced into prostitution or if she is a “voluntarily” migrated “sex worker”. Consequently, it requires a lot of time and resources to secure evidence against traffickers or pimps. Further, the injured parties, that is, the trafficking victims in many cases do not want to cooperate with the police, which makes it hard to secure the evidence needed for a conviction (Den Danske Europabevægelse 2008: 47-48).

At the same time the police are most often the first to come in contact with trafficked women and girls in Denmark, so the operational practices of the police is determinable as far as whether trafficking victims are to be properly identified in the first place, which then determines if the victims will receive the assistance or protection to which they are entitled to (vfc socialt udsatte 2004: 98). The “negative” and generally “unwilling” attitude among police officers towards “patrolling” the sex market thus risks facilitating the continuous exploitation of trafficking victims in Danish bordellos and massage clinics.

We can also conclude that other Danish authorities, due to the de-criminalised status of prostitution, are having trouble drawing the line between “free” and “forced” prostitution, usually at the expense of victims of trafficking and to the benefit of traffickers (Baumbach 2008: 24, Københavns Kommune, Socialforvaltningen 2006: 22 and Hansen 2005: 3).

The office of public prosecutors has officially stated that the courts’ interpretation of the trafficking law is too narrow, which is against the intention of the law when it was first introduced, as well as against Denmark’s international obligations to combat trafficking. In the few cases where traffickers actually have been convicted, the courts have usually only utilised the lower end of the penalty scale (Baumbach 2008: 35, 38).

Since some years back the police districts have however former special trafficking units which may lead to a change of attitude as well as increase the efficiency and priority of the counter trafficking operations.

### 5.2.3.3 The practice of the law §262 a

Since the Danish trafficking law (§ 262 a) was introduced in 2002 and 2008, a total of 28 trafficking cases brought to Danish courts have led to convictions (Rigspolitiet 2009: 35). In the light of the knowledge about the trafficking business, as well as the circumstance under which it takes place, the number of cases brought to Danish courts are by some considered much too low (Ravn 2007: 20). Several explanations are offered for this perceived weakness with regard to the actual practice of the act §262 a. Representatives of the Danish legal system, like their colleagues in other countries, often say that trafficking investigations are too time and resource consuming:

*... another reason is that it is a very resource demanding legal area ... it requires an extreme amount of resources on the part of the police ... another problem is the lack of experience and expertise ... that is why we now have created specialised trafficking investigative units* (Laura Birch, Public Prosecutor, Interviewed 2008-10-27)

However, also the very interpretation and practice of the law seems in many cases to take forms that do not favour prosecution and conviction of traffickers. One problem with the practice of the Danish trafficking law concerns cases where the trafficking victims knew already from the start, that is, were informed already during the process of recruitment, that they were expected to work in prostitution in the destination country. In July 2006, the homepage of the police authority posted the following statement:

*It is called trafficking when a woman ends up in a foreign country under force or in the belief that a third party has arranged a job for her, but instead she ends up in prostitution. It is our impression that when the women are asked, they most often say that they have come here knowing that they were to be prostitutes, and then it is not a matter of trafficking but rather pimping* (Detective Inspector Kim Kliver, [www.politi.dk](http://www.politi.dk) 2006-07).

Given such statements and the underlying oversimplified understanding of the problem they reveal, it is questionable that victims of trafficking who from the very start knew that it was a matter of a sexually related job, in practice are protected by the Danish trafficking law. The EU's expert group on trafficking, as well as numerous other reports, has pointed out that the "deception" in fact can

concern not only the nature of the expected post arrival job, but also the conditions under which it is to be carried out. A woman may very well be recruited knowing that she is expected to sell sex in the destination country; however, it may only after arrival be apparent to her that she is not allowed to move freely, determine the number of customers, the type of sexual services or that she does not have the right to refuse violent clients or clients who will not practice safe sex. Still such a women risk not being categorised as a “true and deserving victim” as opposed to a woman or girl who was recruited under the precondition that she would work as a bartender or waitress, but after arrival is forced to sell sex.

Typically, the court defence of traffickers promotes the picture that the victim knew “what she was getting into”. Many trafficking cases thus do not lead to prosecution or convictions simply because it is argued that the women and girls knew that they were expected to sell sex after arrival to the destination country. This legal practice in fact violates the Palermo Protocol (Ravn 2007: 12).

Two rationales have been suggested for this practice. First, that it is assumed that a women or a girl who accepts an offer to travel to Denmark to work in prostitution would do so also if she knew of the actual circumstances that she was to work under. Second, that exploitation of victims who knew from the start that they would work in prostitution is not considered as aggravating as cases where the women are deceived about the true nature of the job from the very start (Ravn 2007 12-13). Clearly, this particular interpretation and practice of the law is not supported by the international conventions behind the Danish law §262 a. The Palermo Protocol clearly states that the victims’ initial consent to the subsequent exploitation is of no relevance if elements of force are used sometime during the process, be it during recruitment or later.

The legal practice in Denmark is thus based on dividing victims of trafficking into “innocent” and “guilty” victims, a practice that EU’s expert group on Trafficking has deemed to play right into the hands of traffickers. Since most foreign women in prostitution in Denmark have come here knowing that they are to sell sex, but then meet conditions they had not been told of, the Danish practice of the law is a serious problem (Ravn 2007: 13-14).

Another aspect causing interpretational problems is the fact that the trafficking law §262 is based on the condition that a conviction is only a reality if the victim’s liberty has been violated for the pur-

pose of exploitation, which is also the main legal difference between trafficking cases and human smuggling cases (§ 59 of the Danish Penal Code). In this respect it is especially interesting to consider the criteria “unlawful means” and “exploitation of someone’s vulnerable position”, which typically are not dominant in the Danish penal code and therefore may cause problems with regard to interpretation in the legal practice (Haggren 2003: 264).

According to the Palermo Protocol, this is to be a matter of situations where the victim has no other real acceptable choice than to give in to the offer or demands of the trafficker. In Denmark, however, there is a belief that “poverty” does not constitute such grounds. Women or girls who seek out a trafficker and ask for his/her assistance to come to Denmark to work in prostitution to escape poverty, may not be regarded as a trafficking victim, despite the fact that she may have been severely exploited after the arrival to Denmark (Ravn 2007: 14).

Likewise, the legal handling of trafficking for prostitution is based on the condition that the victims end up in prostitution and are sexually exploited through coercion. In practice, however, one of the weaknesses of the “coercion” criterion is that it is difficult to establish when exactly the “coercion” has been exercised. Some of the foreign women and girls in Danish prostitution travel voluntarily to Denmark with the explicit intention of working in prostitution, others travel under force and stay in the country as illegal immigrants, others enter the country on a tourist visa or on a legal “work” visa but end up in prostitution (Olsen 2007).

When it is to be established for legal purposes if a certain woman is trafficked or not, the element of coercion will typically be traced to the point when the woman first came in contact with the trafficker in her home country. Clearly, such a legal practice is problematic since the coercion may very well have taken place much later in the process. Coercion can take different forms and not necessarily through violence, or threats thereof, on the part of the traffickers. In many situations traffickers need only exploit women’s marginalised and vulnerable economic positions, in which case even a frank and open offer to come to Denmark and earn money through prostitution may seem as the only alternative to the women. Further, the degree of coercion may increase over time and perhaps only become apparent after the women have arrived to Denmark and worked some time in the sex industry. They then learn that they owe the trafficker for travel and accommodation expenses, and

therefore are not allowed to leave, or to determine the number of customers or the type of sexual services they are to provide.

In other words, the element of coercion is not always tied to the women's point of departure in their home countries. When implementing the trafficking law, it is thus of utmost importance that the representatives of the legal system consider the special form of coercion that is exercised by traffickers' "abuse of power" over the victim or by exploiting the victim's "position of vulnerability". In many cases victims of trafficking have no real alternative but to enter and remain in situations of sexual exploitation, and such a "position of vulnerability" can stem from psychological, family related, social and economic conditions, or from the simple fact that the victim is unaware of her rights and her legal (migratory) status in Denmark as well as her economic alternatives (Olsen 2007).

Another explanation for the low number of trafficking convictions is that trafficking cases are legally handled and prosecuted as procuring cases, a practice known from other countries as well. In fact, the number of procuring cases (§ 228) has risen significantly since the introduction of the trafficking law. As mentioned, one reason seems to be a lack of guidance about how to use the relatively complicated trafficking law and how to interpret the criteria of the law, which in many cases are unique (Ravn 2007: 20, 29).

At the same time there seem to be a disagreement about whether this practice is problematic:

*You often hear that the national police authority says that the burden of proof is too high in these cases ... when questioned about it they typically refer to the many cases of procuring instead ... it is typically also explained that if you have charges for procuring ... rape ... violence ... the penalty is often just as high as in trafficking cases ... one simply chose to prosecute for the paragraphs one can prove have been violated rather than to go with a trafficking prosecution (Ann Maskell, Social Outreach Worker, Interviewed 2008-11-07).*

It seems close at hand to conclude that some detective inspectors and prosecutors often reason that since the penalties are basically the same, it does not matter if traffickers are convicted for "trafficking" (§262 a) or for "procuring" (§228).

Others point out that it in fact does matter. Consequently, traffickers convicted for violating § 262a are often deported for life, while traffickers convicted for violating §228 are deported, but usually not for life, which allows them to return to Denmark after some years (Ravn 2007: 23).

Likewise, utilising the option of respondent validation, Danish public prosecutor, Laura Birch has retrospectively contested that the police and the office of public prosecutors should be indifferent between using §262a and §228:

*This is not correct, the penalty scale of the law § 262a is imprisonment for up to 8 years, whereas the penalty scale in the case of the law § 228 is imprisonment for up to 4 years (Public Prosecutor, Laura Birch, E-mail correspondence 03-12-2010)*

Further she points out that:

*The can be no doubt that the office of public prosecutors and the police first and foremost would like to prosecute for violations of § 262a, possibly together with § 228 a, instead of exclusively using § 228. The background being that the legal practice states that violations of § 262a gives longer imprisonment, so it is basically wrong to claim that it does not matter. The penalties for violating § 228 and § 262a are not the same (Public Prosecutor, Laura Birch, E-mail correspondence 03-12-2010)*

In the end, what determines the choice of legal paragraphs the public prosecutor chooses to go with is the nature of the evidence available:

*What is decisive is often the evidence, if none of the girls want to speak, that is, explain that they have been trafficked, accommodated e.g. but rather state that they have come here on their own to Denmark to make a living on prostitution, then the point of departure is that there is not enough evidence to conclude that this is a case of § 262a. It may be that the police have other evidence such as taped telephone conversations that still may prove that it is a matter of § 262a. However, if the girls do not state that they have been subject to actions that are covered by § 262a it unfortunately ends with that the “pimps” are prosecuted for having violated § 228. But it is not because the*

*police and the office of public prosecutors are indifferent or find it easier with one or the other, it exclusively comes down to the nature of the evidence available* (Public Prosecutor, Laura Birch, E-mail correspondence 03-12-2010)

Still, the practice of convicting traffickers under § 228 instead of §262a may mean that the “trafficking problem” is deemed a smaller problem than it actually is, which ultimately may affect the resources set aside for the problem, as well as the extent to which it is prioritised by the legal authorities (Ravn 2007: 23). Further, there are reasons to believe that the crime statistics with regard to “procuring” cases too do not capture the whole truth. Consequently, de-criminalisation of prostitution is said to have affected the courts so that it has become increasingly difficult for prosecutors to secure a conviction, also in the case of procuring (Denna 2001: 42 and Moustgaard and Brun 2001: 222).

#### 5.2.3.4 The practice of the law §228 and §229

Legally speaking, the core of the Danish de-criminalised approach to prostitution consists of the law § 228, criminalising pimping or keeping a bordello, and §229, criminalising persons who function as intermediaries. In practise, however, the two laws are rarely used and examples indicate that there is an unwillingness to use the laws that actually are available to target traffickers, local pimps and other third parties of the sex trade.

One case stirring up a debate was brought to court in 2003 when a bordello owner was found guilty of violating article § 125 and 59 of the Danish penal code, that is, aided foreign persons in their illegal residence in Denmark and human smuggling. The man in question appealed and chose to take his case to a higher court, and although he admitted that he had arranged for 75 Eastern European women to come to Denmark and work in his bordello, the laws specifically related to prostitution, pimping and trafficking (§ 228, §229 and §262 a) were not used (Haggren 2003: 259).

In some cases, the police attitude towards law § 228 seems to be the same as with regard to §223a. Although foreign women in prostitution may be contracted and tied to a specific bordello or massage clinic, which in fact is illegal, the police in many cases choose not to intervene. Interview

based studies show that the police often do not see it as a problem that women are contracted, that is, in reality employed by the bordello or massage clinic, an arrangement that is illegal according to Danish law (§ 228). Rather, the police officers only consider it a problem when a woman wants to leave prostitution, but is not allowed to by her “employer” (Lautrup 2002: 52).

A review of the statistics gives the same picture, and in 2007 only 31 cases of suspected violation of §228 were brought to court resulting in 12 convictions. The corresponding figures for 2008 were 51 cases and 12 convictions. These figures can be put in relation the police authority’s own estimates, according to which there were 507 bordellos and escort agencies in 2008, which is an increase of 11 percent since 2007 (Fokus 14-04-09 and Rigspolitiet 2009: 5 and 35-35).

The social organisations working with prostitution in turn estimate that there are over 700 indoor commercial sexual establishments in the form of massage clinics, establishments that in fact may be criminal, but are allowed to operate year after year, as it is perceived, due to an indulgent attitude in the police (PRO 2000: 7, Baumbach 2008: 24, Københavns Kommune Socialforvaltningen 2006: 22 and “Et andet liv”, Hansen 2005: 3).

Some explain the existence of these establishments as a direct outcome of the legal “grey area” created by the de-criminalised approach to prostitution, a grey area that clearly is exploited by local pimps and foreign traffickers alike. As a consequence, massage clinics are, together with escort agencies, the very market segment that has been growing most rapidly during the past ten years in Denmark, proven among other things by fact that the daily paper EkstraBladet publishes ten times more adverts for massage clinics today than a decade ago.

From a trafficking point of view, this is problematic since massage clinics, together with escort agencies, is the kind of market segment where the demand for “new girls” is constant and high, and where the proportion of foreign women and girls is higher than anywhere else on the Danish sex market (Moustgaard and Brun 2001: 29-31). To understand the (legal) status of these particular establishments, we need to ask how exactly the “legal grey area” manifests itself in practice and how the police in practice act against massage clinics.

As far as police action in relation to the massage clinics, the strategy seems mainly to be based on control visits to establishments known to the police:

*In Copenhagen, it has been decided that all known massage clinics must receive at least one control visit a year by the police. This means that we make a control visit too see which women are working there ... if there are foreign women ... we control their papers to see if they are allowed to be here ... we talk to them to find out if they can tell us something that we can use against the organisers (Rene Hansen, Detective Inspector 2008-10-23).*

The control visit strategy has been criticised for being inefficient and for targeting the women selling sex, foreign women in particular, rather than the third parties of the sex trade.

First, the police may face trouble when trying to access the bordellos and massage clinics:

*We have to remember that the police has no automatic access to the bordellos, like any other guests they must knock on the door and kindly ask if they can come in, and if the girls do not want to open the door or let them in, then there is not much the police can do (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

Second, in many cases, the only result of the control visits is that foreign women are deported rather than the pimps and organisers being investigated and eventually prosecuted and convicted:

*Typically, the girls who are brought to the police station during these control visits are not EU citizens and reside in Denmark illegally. In such cases the police are not allowed to ignore falsified residence and identification papers, so they may very well not primarily be out to get the women, however, it is in the end only the women they can act against (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

Experience shows that it takes other kinds of strategies to “bring down” pimps, organisers and traffickers:

*It is different when it is a direct police investigation, when the police tap the telephone, or when they sit in a car and spy on a bordello, or take pictures ... these types of investigations carried out over longer periods of time are less likely to affect the women (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

In this respect it can be noted that it is extremely resource and time consuming for the police to take an investigation beyond that of a control visit:

*Imagine that the police act against a bordello ... they find 7 Thai girls ... who refuse to say anything ... often the operation ends there ... it is simply too resource demanding to continue with the investigation ... (Laura Birch, Public Prosecutor, Interviewed 2008-10-27).*

Given the poor results of control visits, one may wonder why they are still being carried out as a main part of the police strategy against prostitution and trafficking.

*when members of the Danish public walk around on the streets they are upset and furious, then a number of social organisations have informed and written about the horrors of trafficking ... in response there has been a political overdimensioning of the problem ... which forces the police to take actions that are visible to the public such as control visits to bordellos ... at the same time this particular type of operation is not very efficient to combat trafficking (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

When reviewing the Danish practice it seems that in order for the police to act against an indoor establishment of prostitution, the exploitation of the women “working” there must be of a certain nature and undertaken to a specific extent, and the commercial sexual activities must be organised as a business, as well as be under a “leadership”. There is however disagreement between different stakeholders with regards to what extent such conditions are common or not.

*I am sure that at least 90 percent of the bordellos in Denmark are organised in such ways that one could prosecute for running a bordello ... but it is simply not done ... and it has to do with the attitude towards prostitution that leads the authorities to turn a blind eye on activities that in fact are criminal ... (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).*

Others point out that the degree of organisation differs between establishments depending on the ethnicity of the women “employed”:

*The bordellos and massage clinics populated with Thai girls are typically more organised ... one may ask why the police do not act against these establishments. (Laura Birch, Public Prosecutor, Interviewed 2008-10-27).*

Given the knowledge at hand, it seems reasonable to assume that perhaps the majority of these establishments “employ” someone to “answer the telephone” or in other ways act as a “bordello mama”, which clearly is against the law:

*You can have a bordello as long as you pay taxes ... it is a legal business as long as the income is reported to the tax office ... however you may not earn money on someone else’s prostitution ... it is a gray area legally speaking ... Five girls may for example agree to open up a bordello and work together ... however ... they may not earn money on each others’ prostitution ... You cannot have a bordello mama ... (Laura Birch, Public Prosecutor, Interviewed 2008-10-27).*

Another aspect causing problems in legal practice is to what extent a person who sublets an apartment or basement to someone who he/she knows is going to use it for commercial sexual activities is violating act §228 ?

*A person can very well rent his place to someone even if he knows that it is going to be used for prostitution as long as he is renting it out on regular terms ... that is, he may not earn extra money ... that is, charge extra rent ... when he finds out that it is going to be used for prostitution ... and it is a difficult task to determine when someone has charged extra rent ... even the tax office which is involved in these cases says that it is difficult to determine when the rent is too high ... where to draw the line ... (Ingrid Lüttichav and Thomas Laigaard, Social Outreach Workers, 2008-11-21).*

#### 5.2.3.5 Problems related to identifying victims and the reflexion period they are to be offered

Another inconsistency when it comes to the practice of the Danish counter trafficking strategy is that very few trafficking victims are identified and acknowledged as such. Trafficking victims ending up in Denmark are, when encountered by the authorities, most often considered and treated as illegal sex workers, and treated as any other foreign person in Denmark without the proper residence permit, that is, turned over to the Ministry of Foreigners, possibly detained, and then typically deported (Olsen 2007).

*Up until now we have basically sent the girls to prison and then sent them home ... we have not treated them as victims...* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

This practice indicates a lack of understanding of the difficulties associated with identifying victims of trafficking, and a lack of knowledge about their actual rights. The Danish authorities seem to be aware of the problem and are trying to counteract it through educational initiatives and methodological development. While this may seem as a welcome initiative, warnings have been raised against the use of standardised identification procedures, which risk being too static. The goal of reaching “objectivity” in the identification process will lead to practices that fail to identify victims whose characteristics fall outside the frame of the predetermined standardised characteristics. The complexity of trafficking, and its sometimes rapidly shifting nature may in fact make a standardised identification method counterproductive after a while. It has been recommended that any government strategy towards victims of trafficking needs to focus more on the individual and her specific situation and needs, rather than rely on static methods (Olsen 2007).

There are also practical problems related to the extended reflexion period identified victims of trafficking are to be offered. First, even 100 days’ reflexion period may not be long enough, especially from the perspective of securing successful prosecution and conviction of traffickers:

*It is still difficult to investigate trafficking cases ... girls typically do not welcome the police action and the arrest of a organiser ... it does not automatically make them want to report*

*their organiser ... as I see it, this is our greatest problem at this point of time ... let's say that we carry out a police operation and arrest a couple of organisers ... then we are allowed to keep the girls for a number of days ... a time during which we can protect them ... however, the very moment we set them free ... and they travel back to their home country ... there is a problem if we need to use the girls again ... as I always say ... the initial interrogation is most important ... if we need to use the girls later on in the final prosecution against the organiser ... we have a problem since we have let them go ... we know that they are returning to their organiser ... back to the same environment .... we can keep them for only 100 days and we can rarely investigate and prosecute a large case in 100 days ... this is a problem ... because we lose the girls ... and we lose the good witness statement ... we risk seeing the return of the girls to Denmark after six months ... then they typically have an entirely different explanation because they are now a part of the network or they have been threatened (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).*

Second, the 30 to 100 days' reflexion period is not offered unconditionally, so victims of trafficking need to make themselves available for the police investigation as well as take active part in the Ministry of Foreigners' preparation of their return home, two conditions that by some are said to put an unreasonable amount of pressure on the victims in question. The Danish state's interest in prosecuting traffickers and sending women back home risks taking precedence over the victims' rights and interests (Olsen 2007).

That victims of trafficking take active part in the preparations to secure their return is an absolute requirement for being offered an extended reflexion period; however, there are different views on whether or not victims are required to take active part in the subsequent investigation and prosecution against their trafficker.

The police make a request to the Ministry of Foreigners that it is a matter of a trafficking case, which is a pre-condition for being offered the reflexion period in the first place. Clearly, this questions what actual freedom of choice the victim has since the police at the same time are dependent of the victim's witness statement. Consequently, victims who may be willing to cooperate on pre-

paring their return home, but are not willing to witness against their trafficker risk being neglected by the police:

*There can be no doubt that we need the witness statement of the victim to convict the organiser ... just relying on telephone tapping will never be enough ... it is crucial that we get their statement from the very start and that they show up in court and give their statement in front of the judge ... as well as show how poorly they function and thus show how easily they can be manipulated and exploited (Laura Birch, Public Prosecutor, Interviewed 2008-10-27).*

However, it can also be argued that the victim's witness statement need not play that big a role, since trafficking, according to Danish law (§262 a), is a crime that can lead to up to 8 years of imprisonment, and as such is a crime that, when being investigated, allows the police to use telephone tapping to collect evidence (Haggren 267). In the end, it boils down to the choice of investigative strategy and how much time and resources the police want to spend in each case.

Another problem is that the police and the Centre Against Trafficking in practice only have the first 72 hours to determine whether a encountered foreign woman or girl is a victim of trafficking:

*we certainly experience a huge problem with regard to the process of identifying victims of trafficking ... if we talk about women without legal residence in EU or DK ... if they are captured the police have three times 24 hours to determine whether or not they are to be regarded as a trafficking victims ... during this period we should make contact with the women ... try to establish a relationship built on trust ... that makes them willing to talk to us about their history ... if we fail within the 3 times 24 hours there is no doubt that they will be sent back ... and I am sure that many of the women do not tell us the truth because experience tells us that it takes a long time before the women are prepared to tell their entire history ... it is a long process ... in Norway it can take up to six months or even up to one year ... before the women start to talk ... taking this into consideration there is no doubt that there are many victims of trafficking that have been sent out of the country too early (Ingrid Lüttichav and Thomas Laigaard, Social Outreach Workers, Interviewed 2008-11-28).*

A situation can also occur where the police do not perceive a foreign woman or girl found in prostitution as a trafficking victim, but the representative for the Centre Against Trafficking does:

*Even if the women do not want to cooperate with the police it is not an absolute requirement that she is offered the reflexion period ... because the social worker ... the representative from the Centre Against Trafficking is here during our questioning of the girls ... our Foreign Department requests the Ministry of Foreigners to be allowed to carry out the deportation ... at the same time as the Centre Against Trafficking sends a request to the Ministry of Foreigners regarding the girl in question stating that she has been identified as a trafficking victim ... based on this, the Ministry of Foreigners makes a decision whether or not to offer a reflexion period* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

#### 5.2.3.6 Problems related to the practice of law § 223

Most international legal instruments for combating trafficking primarily target the organisers, pimps and other third parties of the trade, and thus often leave out the responsibility of clients of trafficking victims. The Palermo Protocol remains neutral on governments' choice of prostitution policy, and thereby on the client's responsibility. The protocol states (art. 9(5)) that:

States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking (Ravn 2007: 30)

The question is thus whether clients can be and are held liable in Danish courts for exploiting victims of trafficking? The short answer is yes to the first and no to the second. Although it can easily be argued that the clients, just like the organisers/pimps, contribute to the continuous exploitation of trafficking victims, the Danish Ministry of Justice has officially stated that clients of trafficked women are not to be punished for aiding the crime of trafficking.

This thus leaves the opportunity of using the law § 223a to criminalise clients of trafficked victims in cases where victims are the age of 18. One of the central laws in the Danish decriminalised approach to prostitution is criminalisation of child prostitution. Law § 223a states that anyone who is found guilty of having paid for sex with underage women in prostitution (under the age of 18) will be fined or sentenced to up to 2 years in prison. However, three years after the introduction of this law no criminal charges had been made against clients of underage women in prostitution (Lautrup 2002: 4). Between 1999, when the law was introduced, and 2006, only 13 cases were brought to court (Rasmussen 2007: 70).

Investigations further show that police officers are generally unaware of § 223a and that § 223a in fact generally is not that well known among the very professionals who come in contact with young women who sell sex. Additionally, public awareness about laws is low. Within the police force, there seems to be a belief that § 223a has “drowned” in the general de-criminalisation of prostitution (Rasmussen 2007: 68).

Likewise, investigations show that many police officers in practice regard prostitution as “legalised” rather than de-criminalised, and therefore as something that the police should not deal with, unless they receive a direct report about a crime related to prostitution. In interviews, some police officers express opinions that prostitution is “the oldest occupation in history”, and that it is “naïve” to believe that it can be abolished. The reasoning goes that as long as no one is being forced into prostitution, it is not something the police should spend time and resources on; rather it is a matter for the social services. This attitude is said to explain the low priority the “problem of prostitution” enjoys within the police authority, which in turn can explain the low number of cases related to violation of §223a brought to court (Lautrup 2002: 4-5, 51).

In the prostitution environment, the law is not well known either. Social outreach workers, as well as adult women in prostitution often say that clients as well as underage women selling sex most often do not know about the law § 223a. Further, when social workers come in contact with underage women selling sex, they seem to prioritise “saving” the young woman selling sex, rather than reporting the clients. In conclusion, § 223a has not had the expected normative impact as far as sending a signal that it is the client’s responsibility to make sure that the women selling sex are 18 years or older (Lautrup 2002: 4-5).

At the same time there seems to be a common understanding among social workers, judges and police officers that underage prostitution is unacceptable, but still, most representatives of the said categories seem to believe that these problems should be tackled with social rather than legal initiatives ones (Lautrup 2002: 5). When interviewed, in particular police officers and judges express their opinions with regard to § 223a as a “political statement that is close to impossible to work with” and as “impossible in terms of investigation”. These informants seem to believe that the law is a desperate attempt to find a legal solution to what is first and foremost a social problem. By introducing § 223a the politicians have shown that they have made an effort against child prostitution, without actually needing to make any additional initiatives. Social workers seem more positive towards § 223a and thus believe that it is a problem that the police do not use the law to a greater extent (Lautrup 2002: 49).

Social workers working with children in prostitution experience that the police disregard the clients and instead focus on removing underage women from the streets rather than prosecuting their clients. In some cases, the police feel that the social services do nothing to prevent the return of children to prostitution after the police have turned them over to the social services (Lautrup 2002: 56).

The very design of the law has also been highly criticised, for example for the many conditions the clients must be aware of in order for him to be convicted. One such criticised criterion is that an underage woman selling sex needs to support herself “fully” or “partly” through prostitution in order for the client to have committed an illegal act, which according to police officers and judges makes the law more or less useless and constitutes one of the main reasons for why it is not being used. Further, it has been said to be contradictive that a law that is supposed to protect young women in practice risks identifying and marking young women as “prostitutes”, as the ultimate consequence of a legal process against the client (Lautrup 2002: 8 and Rasmussen 2007: 68).

The proposed solution to these problems is to reformulate the law and in particular the criterion that underage women have to support themselves fully or partly in order for the client to have committed a crime, which also would ease the burden of proof on the part of the police and prosecutors, as well as reduce the risk of the underage women being pointed out as “prostitutes”.

Further, claims have been made for more explicitly pointing out the responsibility of the client in the text of the law, for example by explicitly stating that the client is not free of responsibility simply because he “believed” that the woman was not under the age of 18 (unless he acted in “good faith”).

Yet another perceived problem is that § 223a requires proof that “intercourse” has taken place in order for a client of underage women to be convicted. Other sexual services risk falling outside the reach of the law, even though this was not the intention of the law makers as described in the preparatory documents (Lautrup 2002: 57). Judges and police officers sometimes express an understanding that it is difficult for many clients to determine a young woman’s actual age. Consequently, much emphasis is placed on whether or not the client knew the actual age of the woman or not, despite the fact that § 223a allows for convicting the client even if he did not know that the woman was underage (unless he acted in “good faith”) (Lautrup 2002: 58).

Finally, judges as well as police officers express an understanding that the many criteria and high burden of proof in fact create an incentive for clients of under age women to always deny responsibility, simply because they then are likely not to be convicted (Lautrup 2002: 59). In practise, then, it is risk free to buy sex from victims of trafficking in Denmark and it is thus questionable if Denmark lives up to the obligations of the Palermo Protocol with regard to art 9 (5) (Ravn 2007: 31). Given this practise, § 223a is not believed to have had the intended effect in moving the focus from the underage women selling sex to the clients (Lautrup 2002: 8).

#### 5.2.3.7 Public opinions on prostitution

In Denmark, the public supports the present law on prostitution. In a study from 2002, 80 percent of the men and 50 percent of the women thought that prostitution was an acceptable or partly acceptable part of the society. However, the same study revealed that 50 percent thought that prostitution has negative physical and psychological consequences for those involved. The majority further felt that society should reduce the extent of prostitution through social initiatives, campaigns and law making. If anything, this suggests that Danes are conflicted and have a double standard when it comes to prostitution (Holmström and Skilbrei 2008: 31).

Recent years' debate shows that the Danish public, politicians and other stakeholders increasingly favour criminalisation of the clients (Holmström and Skilbrei 2008: 31). For example, waiting for such an initiative, the municipality of Copenhagen has adopted a "Copenhagen codex" that encourages all municipal employees and politicians not to buy sex or stay at hotels that rent rooms for prostitution. Further, tourist organisations are encouraged not to advertise escort services, strip clubs or bordellos (Københavns Kommune, Socialforvaltningen 2007: 97).

## 5.2.4 Problems related to the practice of the Swedish strategy against human trafficking

### 5.2.4.1 Introduction

The Swedish domestic anti trafficking rhetoric is prominent and the problem has long been debated in the media and in the parliament, where in particular the law criminalising men buying sex is seen as the most efficient deterrent against traffickers considering operating the Swedish market for commercial sex.

Consequently, the strengths of the Swedish anti trafficking strategy, at it is perceived, lies not only in the specialised counter trafficking units and the cooperation between the police and social services, but also in the law criminalising clients of prostitution.

*A Swedish police officer does not need to suspect human trafficking or procuring ... he can just walk up to this man and bring him to the station ... hence, the man in this case ends up in a completely different interrogation situation ... the police can search him, take his cell phone, open it and see the phone calls he has made, who has called him, and what the text messages say. With regard to the girl, the police can see if she has a lot of cash on her, and then make a DNA test to see if any of this money is from the man. In other words, the sex law offers an entirely different instrument for investigating cases that may at first seem as a simple sex buying case ... but eventually leads to also investigating trafficking or procuring (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).*

However, a closer inspection reveals that the Swedish legal system in practice is having significant difficulties actually convicting traffickers for trafficking and sexual exploitation, and in particular the media and gender equality concerned politicians have reacted against the low number of convictions since the law went into force in 2002.

#### 5.2.4.2 Problems related to the design and interpretation of the trafficking law

Trafficking is no doubt a difficult crime to investigate, among other things because it partly takes place in another country; further, the plaintiff/injured party (the trafficking victim) is in many cases reluctant to witness or otherwise take part in the legal process against the defendant (the trafficker).

*These are the toughest of crime to investigate ... this is something we all agree on who work with these types of crime ... because the trafficking law is highly complicated ... with too many criteria ... in the case of rape it is two criteria ... in burglary cases it is two criteria, but in trafficking cases it is four, five criteria ... additionally, trafficking is extremely difficult to investigate and requires much resources especially if you want to prove severe trafficking ... in which case you need to prove that it has taken place over a longer period of time, which is time and energy consuming. And to convince the exploited girls to come onboard ... requires a lot of work ... so in summary these crimes are the most difficult crimes to work with (Kristina Ehrenborg Staffas, Public Prosecutor, Interviewed 2008-09-19).*

Further, the design and interpretation of the law seem to make it more complicated than necessary to prosecute traffickers. As a consequence, few trafficking cases with victims older than 18 lead to prosecution and convictions in Sweden. In the handful of cases that do exist, the courts, before passing the sentence, have needed to consider if and to what extent “unlawful means” have been used, if the victims were deceived about the true nature of the travel and/or post arrival activities, or if the recruiter and/or the exploiter took advantage of the fact that the victims were in an economic situation that left them no other choice (Statens Offentliga Utredningar 2008: 75).

This is where the troubles start, and in practice the public prosecutors as well as the courts are having trouble interpreting the legal criteria defined by the law (Regeringskansliet 2008: 171). For

example, with regard to the legal criterion “deception”, the courts face difficulties since there is confusion about whether or not to consider the personal abilities of the victim, her knowledge of and ability to assess the risk of being exploitation, Further, has the victim been in prostitution earlier, it is typically assumed that she voluntarily agreed to accompany the traffickers, which typically is expressed in the legal protocols (court verdict) as “the injured party herself was eager to go” or “the injured party knew what she was getting herself into”.

As it seems, in such cases, the interpretation and practice of the law violate the intentions of the law makers, who in their preparatory documents clearly state that whether or not the defendant agrees to any of the forms of exploitation mentioned in the law (sexual, organ harvesting etc.) is irrelevant and should not be considered as a extenuating circumstances when the exploiter is judged (Statens Offentliga Utredningar 2008: 78).

The Swedish law further states that the in order for the court to pass a sentence, the trafficker must have intended exploitation of the victim already at the point of recruiting. So in some cases where the victims have paid for their own tickets, the traffickers have not been sentenced because intention to exploit could not be proven. In other cases, the recruiter/trafficker avoided sentence simply because he was the victim’s “boy friend”, and according to the logic of the court, could not have had the intention to exploit her from the very beginning (Statens Offentliga Utredningar 2008: 79).

In cases where the courts have reviewed the victims’ “economic situation” prior to being recruited and concluded that her situation was marginalised, they have asked if she had the possibility and power to change her economic situation for the better without taking the traffickers’ offer. In other words, simply living under economic stress has not been deemed enough. Further, the courts have reasoned around the extent to which the recruiter/traffickers actually knew that a victim was living under marginalised economic conditions. In cases where there have been doubts about these circumstances the courts have chosen to acquit the traffickers (Statens Offentliga Utredningar 2008: 78).

In cases involving children, the control criteria is in practice interpreted so that the use of “unlawful means” must be proven, which in fact is not a condition stipulated by the law (Statens Offentliga Utredningar 2008: 92).

*The courts also have troubles with interpreting the law makers intention with this law, there is a confusion with regard to the legal criteria ... and the requirements are too high ... impossible to meet ... this include the control criteria and the criteria with regard to the use of unlawful means ... which in is described as the same thing, which causes confusion (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

The consequences are that not only do traffickers in some cases manage to avoid a prosecution, but also that when they actually are prosecuted they are typically not prosecuted for the crime of trafficking but rather for the crime of procuring.

#### 5.2.4.3 Prosecuting for procuring rather than trafficking

It seems that the design of the Swedish trafficking law prevents it from being used efficiently. As a result, trafficking cases are instead being legally administrated as cases of procuring, a practice that partly explains the low number of trafficking convictions. Hence, there is a common understanding among the National Police Authority, local police districts and the office of public prosecutors that a majority of the cases that today are legally administrated as procuring cases in fact are, and should be administrated as trafficking cases, the ultimate consequence being that traffickers are sentenced to lower penalties than if they had been found guilty of trafficking (Statens Offentliga Utredningar 2008: 89, 91, 92 Jonsson 2005: 33 and RKP KUT 2004: 27).

*The trafficking crime in itself is particularly hard to prove ... one has to prove that unlawful means and deception have been used, which is extremely difficult for us to prove. Many times we have started an investigation as a trafficking investigation but are forced to lower the prosecution to a procuring case simply because we are not able to prove the legal criteria for a trafficking case (Thomas Eliasson, Public Prosecutor, Interviewed 2008-09-17).*

Likewise:

*It is simply easier to prosecute for procuring than for trafficking because the criteria are difficult to prove ... However, if the changes are made as suggested ... it will be easier to prosecute ... cases that today are prosecuted as procuring cases will be prosecuted as trafficking cases to a larger extent ... and I must say when we look at a new case ... we do it from the perspective that it is a trafficking case ... but as the investigating proceeds we realise that we need to handle it as a procuring case (Anna Lena Nilemar, Public Prosecutor, Interviewed 2008-09-26)*

In response, the detective inspectors in charge of investigating suspected trafficking cases often express disappointment with the prosecutors' decision to prosecute for procuring instead of trafficking, but there seems to be an understanding for the prosecutors' actions.

*We, the police, feel that this is a typical trafficking case, but the prosecutor, during the process of the investigation decides to classify it as a procuring case instead ... perhaps in order to secure a conviction. In some cases it has been particularly hard to prove the victim's marginalised and vulnerable position in her home country ... they no longer come here so often by unlawful means ... instead the traffickers have exploited the victims' vulnerable position in their home country ... in such cases it is hard to prove to the court that this particular victim was vulnerable and marginalised, and to what extent and degree ... and which other possibilities this girl had at the time of the recruitment instead of taking this step to travel with the trafficker to Sweden (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

Public prosecutors in turn sometimes defend the practice because, among other things, as it is perceived, traffickers convicted of procuring receive just as long sentences as traffickers convicted of trafficking:

*The penalties handed out have been almost the same ... consequently ... from my perspective as a public prosecutor, it is not that interesting if we choose to prosecute for trafficking or procuring (Thomas Eliasson 2008-09-17).*

Further, a point is made that “as long as traffickers are convicted” what difference does it make if they are convicted of trafficking or procuring?

*I think that people are too occupied with the legal classification simply because trafficking cases theoretically can lead to higher penalties ... however I think it is important to recognise that it in many cases is the same procedure ... same type of exploitation ... undertaken by the same persons ... it is someone else who earns money on someone else selling sex ... so I think the debate is too focused on this ... a trafficking case always receives much attention ... but a procuring case is not equally interesting ... it is seen as a failure ... and this is an attitude I do not share (Anna Lena Nilemar, Public Prosecutor, Interviewed 2008-09-26).*

While it may be true that traffickers in practice are sentenced to equally long penalties, whether they are convicted of trafficking or procuring, there is still one significant difference. When convicted of trafficking, the traffickers are typically deported, sometimes for life, and are never allowed to return to Sweden after having served their sentence; in the case of procuring, they may also be deported, but typically never for life.

#### 5.2.4.4 Difficulties convicting traffickers even in cases where the victims are under 18

A review of the trafficking cases taken to court in Sweden further reveals that the legal system in some cases fails to convict traffickers also when the victims are under 18. In these cases, the prosecutor must prove that the trafficker has “taken control” over the victim. The preparatory documents state that it is sufficient that the victim is under 18 and the recruiter is an adult, in which case the psychological impact of the age difference serves as a sufficient control instrument in itself.

However, when interpreting the law, the courts have in some cases chosen not to prosecute, claiming that the control criterion has not been fulfilled simply because the underage victim throughout

the process had access to her return ticket. Consequently, whether or not she knew where she was, or if she spoke the local language or not, are not considered. Further, the courts' reason is based on the extent to which the victim has agreed to the conditions related to the claimed control. Also in these cases, the courts seem to regard the fact that the victims have previous experience with prostitution as an extenuating circumstance that may acquit the trafficker. Finally, some traffickers have been acquitted simply because the victim could not prove that she would have agreed to travel with the trafficker if he had not paid for her ticket (Statens Offentliga Utredningar 2008: 80-81).

#### 5.2.4.5 Problems related to difficulties in how to handle the victims

A problem in Sweden, known from other countries as well, is that women and children who are suspected victims of trafficking are deported before a full criminal investigation has been made, thus making it harder to prosecute the responsible traffickers. A likely explanation for this practice is a lack of knowledge among relevant government officials on how to identify the crime of trafficking as well as individual victims. Obviously, in order for a victim to receive the protection and support she is entitled to, she needs to be identified as a victim, which is not only dependent on the knowledge and experience of police officers, migration officials and social workers, but also complicated by the fact that the victims themselves often lack knowledge of their basic rights.

NGOs coming in contact with victims of trafficking often report that these victims typically distrust the police, as a result of their negative experiences with the police in their home countries. Prosecution of traffickers is thus obstructed because victims, for different reasons, often do not want to cooperate with the authorities. Apart from distrust, the reasons may be fear, or that the victims in fact do not see themselves as victims, or they believe there is little chance of redress with the help of the Swedish legal system (Regeringskansliet 2008: 169, 175).

However, since October 2004 the alien law grants temporary residence to a foreigner who takes part in a criminal investigation or prosecution. On 1 July 2007 the alien law was changed as a response to EU directive 2004/81/EG with regard to residence permit for their country citizens who have fallen victims of trafficking, or who have been assisted in illegal entry into the country, provided that they cooperate with the authorities. The change includes that a trafficking victim is offered time to consider whether to participate in the legal process against her former exploiter. Should the vic-

tim accept time for consideration, the investigator in charge of the case should file a form applying for a temporary residence (30 days) for the victim (Regeringen 2007: 6).

Clearly, the requirement that victims participate in the legal process against the trafficker raises questions with regard to the victims' actual freedom of choice. Obviously, such practices may put pressure on the victims to take part in the legal process against her trafficker against her will in order for her to be able to stay in the country a bit longer. An important question is thus to what extent the prosecutor in charge of a trafficking case is dependent on the victim's witness statement.

With regard to this issue, there seems to be a common understanding among the detective inspector and public prosecutors that, today, when the experiences of the police to investigate the crime of trafficking is much more significant, the prosecution of a trafficker is, unlike the years of the trafficking law, less dependent on the victim's witness statement:

*Even if it is difficult to identify the trafficker, for example because it is the girls themselves that have advertised on the internet ... this does not mean that we are 100 % dependent on the girls' witness statements ... there are alternative means of investigation ... in fact our ambition is to find alternative evidence ... in the best of all worlds we would not be dependent on the girls witnessing against their trafficker ... there are other methods, in particular surveillance at an early stage ... visual surveillance ... but also other surveillance methods that I cannot reveal since these methods as far as possible must be kept secret (Kristina Ehrenborg Staffas, Public Prosecutor, Interviewed 2008-09-19).*

Hence, the argument that trafficking cases do not lead to prosecution and conviction of the traffickers because trafficking victims cannot, or are not willing to, witness in court, seems less and less valid.

However, in the end it boils down to how much resources and time public prosecutors and detective inspectors spend on investigating each trafficking cases since, clearly, relying on evidence from telephone taps and visual surveillance is more time consuming than relying on a strong witness statement.

Further, it obviously places the prosecutors and the police in a difficult ethical situation in cases where foreign (underage) women are severely exploited, that is, should the police in such cases allow continuous exploitation of a trafficking victims in order to secure enough evidence through visual surveillance and telephone tapping, or should they intervene directly and thereby risk ending up in a situation where the only evidence they have is the victim's own statement?

#### 5.2.4.6 Changes needed in the trafficking law

Already in the early years of the new trafficking law, the Swedish government was made aware that it was difficult to use in practice, for example with regard to the criterion "unlawful means". However, given that the crime of trafficking differs from the crime of procuring by focusing on the assault of the victims' freedom rather than the intended exploitation, trafficking is to be considered a more serious crime and therefore a crime that merits harsher penalties. For this reason, the Swedish government has stated the need for the criterion "unlawful means". Before the change of the law in 2004, the government specified that although it was aware of the difficulties of proving the issue of unlawful means, leaving the criterion out would make the crime description too vague. Further, the government stated that before more knowledge and experiences were available on how to handle trafficking cases, the criterion would stay. In response, the government also intended to appoint a special investigator to study the issue and come up with recommendations (Jonsson 2005: 15).

Against the background of the few trafficking convictions and the tendency of prosecuting traffickers for procuring rather than trafficking, the law has thus recently (2008) been officially reviewed by the authorities. Additionally, Swedish prosecutors and detective inspectors with experience in this particular crime have over the years formed opinions about how the law needs to be changed in order to make it a more efficient tool in the fight against trafficking. The official review of 2008 suggested that the "control" criterion should be removed, which would bring the Swedish law more in line with the Palermo protocol (Statens Offentliga Utredningar 2008: 108).

In contrast, the review has found that the criterion “unlawful means” must remain included to be able to distinguish trafficking from procuring, but it is suggested that the “intent” criterion is changed slightly:

*the criterion of unlawful means will remain because we need something that distinguishes the crime of trafficking from the crime of procuring ... further ... the criterion that the trafficker must have had the intention already from the point of recruitment that he or she is to exploit the victim in prostitution ... I suggested it changed ... so that there will be several different kinds of intent ... such a change can mean that even if the decision to put her in prostitution is only made when she is already here, such intentions will still constitute grounds for prosecution* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Likewise, it was recommended that the law was tightened to point out the specific needs of children:

*Also it is recommended to tighten the law when it comes to trafficking in children ... since there have been difficulties also in such cases where the demands or burden of proof have been unreasonably high for example with regard to the use of unlawful means ... although the law states that such means are not necessary in the case of children. An adult can exercise control over a child without unlawful means ... a child is always to be regarded as unable to protect itself ... that is, if you are under the age of 18 there should be no discussion, a child is always a child and should be protected, period! In most of our cases where traffickers have been convicted of trafficking, the victims were under 18 ... but there are cases where the victims were under 18, but the trafficker was not convicted for trafficking ... there are thus cases where the court misinterprets the law makers' intentions and sets up burden of proofs that the law in fact does not require. So the new proposal will clarify that a child should always be regarded as incapable of protecting herself. Also, the courts do not seem to realise that they cannot compare an 18 year old girl from Rumania with an 18 year old girl from Sweden ... due to their different backgrounds the Rumanian girl is much more easily misled and she has been moved to a foreign, unfamiliar country ... and this is a mistake the courts make ... they*

*do not ask what it would be like if we moved an 18 year old girl to Bucharest ... the courts seem a bit naïve in this respect* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

According to the same proposal, the law must be changed to make more explicit that if the victim is under 18, it shall always be possible to convict the traffickers, whether or not any forms of “pressure” or “threats” have been used during recruitment or later in the trafficking process ([www.dn.se](http://www.dn.se) 2010-02-04 and [www.svd.se](http://www.svd.se) 2010-02-04).

The police have further stated that members of the courts need to be educated about, among other things, the victims’ living conditions in their home counties prior to being recruited, as well as the more advanced control strategies used by contemporary traffickers, which most often do not involve violence:

*I think it is a matter of increasing the understanding for the underlying factors. I think that the courts today in many cases do not understand the factors behind the trade. A good defence lawyer can easily make these girls admit that they volunteered simply because they have not been beaten, they are not beaten to a pulp, they look cute and pleasant in the court ... which gives the impression that there has been no force ... and then there is no understanding that these girls are from completely different backgrounds and circumstances ... those put in charge to pass judgement need to be enlightened about these conditions ... that is, that force in many cases simply is not necessary* (Mats Paulson, Detective Inspector, Interviewed in 2008-09-16).

The police and the public prosecutors further state the need to train and educate other government officials who may come in contact with trafficking of victims:

*I do, however, believe that we must work more with information and communication between the different authorities ... such as the migration authority ... for example I had one case which involved a doctor ... she performed an illegal, no a legal, but very late abortion on a trafficking victim at her hospital ... why did the doctor or the nurses not react when the young pregnant girl in front of them did not speak a word of Swedish? Or when the man with her followed her everywhere and was with her all the time ... she had no address or residence permit in Sweden ... For example the migration authority ... we had a case from Thailand ... why did the migration authority not react when the same man over and over again brought new girls from Thailand here? ... So it is also a matter of educating relevant people about trafficking ... and changing their attitudes ... (Kristina Ehrenborg Staffas, Public Prosecutor, 2008-09-19).*

Finally, calls have been made to allow the police to use more advanced surveillance tools. Telephone tapping is and remains an efficient investigative tool in the fight against trafficking, and may give the name of the individuals who are responsible for organising the trafficking operation in question. However, over the years more experienced and advanced traffickers have become increasingly aware of the risk of that their telephones may be tapped or encounters video recorded by the police and have adjusted their strategies accordingly. These safety measures can include using several different telephones at the same time, or changing the telephone card regularly, and/or to speak in code. In response the police have suggested that they too should be allowed to bug the rooms used by the traffickers in order to secure enough evidence for a conviction and since 2008 a new law is in place that allows the police to bug the room of criminals suspected of various form of organised criminality (BRÅ 2008b: 73 and [www.dn.se](http://www.dn.se) 2008-07-16).

Finally, it can be observed that the changes of the trafficking law described above, such as removing the “control” criterion, went into force on 1 July 2010 ([www.regeringen.se](http://www.regeringen.se) 2010-08-02 and Rikspolisstyrelsen 2010).

#### 5.2.4.7 Problems related to the actual practice of the law criminalising the client

From the very start warning voices were heard that it would be difficult to control if the law criminalising the clients of women in prostitution was being obeyed by the public, as well as to define the criminal act of purchasing sex and proving that such an act had taken place (Statens Offentliga Utredningar 2010: 167).

Initially these concerns seemed to be realised and a rather large part of the criminal investigations of suspected purchases of sexual services did not lead to prosecution; one reason was confusions and difficulties in interpreting the legal criteria, in particular what constitutes “payment”, “casual” and “sexual service”. Another reason was difficulties in proving that the actual crime had taken place and in accordance with the said criteria.

Detective inspectors and public prosecutors investigating cases related to the purchase of sexual services in response asked for clarification of what was meant by such an act legally speaking. In particular they needed clarification on how to deal with situations where a particular customer visits the same woman in prostitution regularly, or where someone else pays for the sex, and finally under what circumstances it is punishable by law to “try” to, or “make preparations” to, pay for sex. Even some cases where the police had interrupted the client and the woman selling sex in the sex act did not lead to conviction when the buying part denied accountability (BRÅ 2000: 8, 38-39, 42).

Over the years, the use of the law has led to clarifications on these particular issues, as has the change of the law in 2005. The particular problems related to the interpretation of the law are thus today considered solved (Statens Offentliga Utredningar 2010: 168, 219).

Further, convicting clients in cases where they claimed not to be guilty was initially found difficult. In these cases convictions depend on the police monitoring the sexual encounter without interruption until it was over, which obviously placed the police in a difficult ethical situation, especially in cases involving minors and/or trafficking victims. In response, some public prosecutors claimed that there was a “conflict of interest” between the police mission to “prevent crime” and observing the completion of a sexual purchase in order to secure enough evidence before intervening. At the same time they admitted that it was difficult to prosecute cases where the police had intervened at a too early stage of the sexual encounter (BRÅ 2000: 9, 27).

This specific problem seems to some extent to persist and comprise an ethical dilemma also when it comes to today's legal practice. The actual practice of the law has also been subject to debate and critique, among other things because the courts initially always chose to utilise the lower degree of sanctions of the penalty scale when convicting men found guilty of paying for sex. The courts were thereby accused of sending a signal that they did not see the crime as severe, which in turn potentially could decrease the intended normative effect of the law. Also men found guilty of buying sex from trafficking victims were typically "only" sentenced to pay a fine, rather than prison, which is a possibility according to the penalty scale of the law (BRÅ 2000: 12, RKP KUT 2007: 27 and RKP KUT 2003: 26).

Moreover, if men suspected of having paid for sex immediately admitted to it when confronted by the police, they were issued a fine and saved themselves the "embarrassment" of a public trial. Many men obviously took, and still take advantage of this alternative (BRÅ 2000: 35 and Statens Offentliga Utredningar 2010: 180).

Reviews of these fines, as well as the fines handed out in the cases taken to court, further indicate that they sometimes are too low given the perpetrators' level of income. Generally, men who are given too low fines are in fact often men with high incomes. According to law professor Madeleine Leijonhuvud, this is an indication of that the crime of paying for sexual services receives "special treatment" by the legal authorities and there is a common perception that it is a less serious crime ([www.DN.se](http://www.DN.se) 26-04-2010).

Clients seem to be aware of this "forgiving" tendency of the legal system. Interviews with men buying sex reveal that they calculate and factor in the risk of "getting caught" when they decide whether or not to pay for sex. They realise that they will get caught sooner or later, but that the risk of being sent to prison is insignificant. Or, in the words of a man giving advice to other men on an internet chat room for sex buyers: "Expect to pay 1500 kronor for the sex and then an additional 1500 if you get caught".

On some occasions the legal system has proven incapable of prosecuting even in cases where the evidence favours a conviction. A recent example is a case where a high level executive was to be

served or given notice that he was suspected of having paid for sex on a number of occasions. However, his secretary repeatedly informed the representative from the public prosecutors that he was in a meeting, so the prosecutor was eventually forced to drop the charges simply because the time ran out.

Another recent case involved a municipal executive who was suspected of embezzling several million kronor, of which he had spent a major part to pay for sexual services. He was caught with his “pants down” at a hotel with a prostitute. To explain his economic crimes, he admitted that he was a “sex addict” and that he had paid for sex many times, but he was not prosecuted for a single case of paying for sex. The prosecutor believed that his economic crimes were far worse than his sexual crimes, and thus chose only to include embezzlement in the prosecution.

Given these examples, journalists reviewing legal cases on purchase of sexual services often feel that in particular high income and/or high social status men receive special “understanding” and “forgiveness” for their behaviour from judges and prosecutors.

However, at the same time some public prosecutors, as far as possible, make an extra effort to also prosecute the clients together with pimps in human trafficking or large scale procuring cases in order to point out the connection between demand for prostitution and supply of trafficked victims. These prosecutors are often opposed by their colleagues and judges who believe that is unworthy and unnecessary to “drag the good name of Swedish family fathers in the dirt” together with “true criminals” such as traffickers and pimps (Wennerstam in DN 09-05-2010).

As far as the arbitrary and usually too low fines, the Supreme Court tested the question of degree of penalty in 2001, and since then 85 percent of all convictions have resulted in a fine of 50 “dagsböter”.

A few individual cases have led to higher fines (80-200 dagsböter), e.g. matters of several repeated purchases of sexual services, or where a third party has been involved, in which cases the woman or girl was typically foreign and did not speak Swedish. In other cases the client knew that he was dealing with a trafficking victim, but still went through with the purchase. Another case involved a mentally handicapped woman. Generally, however, the legal practice is still of such a nature that

such special and aggravating circumstances are not considered and incorporated in the court verdicts (Statens Offentliga Utredningar 2010: 212, 213, 238-239).

In response, the official review of the law suggests that penalty the scale should be extended so that clients can be sentenced to prison for up to two years, which will allow a more nuanced judgment when it comes to the penalties handed out (Statens Offentliga Utredningar 2010: 243).

The legal system in Sweden, in particular the police and the courts, initially further paid special consideration to and respected the personal wishes of men buying sex; for example, they agreed to send notices to attend interrogations or show up in court to the suspect's work address instead of his home address, which otherwise is the normal procedure. This practice proved a certain level of "understanding" and "sympathy" in the Swedish legal system for men buying sex, translating into actions that protect the suspect against the negative social consequences of his actions. In other words, the legal system helped him conceal his crime to his wife or girlfriend (RKP KUT 2007: 27 and RKP KUT 2003: 26).

The legal authorities dealt with the problem of "special treatment" some years ago and claim that cases related to the purchase of sexual services are no longer treated differently from other similar crimes. This means that clients still may pick up their notices in person or have them sent to an alternative address, but they are not specifically informed about this option (Statens Offentliga Utredningar 2010: 197).

Another "legal" problem is how to handle the woman selling and providing the sexual service. Is she a witness or the injured party? The answer may not only have consequences for the outcome of the prosecution, it may also have personal consequences for the woman. If a woman is called upon to witness, she is not obligated to reveal that she has conducted a "dishonourable" act, which, according to the Swedish discrimination ombudsman, prostitution can be considered as. If the woman is regarded as the injured party, she is entitled to certain information as well as legal assistance during the court procedure. She may also be entitled to economic compensation. On the other hand she may be forced to answer questions that can be perceived as humiliating.

Another more practical problem is cases where the women are willing to witness against their customers, but their participation in the legal process is obstructed by the simple fact that they lack an address or telephone number through which they can be contacted (BRÅ 2000: 9, 27, 44 and Statens Offentliga Utredningar 2010: 251). Likewise, laws that protect the privacy of telephone customers are an obstacle since it makes it difficult for the police to demand the telephone companies to release lists of potential sex buyers who contact women in prostitution via telephone numbers from internet homepages (BRÅ 2000: 9, 27). Nor is the police allowed to tap clients' telephones to secure evidence to be used in the prosecution (BRÅ 2008b: 73 and Statens Offentliga Utredningar 2010: 200).

*we are not allowed to use recorded tapped telephone conversations to trace clients since paying for sex does not merit 1 year in prison, which is the minimum criterion for using telephone tapping as evidence ... hence additional evidence obtained when investigating a trafficking case cannot be used as evidence against clients ...* (Kristina Ehernborg Staffas, Public Prosecutor, Interviewed 2008-09-19).

Telephone tapping is allowed and used to secure evidence against traffickers and procurers. Naturally, these recordings often capture the clients' conversations with traffickers or local pimps, or the women selling sex, but still cannot be used as evidence against the clients. In order to identify clients and secure evidence, the police must for example rent the hotel room opposite the room where the encounter between the client and the women selling sex is taking place, so they can video tape the clients before and after the visit, which can be used as evidence in the legal process against the client (BRÅ 2008b: 73).

Clearly, not being able to tap the clients' telephones is by the Swedish prosecutors seen as a significant limitation.

*I would like to see an extended possibility for the police to use means such as telephone tapping also in the case of suspected sex buying crime, and not only in the case of trafficking and severe procuring* (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).

Despite these obstacles, police and public prosecutors today seem to agree that for the most of it, the practice of the law is considered effective and the difficulties and question marks of the first years have been sorted out. Suspected crimes are from the perspective of the public prosecutors relatively easy to investigate and administrate (Statens Offentliga Utredningar 2010: 230).

Is this captured by the crime statistics one may ask? The question has no immediate or simple answer. First, the degree of efficiency with which the law is being used is directly dependent on police resources and priorities. Since 2003, there has been an increase in the number of crimes administrated related to the purchase of sexual services. However, this is partly explained as a side effect of large scale legal investigations and prosecution of procuring and trafficking crimes (Statens Offentliga Utredningar 2010: 230).

Still, in procuring and trafficking cases, the public prosecutors do not typically prioritise the clients, which is a result of the low penalties compared to penalties for procuring and trafficking. Instead trials against clients are first and foremost used as evidence of the extent of the procuring and trafficking operating. In these cases the prosecutor selects a number of clients who are prosecuted for the purpose of being heard during the procuring and trafficking trial (Statens Offentliga Utredningar 2010: 199-200, 208).

Further, the resources spent on investigating purchases of sexual services, that is, the priorities made by the police, determine the number of crimes detected and administrated. However, since this priority typically is based on the penalty degree, which in the case of purchases of sexual services is low, the crime is not always prioritised by the police in terms of resource allocation.

The crime statistics further show that most legally administrated cases concerns cases of street prostitution. Clearly, this is not to say that purchases of “indoor” forms of prostitution are impossible to detect; rather, it is a matter of the extent and nature of the resources made available by especially the police (Statens Offentliga Utredningar 2010: 230).

When reviewing the crime statistics it is further important to keep in mind that purchasing sex is typically a “surveillance” and “intervention” crime; hence, the number of reported cases is directly

correlated to the amount of resources spent by the authorities to reveal these and other closely related types of crimes (Statens Offentliga Utredningar 2010: 173)

However, we can conclude that the number of men reported for purchasing sexual services has more than doubled between the first half of 2009 and the first half of 2010. In 2009, 148 violations were reported, compared to 770 crimes reported during the first six months of 2010. This drastic increase does not reflect an increase of the level of criminality, but rather increased police efforts to strike down on prostitution and trafficking. A possibility generated as a direct consequence of larger resources earmarked for investigating these types of crimes, resources that, among other things, have been spent on methodological development and a web-based educational program that is mandatory for all Swedish police officers ([www.dn.se](http://www.dn.se) 2010-07-31).

We can further conclude that on average over the years a comparatively large share of reported crimes related to the purchase of sexual services has been sorted out. From 1999-2008, over 1800 such crimes were reported, and more than 800 crimes have been sorted out. The share of cases where a person has been linked to the crime and subsequently either prosecuted, convicted, or fined, or where the right person has been identified, but the evidence was insufficient for a conviction, is as high as 44 percent, compared to 22 percent for other sexual crimes (Statens Offentliga Utredningar 2010: 177-178).

Public support for the law has been steady over time. According to an SIOF survey in 1999 involving 1000 individuals, 76% supported the law; a survey from 2008 indicated that 71% wanted to keep the law. Interestingly, the study from 2008 further indicated that a large part (66%) of the women wanted to criminalise women selling sex as well, which may indicate that prostitution is considered a general problem rather than an expression of patriarchal oppression of women.

Also studies with police and social workers indicate that gender equality arguments do not dominate when the said categories discuss the advantages of the law criminalising men buying sex. Police officers often say that the women's movement "owns" the law and that it therefore risks being seen as irrelevant. The interpretation is that police officers realise that prostitution, and hence the law criminalising the client, is a gender question, but that it loses legitimacy due to its explicit gender framing. Instead, police officers typically formulate more humanistic arguments in favour of the law, perhaps in an attempt to conceal the gender equality ideology behind it. Still, detective inspec-

tors and social workers seem to agree that the law criminalising the client is an efficient tool against traffickers and foreign pimps (BRÅ 2000: 12 and Holmström and Skilbrei 2008: 30).

The police claim that the law has reduced street prostitution and has kept the problem with more organised forms of prostitution, as well as human trafficking at a comparatively low level. Hence, at the event of criminalisation of clients, the capitals of Sweden, Denmark and Norway were estimated to host an almost equal number of women in street prostitution. In 2008 Copenhagen and Oslo were estimated to each host three times more women in street prostitution than Stockholm (Statens Offentliga Utredningar 2010: 226).

The law is further said to make it more difficult for Swedish as well as foreign women to start working in street prostitution, which in turn is said to make it more difficult for third parties to establish and organise a sex business. Hence, for those who organise and make money on women in prostitution, the law is clearly believed to serve as an obstacle leading to higher costs and lower profits; for example, when women need to be transported to clients, and therefore cannot service as many clients a day as they could have had they been exploited at a bordello or in street prostitution. Further, since clients fear being detected and prosecuted they require discretion, so traffickers need to have several apartments and cannot run the business from the same apartment for longer periods of time, which again leads to higher costs and lower profits (Statens Offentliga Utredningar 2010: 223).

### 5.2.5 Summary and comparative conclusions

In Denmark as in Sweden prostitution is recognised as a social problem which must be limited as far as possible without being too repressive towards women selling sex. Further, it is the ambition of both the countries to make the sex market unattractive to criminal elements. However, the solutions chosen in the two countries differ substantially.

Denmark has chosen to follow a “new abolitionist” approach by de-criminalising prostitution in 1999. Women (and men) are allowed to sell sex, and men (and women) are allowed to pay for sexual services as long as the selling part is over the age of 18.

Sweden has chosen a “prohibitionist” approach by criminalising the purchase of sexual services in 1999. Women (and men) are allowed to sell sex, but men (and women) may be subject to a fine or up to six months imprisonment if they purchase sexual services.

Both Denmark and Sweden criminalise the third parties of the sex industry such as pimps and bordello owners, i.e., it is illegal to make money off someone else selling of sex. Finally, in accordance with the Palermo Protocol, Denmark and Sweden supplemented their criminal codes in 2002 with a “trafficking paragraph” that, among other things, criminalises trafficking in women and children for commercial sexual purposes.

However, as the “business approach” to organised crime points out, the government policy on a product, service or market supplied by criminal organisations or networks is one thing, the actual practice may be a totally different matter, which in the end will determine the actions of organised crime on the market. Clearly, this calls for an analysis of the actual practice of the Danish and Swedish laws on trafficking and prostitution.

The first observation is that the contradictory nature of the Danish policy on prostitution causes problems for the agencies involved in policing the sex market. For example, the Danish police experience difficulties in patrolling sex clubs, massage clinics and bordellos, establishments that they have no automatic access to and whose legal status in many cases remains unclear. Also, if the police pay individual women in prostitution too much attention, they may be accused of harassing prostitutes, which all in all makes it difficult for the police to investigate traffickers.

In Sweden, the prohibitionist approach to prostitution, that is, the criminalisation of the client, can be said to make the entire strategy towards trafficking less contradictory. The Swedish law allows the police to strike down on the trafficking business where the profits are generated the very first time, that is, when clients pay for sex with trafficking victims. Further, the law allows the police investigate men suspected of having paid for sex, investigations that in turn can uncover trafficking operations.

Denmark’s rather strict regime on migration further translates into a far reaching ambition to identify and send home foreign women in prostitution who lack a valid residence permit, which in many cases leads to deportation of trafficking victims rather than offering them the support and assistance they are entitled to according to international law.

Although Sweden's regime on migration is less strict, Swedish authorities also have problems when it comes to properly identifying victims of trafficking, which means they sometimes are deported before a full criminal investigation can be made. As a consequence, traffickers are not held accountable, and victims of trafficking do not receive the assistance and support they are entitled to.

The Danish police have on more than one occasion been accused of not prioritising trafficking for prostitution, and even for turning a blind eye to ongoing trafficking operations. This is said to be a direct result of the de-criminalised approach to prostitution which in practice makes many police officers view prostitution as legalised, and therefore not as something the police should spend time and resources on investigating. The Danish police further claim that the trafficking paragraph is almost impossible to use because it is too complicated, interpreted so narrowly and places such a great burden of proof on the police and prosecutor.

Also the Swedish police have, especially in the "early years", been criticised for not prioritising trafficking for prostitution, although not to the same extent as in Denmark. A couple of years before the Danish police, the Swedish police created specialised counter trafficking units, which may have contributed to silencing the critique. Today, members of the Swedish police force seem to agree that the law criminalising the client is an efficient tool against traffickers and foreign pimps. Still, like their Danish colleagues, Swedish detective inspectors complain about the complicated nature of the trafficking law, and its interpretation by the courts, which again as in Denmark, makes it difficult to use.

Without doubt, trafficking law is interpreted in both countries in such ways that it more or less excludes prosecuting traffickers in several cases. Problems arise when the victims are aware from the start that they would work in prostitution, even if they may have been deceived about other aspects of the work. Clearly, the tendency of the legal system in Denmark and Sweden, the courts in particular, to divide trafficking victims into "innocent" and "guilty" victims based on whether they knew "what they were getting into" is a violation of the Palermo Protocol, which clearly states that the victim's initial consent to the subsequent exploitation is of no relevance if elements of force have been used at some point during the process, be it during recruitment or later. As we shall see, it is a practice that plays right into the hands of traffickers and can be expected to affect their way of operating.

With regard to the “coercion” criterion, a problem has been to establish when exactly the coercion has taken place and to determine to what extent this is relevant for the case. Some women have been coerced from the very start, others are subject to coercion later in the process or gradually over time, in which case it is not certain that the Danish courts regard it as a case of trafficking.

Another problem is the courts’ interpretation of the criterion “exploitation of someone’s vulnerable position”. In Denmark, the courts do not find “poverty” a position of vulnerability, so traffickers exploiting the fact that a young woman or a girl lives in economically poor conditions when recruiting may under some circumstances avoid conviction. In Sweden, poverty may constitute “exploitation of someone’s vulnerable position”, however, the courts interpret this criterion in such ways that in order for the trafficker to be convicted, the trafficking victim (and the prosecutor) must convince the court that she (the trafficking victim) had no alternative or power to change her economic situation for the better without accepting the trafficker’s offer. Further, the Swedish courts have been found to lay it on the prosecutor to prove that the trafficker in such cases was aware that the victim was living under such poor economic conditions, which obviously in many case is impossible.

Given these “problematic” interpretations and great burden of proof when prosecuting traffickers using (§262a) the prosecutors in Denmark in many cases choose to prosecute traffickers for procuring instead, a practice that has been criticised. In response, representatives of the Danish legal system, the prosecutors in particular, sometimes say that is not as big of a problem as it is made out to be since the penalties handed out are just as harsh. They further refer to the crime statistics which indicate that the number of convictions for procuring has risen since the trafficking paragraph was introduced. Others claim that the crime statistics on procuring do not capture the whole truth and that, due to the de-criminalisation of prostitution, it is increasingly difficult to prosecute also for procuring. In this respect, the analysis found that in Denmark, not only the trafficking paragraph (§262a) but also the other laws specifically related to prostitution are rarely used.

For example, §228 criminalising pimping and keeping and running a bordello is rarely used, despite the fact that many foreign women are contracted to a specific bordello or massage clinic, a practice that clearly is against the law. It is likely that several massage clinics “employing” foreign women are organised in such ways, for example with a clear leadership structure, that there are ground for

prosecution. Denmark hosts over 700 massage clinics, which are allowed to operate year after year, perhaps, as it is claimed, due to an indulgent attitude in the police. Others explain the open existence of such establishment as a direct outcome of the de-criminalised approach to prostitution and the legal “grey zone” it creates in relation to the said establishments. The result is that police control visits to bordellos and massage clinic only result in deportation of foreign women and girls, trafficking victims included, who lack a valid residence permit, while the organisers/traffickers remain unpunished.

Also in Sweden do the prosecutors in many cases choose to prosecute traffickers for procuring rather than trafficking in order to secure a conviction. As in Denmark, Swedish prosecutors seem to reason that as long as traffickers are being convicted, it does not matter if they are convicted for trafficking or for procuring since the sentences are often equally harsh.

Further, the police in Denmark and Sweden find it problematic that victims of trafficking most often are reluctant to cooperate with the police or take active part in the legal process, that is, witness against their trafficker, in which case it has proven difficult for the police to investigate and find enough evidence to secure a conviction.

Others point out that this needed not be the case if only the police had been prepared to spend more time and resources on surveillance of commercial sexual establishments and traffickers, that is, gather evidence through other means such as visual surveillance or telephone tapping, in which case the victims’ witness statements perhaps would not be so crucial for a conviction.

In this respect it seems like the Swedish police have come further than the Danish in developing alternative methods of investigation, for example, securing evidence through various forms of surveillance. It is therefore less dependent on the victims’ witness statements in the legal process against the traffickers. Most likely this is because the Swedish police at an early stage created specialised counter trafficking units that have allowed for methodological development, among other things by systematically learning from mistakes made in the past.

Another problem with trafficking victims is that the reflexion period that is to be offered to the few women and girls who are actually identified and acknowledged as trafficking victims by the Danish

authorities in practice is not offered unconditionally. The women and girls must in theory and practice cooperate with the authorities in the preparations for their journey home, and, if not in theory, then in practice also with the police in the legal process against the trafficker. Also in Sweden the condition seems to be such that victims of trafficking in practice have to be prepared to cooperate with the police and witness against their trafficker to be offered a temporary residence permit, which can be said to place unreasonable pressure on trafficking victims.

Another problem in Denmark is to hold clients who have exploited victims of trafficking accountable for their actions. The only possibility to do so is to use § 223 a, which criminalises the purchase of sexual services from anyone under the age of 18. However, for various reasons, the law has rarely been used since its introduction, which leads some to conclude that in Denmark it is risk free for clients to pay for having sex with victims of trafficking, also when they are under 18. As a consequence, it does not seem very likely that Denmark in practice lives up to article 9(5) of the Palermo Protocol stating that the signatory states should take the necessary measures to discourage the demand that fosters exploitation of in particular women and children.

The Swedish law criminalising the clients of women in prostitution, regardless of the women's age, can be said to be more direct in line with article 9(5) of the Palermo Protocol. Occasionally, clients of trafficked victims are prosecuted at the same time as the traffickers. The analysis does however indicate that initially there were some problems with regards to interpreting the legal definitions, problems that since some years back are said to have been sorted out.

Further the Swedish legal system seemed initially to be paying special consideration to men suspected of having paid for sex, which implies a dominant view among police officers, public prosecutors and judges that the crime should be taken that seriously.

At the same time, the police authority has worked actively to change these attitudes and increase awareness among police officers about the complicated nature of trafficking for prostitution, among other things, through educational initiatives. These initiatives, together with increased resources, have lead to that the number of reported suspected cases of purchase of sexual services has increased drastically in 2010.

Finally, Sweden has come further than Denmark when it comes to evaluate the trafficking law, which has led to recommendations to change the law to make it easier to convict traffickers. As can be seen from the following analysis, the challenges associated with combating trafficking for prostitution are in many cases the same in Denmark and Sweden, at the same time as each country's different approaches to prostitution present the authorities with different tools and possibilities to combat trafficking.

The question remains which respective policy and practice is the most repressive towards traffickers? Which policy and practice offers the best conditions for preventing the sex market from being taken over by criminal elements, for assisting victims, convicting traffickers and discourage the demand for the sexual services offered by victims of trafficking? Some Danish researchers go as far as to say that it is almost risk free to traffic women into Denmark for the purpose of sexual exploitation. In contrast, traffickers in Sweden have during telephone tapping been overheard complaining about how difficult and risky it is to operate on the Swedish market. Likewise, trafficking victims when interrogated by the police also reveal that their traffickers experience the Swedish sex market as less attractive than the Danish. In particular, traffickers operating in Sweden have trouble finding customers for "their women", and feel that the police are more on guard.

At the same time, at this stage of the analysis, it is difficult to assess just how much value to credit these statements. According to the statistics, 20-30 cases in Denmark and 20-30 cases in Sweden have led to convictions of traffickers. These numbers reveal nothing about the risks of traffickers getting caught in each country, since no one knows exactly how many victims of trafficking annually cross the borders into Denmark and Sweden, or how many traffickers are active on each sex market. On the other hand, given that Denmark's market for sex is significantly larger than the Swedish market for sex, these figures may suggest that traffickers in Sweden in fact are under more pressure than in Denmark.

With an economic approach to the problem, it further seems very likely that traffickers regard the Danish sex market as more attractive than the Swedish, as proven by the existence of massage clinics (in Denmark only), which are likely to provide traffickers with an opportunity to organise their business to exploit the economics of scale as well as provide prostitution in such ways that it matches men's demand for cheap, submissive and ethnically different women and girls. It seems

especially troubling that the Danish authorities do not use the laws available to target these establishments. Likewise, the possibility in Denmark to advertise sexual services of trafficked victims in the daily papers is likely to give traffickers a business advantage over traffickers operating in Sweden.

Further the Swedish law criminalising the purchase of sexual services not only excludes advertising in daily papers, it is also likely to force traffickers as well as clients to act more carefully, which is likely to affect the income of traffickers. Finally, it is in my opinion clear that the Swedish police have a couple of years on the Danish police when it comes to organising and operating against traffickers, even if the result in many cases is that traffickers are prosecuted for procuring instead of trafficking. Therefore it does not seem that farfetched that traffickers experience the Swedish market as more hostile than the Danish, which is likely to affect their operational and organisational features, as suggested by the “business approach” to organised crime and the model developed earlier.

The remaining part of the analysis will investigate these and other aspects in greater detail. According to the “business approach” to organised crime, the next step is to analyse the sex markets in Denmark and Sweden and see how the Danish and Swedish policy and practice on prostitution and trafficking have affected the structure and organisation of the market for prostitution in each country. Before doing so, a few words on the limitations of the data and the methodological considerations are in place.

#### 5.2.5.1 Limitations of the data and methodological considerations

Denmark’s and Sweden’s policy and practice on prostitution have been a relatively well researched the past couple of decades in several quantitative and qualitative studies. Some of these studies are carried out by independent researchers from Scandinavian universities; others are carried out by government agencies, such as the social services and the police. Finally, a limited number of studies have been undertaken by journalists specialising in sexual crimes. Additionally, I have been able to interview several experts like detective inspectors, social outreach workers and public prosecutors who, in particular in the case of Sweden, have offered valuable information and insights.

In comparison, research on the Danish and Swedish policy and practice on trafficking is less available, although the past decade has seen a significant growth in the number of studies published. The studies that do exist fortunately comprise of a mixture of academic studies, government reports and journalistic publications. Methodologically speaking, the availability of various data sources presents a perfect setup for data triangulation to secure validity and reliability in the analysis and conclusions, and to detect potential biases, which clearly is important given the political sensitivity of the problem and the high profile interests at stake.

In this respect, the different data sources in many cases point in the same direction, although some data sources take quite different standpoints on particular aspects of the Danish and Swedish effort to combat trafficking for prostitution.

In Denmark as in Sweden, the strategy towards trafficking for prostitution is officially described in so called Government Action Plans, which typically outline what will be done against the problem over the next years. The documents describe how the government wishes the fight against trafficking to be carried out. The action plans are to some extent political in nature and thus serve the purpose of convincing the public that “something is being done against the problem of trafficking”. Typically, they do not reveal the sometimes substantial actual problems the authorities have had in the past when it comes to holding traffickers accountable and to assist victims of trafficking. In the few cases where the action plans discuss such problems, they typically stop short of assessing the implications in terms of trafficking victims’ well-being and the actions of traffickers.

Keeping these weaknesses in mind, the action plans still suffice for broadly describing the official strategy of each country against trafficking and in particular what the priorities are (assisting victims, convicting traffickers, removing illegal migrants, educating and informing the public etc.).

Independent researchers, that is, independent in the sense that they are not affiliated with any government authority or agency, have in particular researched the Danish and Swedish strategies towards prostitution, and to a lesser extent, the strategies towards trafficking. The researchers and publications referred to in this part of the analysis are to some extent of explicitly feminist theoretical orientation and provide, from the perspective of feminist theory, a critical evaluation of the Danish and Swedish strategy towards prostitution over time. They offer valuable insights on how the

authorities in the two countries have treated women in prostitution and regulated the sex market, and the consequences for women in prostitution as well as clients and third parties, including, to a lesser extent, traffickers. Other research publications referred to are not explicitly feminist in nature and focus on aspects that are not always covered by the feminist researchers who normally dominate the scene. These include in particular evaluations by legal scholars of the legal practices with regard to prostitution and trafficking.

These researchers apply a significantly more critical and evaluative approach and perhaps therefore give a more reliable picture of the Danish and Swedish policy and practice towards prostitution and trafficking than the Government Action Plans. In direct comparison to the Government Action Plans, this particular research is more likely to take up and describe in greater detail the various problems the government authorities in Denmark and Sweden are facing when combating trafficking for prostitution, as well as the inconsistencies of each country's strategy. I have therefore relied more on this research than on the action plans when analysing the actual practices of the Danish and Swedish authorities with regard to prostitution.

Various individual authorities in Denmark and Sweden have also conducted studies and published reports on prostitution and trafficking for prostitution. These reports are first and foremost descriptive in nature, but also analytical in the sense that they set out to critically evaluate the authority's performance in counter trafficking. When compared, publications from for example the Swedish police, are significantly more self critical than the corresponding publications from the Danish police. Clearly, this suggests that trafficking is more sensitive and politically complicated in Denmark than in Sweden, perhaps as a result of the de-criminalised approach to prostitution. Further, compared with the Government Action Plans as well as the independent research, the reports published by Danish and Swedish authorities offer more empirical detail.

When triangulated internally, it is clear that reports published by the social authorities in Denmark and Sweden, compared to police reports, are more likely to admit that the rights of trafficking victims in many cases are not prioritised. However, one exception is recent years' annual reports from the Swedish police which point out that victims' rights sometimes are compromised and need to be strengthened.

I can further conclude that the experts interviewed in many cases have been able to offer valuable information and insights not always found in government documents and reports, or in the research literature. These include in particular the actual practical problems that representatives of the legal or social system face when trying to assist trafficking victims and bring down the traffickers. Experts from both countries are quick to point out that the reality of the trafficking business and of the fight against trafficking for prostitution is far more complicated and difficult than what is captured by the existing research and in the media coverage of the problem.

In particular the Danish social outreach workers and detective inspectors interviewed feel unfairly treated by the media and find that their claimed failure in the area of counter trafficking is a result of an over estimation of the problem by media and politicians, and second, a lack of understanding of the challenges of the task, for example victims who are unwilling to speak and even less willing to witness in court. The Danish experts, except Dorit Otzen from Reden International, are as loyal towards and confident of the superiority of the Danish counter trafficking strategy towards prostitution, as the Swedish experts are of the Swedish strategy. At the same time, the Swedish experts appear significantly more willing to evaluate and criticise their own authority's performance than their Danish colleagues.

After triangulation and internal comparison, we can also conclude that social outreach workers, detective inspectors and public prosecutors hold different views of what needs to be done to improve the country's strategy towards trafficking for prostitution. In Denmark, representatives of Reden International feel that for example the low number of traffickers brought to justice is a direct result of the de-criminalised approach to prostitution and the low priority the problem of trafficking is given by the police. The police claim that the formulation of the prostitution and trafficking laws, as well as the courts' interpretations of these laws place an impossible burden of proof on the police and the prosecutor.

Further, the Danish experts interviewed and the government agency reports consulted typically do not relate to the fact that laws against the third parties of the sex industry are not used to any great extent; instead this is something that the independent researchers point out as highly problematic. Moreover, representatives of various social organisations, in particular the Centre Against Traffick-

ing, point out that victims of trafficking often have their rights violated, whereas the police do not perceive this as a great problem.

In summary the various Danish experts, depending on their mission and mandate, have different opinions about how to best handle the problems related to trafficking and prostitution. Still the common view (except Dorit Otzen) seems to be that Denmark is on the right track and that the fight against trafficking, including bringing traffickers to justice, but also the ability to assist victims of trafficking will increase in the immediate future, due to, among other things the recently established cooperation between the different authorities and the set up of specialised counter trafficking units within the police.

For the interviewed Swedish experts triangulation does not reveal significant differences of opinion. The detective inspectors, the social outreach workers and the public prosecutors seem to mostly agree on what needs to be done to improve the Swedish efforts to combat trafficking, including bringing the traffickers to justice and to assist the trafficking victims, for example, by changing the trafficking law and educating street patrolling police officers. Instead, the main identified differences in opinion concern the extent to which it is considered a problem that traffickers are being convicted for procuring instead of trafficking. The detective inspectors particularly experience such cases as failures, whereas the public prosecutors do not.

However, we should remember that the detective inspectors, public prosecutors and social outreach workers in Stockholm and Gothenburg for many years have worked closely together in specialised counter trafficking units, and are likely to have a common understanding of the problems related to combating trafficking for prostitution than what perhaps is the case in Denmark, where detective inspectors, public prosecutors and social outreach workers only very recently have started to cooperate. It is also reasonable to assume that the “grey legal areas” resulting from the Danish decriminalised approach to prostitution affect detective inspectors, public prosecutors and social outreach workers in different ways, which could explain the different groups of informants’ different understanding of the problem.

Finally, the comparative analysis is limited by data asymmetries stemming primarily from the fact that Danish authorities are a couple of years behind their Swedish counterparts when it comes to

organising, operating and cooperating against trafficking for prostitution. Likewise, the Danish experts in some cases had significantly less experience, which clearly affected their ability to provide valuable information. Additionally, many of the Danish experts were unwilling, or at least hesitant to answer some of the questions that obviously were perceived as politically sensitive, especially questions about their own and other agencies' performances in counter trafficking.

Another data asymmetry stems from the fact that Swedish government reports, as well as independent research, generally contain more detailed information on how the trafficking law is practiced and the consequences. All in all, I still hope that I, primarily through triangulation, have been able to generate valid and reliable conclusions, and that my own personal preferences have not gotten in the way of this task.

## 5.3 Step 3: The Danish and Swedish market for prostitution

### 5.3.1 Introduction

According to the “business approach” to organised crime, as a last step before being able to describe and explain the operational strategies and organisational structures of the traffickers engaged on the Danish and Swedish market for prostitution, we need to analyse the nature and structure of the sex market in each country.

At the general level, it is clear that the modern global sex industry is extremely diverse, takes both legal and illegal forms and offer commercial sex to mainly male customers in a wide variety of settings. The products offered cover a wide range of sexual services such as cheap street prostitution, militarised prostitution, luxurious brothels and escort services, night and strip clubs, massage parlours, pornography and internet services (Hughes 2002, p. 130, Hughes p. 337, Manzini 2001, p. 1, Welds 2004, p. 8 and Gender Issues Jan 1, 2000).

The data thus indicates that the market for commercialised sex is very complex and heterogeneous. Likewise, there is evidence of considerable price variation in sex markets and that the services offered are generated towards costumers with highly varying income and (sexual) preferences (Anderson and Davidson 2002, p.27). Further, in some countries, the market for commercialised sex is well integrated into mainstream legal economic activities such as hotels and tourism, as well as entertainment, film and publishing, that is, businesses that usually are organised by legal medium and large scale firms. Most naturally, however, the business of commercialised sex is also carried out in the illegal or informal economic sector usually controlled by criminal organisations and networks, as well as small-scale and individual enterprises (Hughes 2002, p. 130, Raymond, Hughes and Gomez 2001, p. 32 and Anderson and Davidson 2002, p.27).

What then is the specific situation on the Danish and Swedish market for sex? The government prostitution investigations of the 1970s described the structure of the Swedish sex market as pyramid like, hierarchically positioned segments, based on the social status of the women in prostitution, the clients and the very form of prostitution, its accessibility and volume. Naturally, at the bottom of the pyramid was street prostitution, where the social status of the women and the clients

were low, the prostitution easy accessible and represented the main volume of the sex market. The next level comprised massage clinic prostitution followed by sex club prostitution. The second last level comprised hotel and restaurant prostitution, and finally, at the very top of the pyramid was escort prostitution (Socialstyrelsen 2000: 14-15).

Today, the “old” pyramid structure seems partly invalid. The Scandinavian sex markets have undergone substantial changes during the 1990s and the 2000s, due to in particular the introduction of IT and cell phones, as well as the arrival of foreign women and pimps. In today’s Denmark and Sweden only a small proportion of the prostitution is street prostitution and the last decades have seen an unquestionable development where prostitution in both countries has moved from the streets into apartments, hotels, restaurants, sex clubs, escort agencies and massage clinics (Socialstyrelsen 2000: 6, 13, Københavns Kommune, Socialforvaltningen 2006: 21 and Rasmussen 2007: 34).

Moreover, the Danish and Swedish sex markets have to a large extent been affected by modern technology, and in particular the use of cellular/mobile telephones and the internet has revolutionised parts of the sex trade, much to the benefit of local third parties and traffickers alike, who nowadays can operate in the comfort of the anonymity that these technologies allow (Socialstyrelsen 2003: 8, Socialstyrelsen 2000: 13 and Københavns Kommune, Socialforvaltningen 2006: 21).

Additionally, the possibility in Denmark to advertise sexual services in daily newspapers and magazines has contributed to moving prostitution in from public spaces, in other words, from the streets, and into massage clinics, and spread the prostitution to every place of the country, and not just the larger cities. At the same time, street prostitution has seen a new light due to the arrival of foreign women and pimps. Investigations in Denmark further show that clients no longer necessarily see massage clinics as inferior to escort prostitution. Rather the quality of the women, the sexual services offered and the prices are perceived as the same (Lautrup 2005: 99, 101).

There are however also profound differences in the structure and infrastructure of the Danish and Swedish sex markets. In Denmark, prostitution takes the form of street prostitution, massage clinics, escort prostitution, bar prostitution, a combination of clinic and escort prostitution, a combination of escort and private prostitution and, finally, private prostitution (Rasmussen 2007: 35, VFC Socialt

Udsatte 2004: 19, Hansen 2004: 3 and Moustgaard and Brun 2001: 32-39). In comparison, Sweden's sex market is less developed and diversified, and is in particular characterised by its lack of traditional massage clinics that largely comprise the core of the Danish sexual infrastructure (Socialstyrelsen 2000 and 2003).

Finally, as already concluded (see page 8) the Danish sex market is significantly larger than the Swedish sex market, although the exact number of women and girls in prostitution is difficult to determine.

Let us analyse these differences, segment by segment, in greater detail!

### 5.3.2 Street prostitution

At the bottom of the Danish and Swedish sex markets, we still find an established system of street prostitution that is and remains the most visible and accessible form of prostitution in both countries, and, due to its accessibility, the most researched form of prostitution. Government authorities and academics alike have considerably less knowledge of the other types of (indoor) prostitution, which becomes increasingly obvious when we review in particular the Swedish base on knowledge (Socialstyrelsen 2000: 13 and Ministry of Justice and the Police 2004: 11).

In Denmark, street prostitution seems primarily to be a phenomenon specific to Copenhagen, Aarhus and Odense, although Aalborg and Esbjerg are sometimes also mentioned in government reports and investigations. As given by the name, the part selling sex and the customer take contact on the street, but after the introduction of cellular/mobile telephones women in street prostitution increasingly hand out their telephone numbers to customers who then are able to contact them at any time, a practice that could explain the decreasing number of women in street prostitution in Denmark in recent years (Servicestyrelsen 2009: 3, Moustgaard and Brun 2001: 35, Rasmussen 2007: 36 and VFC Socialt Udsatte 2004: 19).

At the same time, prostitution seemed to be moving from the streets into massage clinics and escort agencies already in the 1970s as a result of the possibility to advertise sexual services in the daily press, a possibility that also served to spread prostitution to the whole country (Lautrup 2005: 99 and Dossing, Heindorf og Mainz 2005: 14). Finally, in recent years, street prostitution in Denmark

seems to have experienced a new awakening due to the arrival of foreign women and pimps (Lautrup 2005: 99)

In street prostitution, the women and the girls typically use different signals to contact potential clients by posing in a specific ways; walking slowly down the street; and trying to get eye contact with the men passing on foot or in cars. If the client is interested in a specific woman he may slow his car down and eventually pull over. Normally then, the woman gets into the car to start bargaining (Dossing, Heindorf og Mainz (PRO Århus) 2005: 12-13). Further, although seller and customer take contact on the street, the sexual service is not necessarily carried out in the customer's car, but may take place in his apartment, in a sex club, at a massage clinic or in the seller's private home (Københavns Kommune, Socialforvaltningen 2006: 28). Afterwards the client may drive the woman back and she will wait for the next client (Dossing, Heindorf og Mainz (PRO Århus) 2005: 12-13). It should finally be said that street prostitution, although often discussed in Danish media, only is believed to comprise 15 percent of the entire market for prostitution in Denmark (Hansen 2004: 3).

Also in Sweden, street prostitution seems to comprise a smaller part of all prostitution. A common assumption in of the early prostitution investigations that now seem outdated was that one third of all prostitution in Sweden is exercised in the form of street prostitution in Stockholm, Gothenburg and Malmö (Socialstyrelsen 2000: 6 and Ministry of Justice and the Police 2004: 9). The question is thus to what extent street prostitution has been affected by the law criminalising the client. This is not an easy question, and the evidence is somewhat contradictory.

In the city of Norrköping, the law seems to have put an end to street prostitution entirely. Experts surveyed in this matter have explained this change by women in prostitution moving indoors or to another city, such as Stockholm (Socialstyrelsen 2003: 22, 24). In Stockholm, Gothenburg and Malmö the picture is more complex. Directly after the introduction of the new law criminalising the client, the number of women in street prostitution decreased significantly; however, some months later the number of women selling sex in the streets had increased again, and was, for example in Malmö, said to be back at the same level as before the introduction of the new law. Later that same year the police started to operate more actively against clients of street prostitution after which the number of women decreased again (BRÅ 2000: 19-21).

Some years later the police in Stockholm estimated that the demand for street prostitution had decreased by 90 percent since 1998 and, further, that the number of drug addicted street prostitutes had been drastically reduced, leaving only a few women with drug problems as well as a number of foreign women. Another picture emerging is that those who are left, as well as the newcomers, selling sex in the streets of Stockholm, Gothenburg and Malmö to an increasing extent comprise of foreign women and girls (Socialstyrelsen 2003: 22-24).

In summary, there seems to be a common understanding today that the number of women in street prostitution is lower than before the law criminalising the client. However, we cannot convincingly fully credit the “Swedish sex law” with this change. The change of the law coincided with the introduction and spread of cell phones as well as the large scale use of the internet and it is assumed that a large number of the women previously selling sex in the streets instead have started to use cell phones through which clients can contact them (BRÅ 2000: 19-21).

Further, prostitution has increasingly moved from the streets and “indoors” due to cell phones and the internet in other European countries as well without any changes of the laws related to prostitution. On the other hand, the evidence indicates that some women in prostitution already in 1998 started to prepare for the law to come in 1999, by obtaining a mobile phone number and spreading it to regular customers to be available to and get in contact with customers without needing to be present and visible on the streets (Socialstyrelsen 2000: 36). Finally, the most recent evidence suggests that the number of women in street prostitution has increased recently, although it is not back to the same level as before the law. Among other things, some traffickers have been found to exploit their victims in street prostitution (BRÅ 2008a: 89 and BRÅ 2008b: 67).

Still, when compared with the situation in the other Scandinavian countries, the number of women in street prostitution in Stockholm in 2008 has been estimated to be three times lower than the number of women in street prostitution in Copenhagen and Oslo (Statens Offentliga Utredningar 2010: 226)

In summary, over the past ten years, the development of the street prostitution segment in Sweden has not only been affected by the introduction of the law criminalising the client, but also by the introduction and spread of new technology such as cell phones and the internet. Finally, street pros-

titution has been affected by the arrival of foreign women and girls, as well as pimps, traffickers included.

Another question is how the law has affected the women who still sell sex in the streets. Unfortunately, the climate for women who have not managed to take their “business” from the streets is said to be tougher. First, the decreasing number of clients has increased the competition among the girls selling sex in the streets and therefore lowered the prices and forced the girls to practice unsafe sex and provide sexual services they normally would not. Further, the “normal” clients have been scared off the streets, leaving only the “sick and desperate ones” who are more “brutal”.

The important safety measure in the form of the “screening process” that women in street prostitution normally perform during the initial bargaining process with the client has been made more difficult because clients are more stressed. Today it is thus considered more difficult for women in street prostitution to assess whether a client may be dangerous before driving off with him in the car (Ministry of Justice and the Police 2004: 29).

### 5.3.3 Massage clinics

Massage clinics comprise the core of the sex market in Denmark and the estimated 700 organised bordellos are calculated to make up 66 percent of the entire sex market (Baumbach 2008: 24, Københavns Kommune Socialforvaltningen 2006: 22 and “Et andet liv”, Hansen, 2005: 3). Not surprisingly, massage clinics seem to be the market segment, together with escort agencies, that has grown most rapidly during the past ten years in Denmark, proven among other things by the fact that the daily tabloid *Ekstra Bladet* published ten times more adverts for massage clinics than it did a decade ago. Massage clinics are also the kind of establishments where the demand for “new girls” is constant and high, and where the proportion of foreign girls is higher than anywhere else on the Danish sex market (Moustgaard and Brun 2001: 29-31).

As mentioned, massage clinics advertise their services in dailies such as *Ekstra Bladet* and *Den Blå Avis*, and in recent years increasingly on the internet and on their own home page. The adverts typically refer to a telephone number, but if clinics do not have anyone to answer the telephone, an answering machine informs potential customers of the location of the establishments. Massage clinics can be set up in regular blocks of flats, houses or closed down business premises. In blocks of flats,

clinics are typically located in the basement or on the first floor, allowing the clinic to operate a system with closed venetian blinds or a lit red light to signal to customers whether or not the clinic is open and the “girls available”, in which case the customer either can enter the facility or discretely continue down the road. The clinics can be arranged and furnished in many different ways, some being quite simple and others more luxurious with different rooms for different kinds of sexual requests, such as spanking etc. (VFC Socialt Udsatte 2005: 14 and Københavns Kommune Socialforvaltningen 2006: 22).

At massage clinics, the customers either call in advance or simply drop by to see which women are working. The number of customers can vary significantly during the course of the day as well as between different days of the week. When services and price are agreed upon, the customers typically pay directly to the woman who is sexually servicing him, or to the “mama” in charge of the clinic. Some clinics host only one woman, others can host up to 20-30, but 4-8 is the estimated average. Some women work at different massage clinics in the same city, others shift between clinics in different cities. In general, massage clinics regularly substitute “old” women with “new” ones in order to fulfil customers’ demand for “new and fresh faces” (Rigspolitiet 2009: 31, Servicestyrelsen, Socialministeriet 2009: 3, Servicestyrelsen 2007: 36, VFC Socialt Udsatte 2004: 20 and Københavns Kommune Socialforvaltningen 2006: 22-24).

Up front massage clinics seem not to comprise an integral part of the Swedish sex market. Validated accounts of such establishments are entirely absent in Swedish government reports and investigations. Although the police in Stockholm claim to have knowledge of a few massage clinics, more elaborate and detailed descriptions of these clinics are not to be found anywhere. In summary, although the Swedish police believe that some of the establishments that advertise as massage parlours in reality resemble regular bordellos, in particular those employing Thai women, actual evidence of such claims has yet to present itself (RKP KUT 1999: 23, Socialstyrelsen 2003: 8, 25, Rikspolisstyrelsen 2009: 9, BRÅ 2008: 72 and BRÅ 2008a: 86).

### 5.3.4 Sex club and bar prostitution

One step up in the hierarchy of the sex market are the so called sex clubs. In Denmark these establishments, like their Swedish counterparts, are known to offer striptease, erotic dancing and posing, but unlike their Swedish counterparts, regular acts of prostitution as well, typically arranged in such ways that the first mentioned activities serve as a “teaser” for the latter activities (Moustgaard and Brun 2001: 32-34). Another term used to describe this kind of prostitution is “bar prostitution”, indicating that it takes place in a facility that also functions as a regular bar serving alcohol (VFC Socialt Udsatte 2005: 15, Servicestyrelsen 2007: 37 and VFC Socialt Udsatte 2004: 21). Sex clubs or bar prostitution are estimated to make up 4 % of the market for prostitution in Denmark (“Et andet liv”, Hansen, 2005: 3).

These establishment advertise in daily papers, but also in tourist magazines and on tourist maps in which case “prostitution” is not openly advertised but rather replaced by words such as “beautiful girls”, “exotic girls”, “shows” or “striptease”. The majority of the girls selling sex in Danish bars seem to be of foreign origin (Flemming, Pedersen and Heindorf 2000: 4-5). The commercial sexual arrangement can be more or less straightforward at different sex clubs and bars. At some places the arrangement takes the form of a regular bordello, where the customer can order a variety of sexual services from a price list where after the available girls are ordered to parade or pose in front of him so he can choose a girl to service him sexually (Moustgaard and Brun 2001: 32).

At other places the commercial arrangement is less straightforward and the customers are expected to first spend money on alcohol, preferably to be consumed together with the “girls” before “going upstairs” together. In these cases the establishments not only make money on prostitution but also on selling alcohol, such as expensive champagne (Moustgaard and Brun 2001: 38 and VFC Socialt Udsatte 2005: 15 ).

Sex clubs and strip bars can vary from cheap local establishments to large scale luxurious international “night clubs”. This particular type of prostitution differs from other forms of prostitution in the sense that it allows the customers of some establishments to kiss the girls and touch intimate parts of their bodies even before “agreeing on the terms of the trade” and the actual payment (VFC Socialt Udsatte 2005: 15). The sex club or bar environment allows for longer contact between the

customer and the women selling sex than for example massage clinics, and the contact does not necessarily end with actual intercourse or a sexual act (VFC Socialt Udsatte 2005: 15).

The environment allows the male customer to experience a sensation of being “seduced” or “persuaded” by the women selling sex, once again unlike massage clinics, where the customer already prior to his visit has made up his mind to go through with for example a paid intercourse. Danish authorities have estimated that between 70 to 100 percent of the women selling sex at sex clubs and bars are foreigners, primarily from Eastern Europe or Asia (Københavns Kommune Socialforvaltningen 2006: 26-27).

Sex clubs have been discussed in every Swedish government report on prostitution since the 1970s. The investigations of 1977, 1993 and 2003 in detail analyse and discuss the existence of these kinds of establishments. However, to what extent regular prostitution takes place in these establishments is subject to debate, in fact, the evidence suggests that sex clubs first and foremost are an arena for “softer” commercial sexual activities such as erotic dancing, strip tease and private erotic posing. There is currently no concrete evidence that sex clubs in Sweden offer women in prostitution, however, the experts surveyed are by no means unanimous. Some are convinced that sex clubs offer no prostitution, whereas others say that they do, but to a very limited extent, others claim not to know, but find it very likely, at least to the extent that sex clubs allow women to advertise themselves through erotic dancing and posing, where after acts of regular prostitution can be agreed upon but carried out outside the actual sex club. There is, however, a common understanding among experts that sex clubs in many ways contribute to channelling young women into prostitution by offering an environment that allows the women who perform erotic dancing and posing to gradually transgress their boundaries and move from “innocent” stripping into “hardcore” regular prostitution (Socialstyrelsen 2000: 56-57 and Socialstyrelsen 2003: 34). This last remark would be more in line with the international base of knowledge indicating that local pimps as well as traffickers use sex clubs as an arena for recruiting new girls.

Regardless, it finally needs to be pointed out that the number of these types of establishments known to the Swedish authorities is very limited, and in most cases located to Gothenburg and Stockholm, cities where potential customers obviously can find prostitution in other forms as well.

### 5.3.5 Private prostitution

Danish reports tell of a minor segment of women selling sex privately, in their own homes or under other private circumstances. According to one estimate, this type of prostitution only makes up around 2 percent of the entire market for prostitution in Denmark (“Et andet liv”, Hansen, 2005: 3 and Servicestyrelsen 2007: 37). The women engaged in this type of prostitution typically advertise in the same magazines as for example massage clinics, but inform potential customers of the arrangement by including the word “private” in the ad. In most cases it seems that these women work independently and on their own (VFC Socialt Udsatte 2004: 21 and Servicestyrelsen 2007: 37).

### 5.3.6 Apartment bordellos

In Sweden, in particular in a context of trafficking in women, regular apartments have been identified as an important arena for prostitution. Together with escort prostitution, apartment bordellos are the dominating form of prostitution in Sweden marked on the internet (BRÅ 2008a: 79). The contact between the woman selling sex and her customers, as well as a potentially involved third party, such as a trafficker or local pimp, is typically conducted via email or telephone, according to the instructions given in the internet ad. The customer is often first directed to an address, from which he is given the direction to the exact location of the apartment bordello, an arrangement obviously thought out and put in use to protect the organisers and confuse the police. The women selling sex typically both live and work in the same apartment, often together with other women (BRÅ 2008b: 74 and BRÅ 2008a: 88-87). However, when the police “raid” these establishments, they rarely find more than 3 to 4 women and/or girls at the same time (RKP KUT 2005: 31 and RKP KUT 2007: 8).

Finally, in order not to be detected by the residents of the building, the women selling sex, or their organisers, regularly have to shift their business between different apartments, in which case regular hotels are used during the time of the re-location. Normally then, a specific apartment is only used for max two months (BRÅ 2008b: 73-74).

### 5.3.7 Hotel and restaurant prostitution

Also in Sweden do hotels and restaurants function as meeting places for women in prostitution and their customers. Either the customer has contacted a woman in prostitution in advance or the women sell sexual services “picking up” customers in the restaurant or bar of the hotel (BRÅ 2008b: 72 and BRÅ 2008a: 91). The use of hotels and restaurants in Sweden as an arena for prostitution is not a new phenomenon and already the social services’ prostitution report of 1993 established it as a known fact, although it was not able to determine the “size of the problem” (Socialstyrelsen 2000: 51). The use of hotels also coincides with a rather recent development on the Swedish sex market, so called organised “city tours”, involving women from for example Latvia, Hungary and the Czech Republic. Women travel around between different cities in Europe and local customers can book a time with one of the women during the days she is visiting their city. During these tours the women typically live and “work” at the same hotel, so the arrangement is a combination of escort and hotel prostitution, typically defined as “upper class” prostitution. The services offered are typically advertised on the internet and booked in advance via email (BRÅ 2008a: 84).

In many cases, the hotel staff knows what is going on but turns a blind eye to the “arrangement”, or in some cases, deliberately protect the integrity and anonymity of the woman and her customers in exchange for a minor part of the profit (BRÅ 2008a: 91). In other cases, prostitution takes place at hotels without the staff noticing it (BRÅ 2008b: 72). The staff at other hotels is more observant and bans women known to be selling sex from their hotels (Socialstyrelsen 2003: 25). Finally, some hotels have trained their staff to detect prostitution and human trafficking and are currently developing strategies to prevent having their rooms and facilities exploited for such purposes (BRÅ 2008a: 90). In response, traffickers in particular seem use rooms in hotels that do not have camera surveillance or a key card system, or manning during the late evening and night time (BRÅ 2008a: 91 and 2008b: 72).

### 5.3.8 Escort agencies

At the highest level of the sex market are the escort agencies, a market segment that in Denmark is estimated to comprise 10 percent of the entire Danish market for prostitution (“Et andet liv”, Hansen, 2005: 3). In escort prostitution, the customer contacts an agency which sends a woman to the customer’s home or other preferred place such as a hotel. The prostitution is carried out at different places each time and the women selling sexual services typically travel around between different customers, locally, regionally, nationally or even trans-nationally. Some escort agencies work across national borders, and a woman can be sent, in many cases on her own, from for example Riga to Copenhagen to service customers at a local hotel, according to the pre-agreed terms.

In locally working escort agencies, the women are typically transported to the customers by a driver, who upon arrival instructs the customer of the terms of the trade. Escort agencies typically advertise their services through ads in the local daily papers, or on special internet pages, the latter in particular utilised by trans-nationally working agencies, which most often operate their own home page. Some agencies comprise of only one independently working woman, whereas other agencies can employ up to 25 women (“Et andet liv”, Hansen, 2005: 3, Københavns Kommune Socialforvaltningen 2006: 24-25, Moustgaard and Brun 2001: 36, Servicestyrelsen 2007: 36 and VFC Socialt Udsatte 2004: 20, Servicestyrelsen, Socialministeriet 2009: 3).

It is significantly more difficult to find structured knowledge about escort prostitution in Sweden. Swedish reports and investigations offer little if any information about this form of prostitution, which does not mean that it is a market segment that does not exist or hold a central position. The social services’ official prostitution report of 2000 refers to an internet investigation proving the availability of escort agencies in Sweden typically advertised under headlines such as “escort services”, “sex services” and “call girls”. Still, the report in question stops short of describing the actual organisation of these agencies (Socialstyrelsen 2000: 59). Likewise, the prostitution report of 2003, although it discusses the role of the internet on the Swedish sex market, entirely leaves out discussing the existence of escort agencies (Socialstyrelsen 2003: 26-27).

However, in the official report on human trafficking by the Swedish National Council for Crime Prevention in 2008, escort prostitution, together with apartment bordellos, is described as an in-

creasingly important market segment in Sweden due to possibilities offered by the internet. As in Denmark, some of these agencies seem to have their primary base in for example one of the Baltic countries, from which the women are sent to Sweden after being ordered by a customer. Such arrangements are often based on email or mobile phone communication. The customer typically pays half the sum in advance directly to the traffickers' back account, and pays the rest in cash directly to the woman sent to sexually service him (BRÅ 2008a: 77-79, RKP KUT Rapport 2006: 20 and RKP KUT Rapport 2007: 5).

### 5.3.9 The role of internet on the Danish and Swedish sex markets

What role does the internet play on the Danish and Swedish sex markets? Some say that the internet has made prostitution less visible and more underground in nature, among other things making it more difficult to investigate the crime of trafficking. Other claim that if clients are able to use the internet and find women in prostitution, the police and other authorities should be able to do the same. Some in fact even say that the internet has made prostitution even more visible and public (Socialstyrelsen 2003: 26).

Regardless, the internet clearly offers women and girls, as well as local pimps and foreign traffickers and organisers efficient and cheap advertising of sexual services (Socialstyrelsen 2003: 26). Some even say that the internet today is the main arena for contacts between clients and women and girls in prostitution, or their pimps/organiser/trafficker (BRÅ 2008b: 69). Internet ads often include more or less pornographic pictures of the women and girls selling sex (although the picture may be of a different girl or women than the actual girl offered in prostitution). Typically the potential client is referred to an email address or a cell phone number for contacting the pimp/organiser/trafficker, or the women or girls directly. The ads can be updated several times a week which admittedly makes investigating and tracing those responsible more difficult (Rikspolisstyrelsen 2009: 12-13).

It is further clear that advertising on the internet is a well organised business, which is indicated by the fact that several women are photographed in the same environment, have similar email addresses, use the same cell phone number. In Sweden the main websites are "Stockholm Top Escorts", "Independent Stockholm Escorts", "Escorts in Scandinavia" and "Sthlmtjejer". In Denmark

the main websites for advertising sexual services are “Hedomax”, “Venuslogen”, “Massagelisten”, “Sexlysten” and “Escortguide” (Rikspolisstyrelsen 2009: 12-13 and Servicestyrelsen, Socialministeriet 2009: 2). An investigation by the Swedish National Police Authority’s IT-division 2008 found that none of the websites offering sexual services in Sweden were located on servers in Sweden, but rather at servers located in the USA, Germany, the Netherlands, Denmark and Russia (Rikspolisstyrelsen 2009: 12-13)

The type of prostitution marketed on the internet is apartment bordellos and escort agencies (BRÅ 2008a: 77). The internet also plays a major role in marketing victims of trafficking (RKP KUT 2004: 28). As mentioned, clients in Sweden can via the internet contact “booking centrals” abroad and order women and girls, who then are sent to Sweden. The traffickers book the ticket for the women and girls and order the hotel room. After the women and girls have arrived, the client is directed to the hotel via the internet or SMS (RKP KUT 2007: 5).

From the clients’ perspective, the internet allows the clients to interact with each other by visiting web based prostitution portals where they can exchange experience, advice and warnings, as well as compare various women and girls, various commercial sexual establishments, prices, and the sexual services offered in the comfort of the anonymity of his own home. Further, the internet allows clients to carry out the purchase and at the same time maintain his anonymity in ways that street prostitution does not offer (Socialstyrelsen 2003: 26, RKP KUT 2005: 8 and BRÅ 2008b: 69). In Sweden famous “chat rooms” are the “Secretaryacadamy” and “Swedish Escorts Reviews” (Rikspolisstyrelsen 2009: 12- 13).

### 5.3.10 Where are the victims of trafficking found?

In order to lower the risk of detection, victims of trafficking are often exploited in less open and exposed forms of prostitution (Hjertström 2004: 23). In Sweden, trafficking victims are exploited in apartment bordellos, hotel prostitution, or in the clients’ own residence or hotel rooms. Trafficking victims are also driven directly to the client, which thus qualifies as a form of escort service (RKP KUT 2007: 10 and Rikspolisstyrelsen 2009: 9).

*The girls are put to work in the streets ... and, since you have to hide in Sweden, they are often put to work in apartments in housing areas where it is easy to stay hidden, that is, housing areas where no one reacts because people are coming and going during night time ... they often keep the girls in apartment in the suburbs ... and if necessary they have to travel into town or to hotels to sell sex* (Mats Paulson, Detective Inspector, Interviewed 2008-09-16).

In Denmark there seems to be a common understanding that traffickers exploit their victims in indoor forms of prostitution to avoid detection (Save the Children 2003: 18-19), i.e. at massage clinics or in escort prostitution. Some even live 24 hours a day at the massage clinics and are thus at the clients' request around the clock (Køn, Kultur og Politik 2005: 6). However, there are several known cases in Denmark as well as in Sweden where traffickers have chosen to put their victims to work in street prostitution (Hjertström 2004: 23 and Køn, Kultur og Politik 2005: 6). NGO outreach teams in Denmark, as well as the police, regularly encounter foreign girls under the age of 18 selling sex in the streets (Save the Children 2003: 18-19).

A review of court verdicts from cases where traffickers in Denmark and Sweden have been found guilty and sentenced to prison gives a similar picture. Danish court verdicts confirm that traffickers exploit their victims in either street prostitution, bordellos or in escort services (Court Verdict 369/2008, Court Verdict SS 21.16683/2006, Court Verdict 28.20634/02, Court Verdict S-257-08, Court Verdict SS 7.964/2005, Court Verdict SS 15-31824/05, Court Verdict 20. 29692/2004, Court Verdict S-257-08, Court Verdict SS 4-16586/2008, Court Verdict SS 3-6771/2007 and Court Verdict S 9-2235/2007). According to Swedish court verdicts, traffickers seem to exploit their victims in apartment bordellos, escort prostitution or in street prostitution (Court Verdict B133-05, Court Verdict B 7477-03, Court Verdict B 2636-02, Court Verdict B 5346-07, Court Verdict B 4156-04, Court Verdict 1230-05, Court Verdict B 2698-04, Court Verdict B 436-05, Court Verdict B 3065-07, Court Verdict B 8862-04, Court Verdict B 4385-05 and Court Verdict B 436-05).

### 5.3.11 Trafficking victims, the prices on sex and the nature of the sexual services provided

Clearly, the research on men's demand for prostitution indicates that some clients prefer to buy sex from women of their own nationality/ethnicity, but in the end choose to go with foreign women simply because it is cheaper. Others specifically ask for non-western women believing that they exhibit sexual characteristics or possess sexual capabilities that white western women do not. Finally, some clients deliberately seek out trafficking victims out of what seems to be the sexual thrill of obtaining the absolute power over an especially vulnerable and marginalised girl or woman.

Consequently, one may ask if victims of trafficking always are found on the low price ethnic market segment or more generally how the prices of commercial sex, and the sexual services offered, have changed after the arrival of trafficking victims. These particular questions seem to have been overlooked by most government investigations and reports in Denmark and Sweden, as well as by independent research. However, the informants in this study provide interesting insights.

There is nothing that immediately indicates that victims of trafficking and the sexual services they provide are generally cheaper than services offered by local women in prostitution. Instead, the more profound price differences are found between different market segments rather than within them. However, there seems to be no doubt that the arrival of trafficking victims has affected prices in prostitution in Denmark and Sweden, as well as the nature of the sexual services offered.

Among the informants of this study there seems to be a common understanding that prices are determined by which type of market segment the victims are exploited in, rather than by their origin or economic position. Victims of trafficking can thus be offered at a low price if they are exploited in street prostitution and a higher price if they are exploited in escort prostitution.

*It is a matter of 1500 Kr for half an hour, then there is a more luxurious prostitution which charges much higher prices ... and they use much more classy pictures on the internet ... in these cases it is more a tour ... they announce on the internet when they will be in Stockholm ... these ads are only on the internet for a short period ... then the girls travel to Oslo or Gothenburg ... often they advertise more explicitly their services and the picture displays the*

*girl fully ... her face is not masked ... these cases are not in the low price segment ...* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

In similar words:

*It is both the low price segment and the luxurious segment. For example, in street prostitution or apartment bordellos they charge normal prices, that is, quite low ... whereas in escort the prices are totally different ...* (Bo Svennecke, Social Outreach Worker, Interviewed 2008-09-17).

Further, the informants state that the competition within each market segment is high and that there is not much room for internal price differentiation.

*You have to remember that it is a business ... and that the market mechanisms are the same as if you were selling tomatoes ... if the neighbouring bordello has lower prices and offers more sexual services ... you are, if you want to make money, forced to offer at least the same ... and it puts pressure on Danish women* (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).

In Sweden, prices advertised on the internet are for example almost always the same.

*... the girls keep an eye on each other and do not accept if someone lowers the prices ... so the 1500 Kr for 30 minutes is a rather fixed price ... more or less everyone advertises this sum on the internet ...* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

In the end it is thus the number of women in prostitution that ultimately determines the prices and the arrival of new women and girls is likely to increase competition and lower the prices for everyone. Further the prices charged for various forms of prostitution are dependent on each other:

*It is clear that it is the number of women in prostitution that determines the prices ... street prostitution has lower prices ... 300 hundred Kr ... so the bordello owner in Copenhagen cannot charge too high prices ... then the customer will go to street prostitution instead and it is clear that where there are as many women in prostitution as there are in today's Denmark ... the prices will decrease and you will get a more diversified supply of sexual services ...* (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).

Hence, the arrival of foreign women and children, trafficking victims included, has not only lowered the prices on a more general basis, it has also changed the sexual services offered.

*... the price decreases ... the more women and the more bordellos there are ... the lower the prices get ... it also gets worse for the girls because they now have to agree on things they obviously are not interested in ... the boundaries are pushed all the time with regard to what type of sex ... with or without a condom, they are to provide and accept ...* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

In this particular respect, traffickers exploiting young foreign women and girls in prostitution in Denmark and Sweden can thus be said to have a competitive advantage over locally working independent women in prostitution.

*... obviously prostitution has changed enormously the past five years due to the trafficking in women ... and of course they drive the local women from the market ... I mean, a strong independent 40 year old woman does not stand a chance against a small 15 year old Russian girl ... they are young a fresh and do not say no to anything ... they do things that no local women in prostitution would and they are accessible around the clock ... if you look at the internet adverts you will find that the Swedish girls who advertise state that they can provide two kinds of sexual services, that is intercourse and "French" whereas if you look at the Russian girls or the girls from the Czech Republic, they list around ten sexual services that they provide ... and it is the type of sexual services that few local women in prostitution would subject themselves to ...* (Bo Svennecke, Social Outreach Worker, Interviewed 2008-09-17).

In conclusion, the arrival of foreign women and children on the Danish and Swedish sex markets has not only led to a higher level of competition, but also to more diversification in the sexual services available to clients.

### 5.3.12 The role of ethnicity on the Danish and Swedish sex markets

Research on western men's relationship to women in prostitution clearly reveals that the "ethnicity" of the women and girls in prostitution is of major interest to the clients and that some western clients prefer being sexually serviced by women or girls who do not share their own nationality/ethnicity. The question is what role "ethnicity" plays on the Danish and Swedish sex markets.

Clearly, the nationality/ethnicity of the women and girls working at massage clinics and escort agencies in Denmark is the first thing that is stated in the ads on for example [www.ekstrabladet.dk](http://www.ekstrabladet.dk). The ads typically start out with "Helle from Hungary", "Beautiful Thai girl", "Brazilian girl", "Japanese Girl" or "Thai Girls" ([www.ekstrabladet.dk](http://www.ekstrabladet.dk) 2010-08-22). Likewise, ads on prostitution websites are quick to announce the ethnicity of the girls "employed" by the various massage clinics, sex clubs and escort agencies. In some cases this is made explicit by the very name of the establishment in question such as the "DP Thai massage" escort agency in Copenhagen, or the "Club Asia", sex club/bordello in Vanløse ([www.massagelisten.dk](http://www.massagelisten.dk) 2010-08-22). Additionally, the Danish sex market seems ethnically differentiated, and several of the massage clinics and escort agencies in Denmark offer women of only one nationality/ethnicity.

*First there is a sharp distinction between different nationalities, there may be a bordello with only Polish, Russian, African or Thai women (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

The ads for escorts "working" in Sweden show a similar tendency to immediately inform of the nationality/ethnicity of the women and girls. Ads on the site [www.stockholmtopescorts.com](http://www.stockholmtopescorts.com) typically start with statements such as:

*“Hi my name is Ebony”, “adorable exotic black lady”, “my name is Tanya, I am from Tallinn”, “I am 25 years old and I am from Central Europe” or “I am a sexy and attractive Russian Lady”* ([www.stockholmtopescorts.com](http://www.stockholmtopescorts.com) 2010-08-22).

Likewise, on [www.independentstockholmescorts.com](http://www.independentstockholmescorts.com), women and girls from Russia and Latvia are offered, and their nationalities are stated along with their height, weight, breast size and the sexual services they can provide (2010-08-22).

There can thus be no doubt that local pimps in Denmark and Sweden as well as traffickers and other third parties find it as important to inform potential clients of the nationality/ethnicity of the women and girls offered in prostitution, as to inform about prices, age, breast size etc. Pimps and traffickers seem to be highly aware that some western clients specifically ask for non-western women and girls when buying sex, and it can be concluded that the “ethnic” dimension of prostitution is a relevant variable also on the Danish and Swedish sex markets.

### 5.3.13 Summary and comparative conclusions

Apart from the Danish sex market being significantly larger than the Swedish, each respective country’s sex markets have partly developed in similar, and partly in different directions since the de-criminalisation of prostitution in Denmark in 1999 and the criminalisation of the clients of women in prostitution in Sweden in 1999. In both the countries, the past decade has seen a development where prostitution has moved from the streets and “indoors”.

In particular the arrival and widespread use of the cell phone technology, as well as the internet, allow women in prostitution, local pimps and foreign traffickers to advertise and contact clients without being present “in the street”. Although prostitution is still a large city phenomenon, the said technologies have further contributed to spreading prostitution to every part of Denmark and Sweden. In Denmark this tendency started already in the 1970s when it was made possible to advertise sexual services in the daily news papers.

At the same time the structure of the Danish and Swedish sex markets has developed in different directions as a direct result of the different legal status of prostitution in each respective country. In

Denmark prostitution today takes the form of street prostitution, massage clinics, escort prostitution, bar prostitution, a combination of clinic and escort prostitution, a combination of escort and private prostitution and finally, private prostitution.

In comparison, Sweden's sex market presents itself as less developed and diversified, and can in particular be characterised by its lack of the traditional massage clinics that comprise the core of the Danish sexual infrastructure. Instead, prostitution is offered in the form of street prostitution, escort prostitution and "apartment bordellos". Apart from the obvious fact that the Danish sex market is significantly bigger than the Swedish, the most significant difference between the two countries is found in the market segment "massage clinics".

The number of massage clinics in Denmark has increased during the past ten years. Their existence can in much be credited the Danish policy and practice on prostitution and the legal grey areas it has created leaving the legal status of massage clinics uncertain and tying the hands of the legal authorities. Although there seems to be a common understanding that these establishments in many cases are organised in violation of Danish law, the only result of government actions, such as police control visits, is that the foreign women found at the clinics, trafficking victims included, are deported, without further legal investigations or charges made against possible pimps, organisers or traffickers.

In Sweden the absence of massage clinics means that traffickers are forced to operate so called apartment bordellos, which are known to host at the most three or four girls, unlike the massage clinics in Denmark that can host as many as 20-30 girls working in shifts.

In sum, the Danish sex market comes off as significantly larger, more accessible and diversified.

#### 5.3.13.1 Limitations of the data and methodological considerations

Generating a representative picture of the Danish and Swedish market for prostitution is a challenging task. The sex markets in Denmark and Sweden have undergone significant changes during the past decade due to, among other things, the de-criminalisation of prostitution in Denmark and the criminalisation of the clients of women in prostitution in Sweden. Further, the different parties on

the sex market have been quick to utilise new technologies such as cell phones and the internet, thus moving prostitution from the streets and into massage clinics, bordellos and escort agencies in Denmark, and apartment bordellos and escort agencies in Sweden. In other words, moved from the streets and into less visible forms of prostitution, which the authorities in Denmark and Sweden know significantly less about.

The Danish authorities thus have significant knowledge about street prostitution, less about massage clinics, and almost no detailed knowledge about escort prostitution. Likewise, the Swedish authorities have significant knowledge about street prostitution, and significantly less knowledge about apartment bordellos and escort agencies. At the same time, recent years' trafficking investigations have improved the authorities' knowledge about apartment bordellos and escort agencies in Sweden.

This step of the analysis is mainly based on government investigations and reports. There are two main reasons for this. First, few publications by independent researchers are available on the size, nature and structure of the Danish and Sweden sex markets. Second, the detective inspectors, social outreach workers and the public prosecutors, when asked about the Danish and Swedish sex markets, were not able to give detailed descriptions or answers, and only briefly confirmed that in Denmark there are street prostitution and massage clinics, as well as escort agencies "that we know nothing about". Likewise, the Swedish informants only briefly concluded that there is street prostitution, apartment bordellos ("that traffickers use") and escort agencies in Sweden.

In retrospect, when listening to the recorded interviews I am certain that I could have gotten more detailed answers. However, I as well as the informants were affected by the fact that these particular questions were asked at the end of the interview. At this stage of the interview, we were all getting tired and perhaps stressed by the fact that the time was running out, which is likely to have affected the quality of the answers.

An alternative method, such as participatory observations, to the extent this could be practically done, might have generated more detailed data. Also, interviewing other informants besides government experts, for example women in prostitution, would probably have supplied valuable data. However, for reasons already stated, this was an option I ruled out at an early stage.

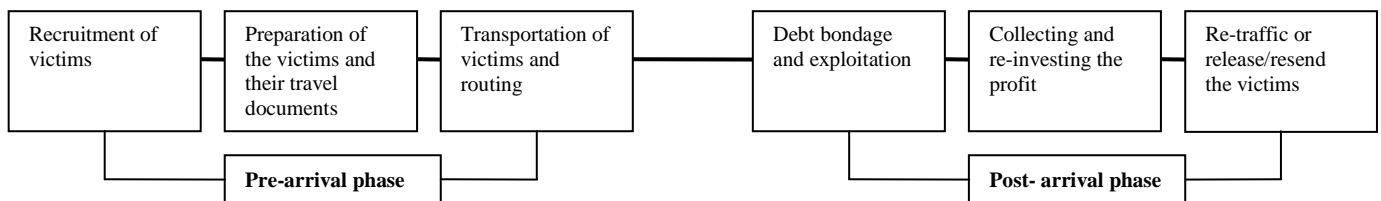
From the perspective of reliability and validity, this is not necessarily a big problem. First, the question of the structure of the sex market is, as I perceive it, not as value loaded as for examples questions related to the prostitution policy and practice. The various data sources consulted are likely to be “honest” when reporting matters of such kind. Second, there still is, if not an element of external triangulation, then at least an element of internal triangulation, that is, triangulation between data sources of similar kinds (in this case government reports and investigations). Finally, there have not been any significant data asymmetries between the two countries in this part of the analysis.

In sum, it would clearly have been beneficial to be able to present a more detailed analysis of the various markets segments. Yet, as I see it, the analysis is detailed enough to explain the different market conditions meeting traffickers in Denmark and Sweden.

## 5.4 Step 4: The operational strategies and organisational structures

### 5.4.1 Introduction

Finally, we have reached the end point and main purpose of this study, that is, to analyse, describe and explain the operational strategies and organisational structures of the (Eastern and Central European) traffickers engaging on the Danish and Swedish market for commercial sex. I will start with the operational strategies of the traffickers and the analysis will follow the chronological order of the trafficking process as indicated by the illustration below.



This part of the analysis will also include a discussion of the traffickers' marketing strategies as well as their control strategies and funding strategies. This is followed by an analysis of the organisational structure of the traffickers operating the Danish and Swedish sex market by utilising the organisational typologies earlier described.

In accordance with the "business approach" to organised crime this is thus where the careful analysis of the previous steps pays off. In other words, to be able to not only describe, but also explain why traffickers choose to operate and organise in certain ways, we need to consider the nature of men's demand for prostitution and the Danish and Swedish governmental policy and practice for dealing with this demand, as well as other aspects of the market for prostitution, and finally, the nature of the very market for prostitution it self.

## 5.4.2 Recruitment

### 5.4.2.1 Introduction

Theoretically, it seems that almost anyone who has a foot inside the sex industry can become a recruiter of women and girls. All it takes is (1) “a story to persuade, or the power to force, a recruit to go along with him or her”, (2) “to know where or to whom to sell the recruit”, (3) and finally in some cases, “to have money to pay a family who will sell their own daughter” (Farr 2005: 65).

In practice, however, the choice of strategy varies depending on several factors such as geographic location, age and ethnicity of the intended victim, as well as her previous commercial sexual experience, and finally, as we shall later see, on the local conditions of the sex market of the intended country of destination.

The following chapter will answer the question of what kind of strategies traffickers utilise when recruiting women and children for the purpose of exploiting them in Denmark and Sweden, and further, and most importantly, if these recruitment strategies in any way are affected by the Danish and Swedish policy and practice in relation to prostitution.

### 5.4.2.2 Informal recruitment

First, research generally indicates that the most common recruitment practice is recruitment in an informal way:

Recruiters who offer women and girls “good jobs” overseas usually work in developing countries or unstable transitional countries, where women and girls (and their families) are particularly vulnerable to promises of lucrative jobs outside of or in another part of their country. Young girls from rural areas or remote villages are targeted because they are more often desperate for a job, more easily controlled, and more likely to be virgins, this bringing a higher price for the traffickers and eventual employers. Whether in a small village or a larger town,

persuasion is enhanced by using recruiters with some connection to the community where they recruit pool resides (Farr 2005: 67).

Likewise, according to a study based on assisted female trafficking victims in Kosovo carried out by the International Organisation for Migration (IOM), 80 percent of the women had been recruited by a relative, friend or an acquaintance (IOM 2002, p. 14). This figure is also confirmed on a more general basis and according to the IOM's South Eastern Europe Trafficking Database, some 494 out of the 826 included victims, reported that they had been recruited in person by an acquaintance or a friend (Laczko and Gramegna 2003, p. 189). The same pattern has been found in a study carried out by Human Rights Watch based on thirty-six female victims of trafficking in post-conflict Bosnia and Herzegovina. The majority of these women described their recruiters as acquaintances from their home village, friends of their parents or friends from an orphanage (Human Rights Watch 2002, p. 15).

Second, the evidence indicates that Eastern and Central European women and girls who end up in Denmark and Sweden typically also are recruited informally, that is, through a relative, friend or an acquaintance, perhaps someone from her home village or orphanage, or a friend of her parents.

*What we hear from others and see ourselves is that the girls primarily are informally recruited via a friend, acquaintance, someone in the family, or a neighbour. When I interview these women myself, I typically hear that they have been subject to a violation of trust by their families, or a female friend, or someone else close to them* (Anne Maskel, Social outreach worker in Copenhagen, Interviewed in Copenhagen 071108).

Another common feature is that the girls recruited have been traumatized during childhood and in many cases already been subjected to sexual abuse: This particular aspect further captures the "betrayal" by parents or other care takers that many girls and young women experience. In many cases traffickers thus succeed in recruiting a specific victim simply because the very persons responsible for protecting her put their own interest first. There are for example cases from Albania and Kosovo where families have sold their daughters against their will to traffickers (Lehti 2003: 32)

*In the case of Roma victims it is most often someone very close to the victims, such as their parents, their brother or sister, their uncle or aunt, or another family member. These girls are*

*often very vulnerable already from the start and therefore easy to recruit. Some of them are recruited directly when they leave their orphanage since they are not allowed to stay after they have turned sixteen, and without an education they are easy to recruit (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).*

Most traffickers are experts in finding these very vulnerable and exploitable girls:

*Obviously there are many ways to recruit, but typically it is the most vulnerable girls ... the women and girls that no one will miss or ask for ... girls and women that no one is checking up on ... because traffickers want to avoid getting caught and punished so they take the women and girls where the risk is as low as possible (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).*

Another well-known informal recruitment strategy drawing on the most marginalised and vulnerable girls is the so called “boyfriend approach”, where recruiter and victims first become “romantically involved”, but eventually the woman or girl in question is exploited in prostitution.

*Another common story is girls in search of love, and the recruiter initially plays the role of loving boyfriend who gives her gifts, invites her to restaurants, and for the first time in her life the girl feels that she has someone she can trust, someone who takes care of her (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).*

One case involved a young Rumanian girl who in 2003 was trafficked to Sweden

#### **Case description: the “boyfriend approach”**

*“Nina” is 18 years old and from Rumania. Her parents are divorced and she has a stepfather. At the age of six she was once forced to have sex with her biological father. The family is poor. Nina has completed ten years of basic schooling, she is also trained as a seamstress, but lacks a job at the moment. When she was twelve or thirteen she met a man named “Max”, 40 to 50 years old, through a friend. Despite the age difference, he became her boyfriend. At first he was very nice to her, but after two months he started beating her. He also drank a lot and she became increasingly afraid of him. Never before had she been beaten so much. She also found out that Max travelled back and forth between Sweden and Romania and was a man who “hunted down girls”.*

*After three years she visited Max in Sweden for the first time. Max had prior to her departure sent her money so that she could arrange a passport, and explained to her that he could arrange a job for her in Sweden so that she could pay back the money. By the end of 2003 Nina's mother had found out about her relationship to Max. She made a deal with him that he could do as he pleased with Nina if he bought her (the mother) a house. Nina, however, accidentally overheard them talking and felt very alone, sad and tired. Nina's mother and Max did not tell Nina about their agreement and when Nina later told her mother that she would visit Max in Sweden, her mother was not surprised and instead asked when she was leaving (Court Verdict B 1230-05).*

Further, young girls from rural areas or remote villages are proportionally more often targeted simply because they are easier to control and usually more desperate for a job, as well as more likely to be virgins, which obviously brings in a higher profit for the trafficker (Farr 2005: 67).

*Most often it is low educated girls ... we have noticed that the majority of these girls have some kind of trauma in their past ... it is rarely the ordinary girl with ordinary school problems ... it is girls that have ended up in trouble earlier in their lives. Many are single parents ... they have children.*

*They can come both from the country side or the cities ... in many cases they are recruited in the country side ... recruiters are experts at finding the right girls ... they can read these girls and approach them with offers of easy money ... the girls often understand that it is a matter of prostitution ... but they do not know the extent and that they cannot determine the type of customer ... they have to stay longer than they had expected ... it is tougher and harder than what they had imagined (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

It is further evident that many, perhaps even the majority, of the victims ending up in Denmark and Sweden in fact know, already during the initial stage of recruitment, that they are to work in prostitution, but not under what conditions or economic terms, or of the limited degree of personal freedom (VFC Socialt Udsatte 2004: 93 and RKP KUT 1999: 9).

*Women recruited can be divided into two groups: those who do not know what they are going to do when they come here and those who know that it is a matter of prostitution but not of the actual conditions or living conditions here in Denmark. Most likely the girls actively look for a*

*better life and therefore actively look for someone who can help them, which often leads them into the hands of people with bad intentions (Anette Skjoldborg, Social outreach worker in Århus, Interviewed in Århus 271108).*

In one case from 2004, two Polish girls ended up in Sweden and were recruited well knowing that they were to work in prostitution.

**Case description: Recruited with an open offer to work in prostitution**

*“Tova”, 19 years old, and “Losia”, 17 years old, both come from impoverished backgrounds in Poland. During a party in their home town the autumn of 2004 they met two men called “Lars” and “Ivan”, who offered them work in prostitution. However, since neither of the girls had any previous experiences they both initially declined the offer.*

*Later that same year, Tova agreed to go to Sweden to work in prostitution. In January 2005, Lovisa decided to join her. Lovisa had finally agreed to prostitution to make money, however, she and “Lars” never discussed the conditions under which she would work prior to her departure. She simply took for granted that she would make her own money. Nor had she expected to be working in street prostitution and to such far reaching extent (Court Verdict B 4385-05).*

The rest are simply promised non sexual work at bars and clubs, or as maids and nannies, but find themselves forced into sexual exploitation after arrival (RKP KUT 1999: 9). In either case, their perceptions and decisions may have been affected by the “success stories” circulating in their local communities and brought back by a few “lucky” women and girls who actually managed to survive a trafficking cycle and were able to keep some of the money (VFC Socialt Udsatte 2004: 93).

The internet allows traffickers to establish informal contacts with numerous potential victims of trafficking. In a case from 2003 two women from Rumania were recruited informally via the internet for prostitution in Sweden:

**Case description: Informally recruited via a friend and via the internet**

*“Anja” was recruited in 2003 at the age of 25. At the time, she was living with her mother in a city in Rumania, where she worked at a plant factory, earning around 100 euro each month. She had a male friend named “Carlos” whom she had met “in town”. Although they have been socialising for quite some time, she actually did not know very much about him. He had told her that he had been in Sweden to visit a woman named “Tove”, who also came from Rumania. Some time during May or June, Anja mentioned to Carlos that she would like to go abroad to work. By then, she had*

*newer been abroad, and Carlos asked her if she would like to go to Sweden where his friend Tove could arrange a job for her as a maid.*

*She thought about his offer for a month before she decided to go. However, she did not remain uncritical to Carlos's offer and thought a lot about whether or not it would be good for her to go, and if she would end in trouble. Prior to the departure she therefore asked Carlos a lot of questions about the travel arrangement and what she would be doing in Sweden. He said that he would travel with her to Sweden and that Daniella would take care of all the practical details. Tove would not only arrange a job for her, but also arrange and pay for the tickets for the weekly bus between Romania and Sweden.*

*Anjas's first plan was that she would be working in Sweden for three months, and then she would return back home. She quit her job at the plant factory and she and Carlos boarded the bus in a town called Deva. At the time, Romanian citizens were not allowed to leave the country if they did not have a formal invitation from someone in the intended country of destination; alternatively the traveller must have a certain amount of money to show at the border. Since Anja did not have a formal invitation to Sweden, she had 50 Euros and 200 USD that she had borrowed from a male friend in her hometown.*

*In Deva, another woman boarded the bus. Her name was "Olga" and Carmen soon learnt that Olga would travel with them to Sweden to visit Tove. Olga was 21 years old when she was recruited. She lived with her parents and her sister in a city in Rumania. Her father worked as a supervisor in a factory and her mother in the administration at a hospital. Olga had just completed the two first years of a four year education to become a land surveyor. Her studies went well and she intended to start her third year in the fall. She worked extra at an internet café which also granted her access to a computer with an internet connection. During her free time, she started chatting with various other persons over the Internet, among others Tove, who she found out had moved from Rumania to Sweden.*

*By June 2003, they had had regular contact for two years. After some time they had abandoned the regular chat pages, in favour of Yahoo Messenger and mIRC. Olga told Tove that she was studying to become a land surveyor and Tove told Olga that she worked at some kind of local immigration authority, where she supported immigrant women. In their communication they eventually started using webcams when chatting. In June 2003, Tove suggested that Olga should come to Sweden on holiday and visit her in the city of Katrineholm. Olga thought that it would be a nice break and that she would be able see all the things Tove had told her about. She planned to stay for 14 days before returning to Romania. Olga's parents objected. After all, they said, Tove was a total stranger, whom they in fact did not know anything about. Despite her parents' objections, Olga accepted Tove's invitation, and Tove told her that she had to arrange health insurance, and that she needed to have invitation with the visiting address in Sweden to show at the border when leaving Romania. Alternatively, she could show the border guard that she was in the possession of 500 euro.*

*Since Olga had neither a written invitation nor 500 euro, she suddenly felt hesitation. Tove quickly reassured her that she knew the people at the bus company and that they would help her with the money needed to pass the border. Olga's mother booked the bus ticket for her, and they decided to book a ticket with an open return so that Olga could decide when to go back. On the day of the departure, Olga's father gave her a lift to Deva. They arrived a couple of hours*

*early and therefore went on a walk to see the city. They saw an Internet café and Olga decided to write to Tove that she was now in Deva. Tove then called her and informed her that another man and two girls also would travel with her to Sweden on the same bus. Some time after, a man introduced himself as Carlos. In his company was also Anja. At first, Olga was shocked that more persons would be visiting Tove at the same time as she, this was something she had not been informed of. She therefore asked Carlos where the other girl that Tove had told her about was, but did not get an answer. While they still were at the Internet café Tove called Olga and asked her if the other girl, Anja, was “good looking”. Olga thought it was a very strange question!*

*When Olga boarded the bus, her father paid for her return ticket, and after two days, they arrived in Norrköping where Olga for the first time met Tove in person (Court Verdict B 133-05).*

In summary, the evidence from Denmark and Sweden is in line with the more general evidence on recruitment.

#### 5.4.2.3 Formal recruitment through adverts in local newspapers or on the internet

Traffickers have in many cases also been found to advertise their services in the same ways as legitimate businesses do, through ads in the local newspaper, or on the Internet (Schloenhardt 2003, p. 127, Schloenhardt 2002: 39, Schloenhardt 1999: 220, Schloenhardt 2001: 342). This strategy also seems relevant in cases involving women and girls recruited and trafficked to Denmark and Sweden:

*For example Baltic girls, they typically tell us that they have found an ad on the Internet which they have answered and then they start travel back and forth between Denmark and their home country. I further think you can conclude that most know that they are going to work in prostitution (Ingrid Lüttichav and Thomas Laigaard, Social Outreach Workers, interviewed in 2008-11-21)*

This picture is confirmed by the Danish Detective Inspector Rene Hansen

*In the Baltic countries it is often through ads in the newspapers offering women to come to Denmark and work as nannies ... in many of the cases the girls understand that is a matter of prostitution ... often it is another girl who has been in prostitution, but climbed the ranks who travels back to find new girls* (Rene Hansen, Detective Inspector 2008-10-23).

The ads are typically formulated to capture the interest of desperate job seeking girls.

Newspaper ads in Kyiv, Bucharest, St. Petersburg, Moscow, Odessa, Minsk and Prague offer destitute women a path out of grinding poverty-a chance at a new start-with no qualifications required. These ads promise a world of relative comfort, especially when compared with the conditions at home. Positions are offered around the world as Waitresses, models, nannies, dishwashers and maids (Malarek 2003: 10).

This practice has been confirmed in many other instances. According to a study carried by the IOM, the daily Hungarian newspaper *Expressz* publishes a dozen advertisements about jobs in the West for local Hungarian women mainly as waitresses, hostesses and dancers (IOM 1995). According to another inspection of newspapers in Ukraine each paper contained five to twenty suspicious advertisements (Levchenko 1999). In conclusion, from the traffickers' perspective, advertising in newspapers is obviously particularly favourable simply because it reaches a "wide pool of potential victims" (Beeks and Amir 2006: 65).

Other ads more openly state that it is a question of sexually related work:

The first method of recruitment of local and international prostitution is conducted through "Help Wanted" newspaper ads, offering women aged eighteen to thirty high-paying and safe jobs as maids, strippers, dances in nightclubs and recreational films, or in areas of "low-qualified workers (Stoecker and Shelly 2005: 82).

In similar words:

*You may answer ad in the newspaper, the ad may openly state that it is a matter of sexually related work or it can be for a restaurant job. Then you meet the person responsible for the ad and discuss the job and what it is actually about (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

One case where the victims first answered an ad in the daily paper, and subsequently were trafficked to Sweden, was revealed in 2002.

**Case description: recruitment via ads in the local newspaper**

*“Emma” and “Sonja” were recruited in 2002 at the age of 17. They saw an ad in the newspaper asking for 17 year old girls. When they called the number in the ad, a lady named “Tanja” answered and they decided to meet at a hotel in Tallinn. Tanja told Emma and Sonja that they would be living in an apartment where they also would receive men who wanted “company”. Tanja further told them that the work only would include escort service, that is, accompany men to bars and restaurants, but not sexual services. In case the men also wanted sex, it would be up to Emma and Sonja to decide what to do. They would be working for six days a week between 12:00 and 24:00. Their salary would at first be 300 SKR per hour and then 500. Tanja filled in a form with Emma’s and Sonja’s looks, age, weight and height and the services they could provide. A week later Emma and Sonja travelled with Tanja to Sweden. Emma and Sonja paid for the travel with their own money (Court Verdict B 2636-02).*

#### 5.4.2.4 Marriage and travel agencies

In recent years, traffickers have increasingly used “matchmaking services” or “mail order bride agencies” to recruit women and girls for prostitution (Malarek 2004: 13, Beeks and Amir 2006: 64 and BRÅ 2002: 28). These firms typically function not only as marriage agencies but also as employment agencies (Stoecker and Shelley 2006: 82).

Mail-order bride and marriage agencies via the internet have become increasingly popular among women who want to marry a foreigner. Their hope is to improve their economic situation and/or escape their native country, where they see no prospects for the future. Most of

these women are somewhat naively searching for happiness, and often become victims of men who “order” them only to sell them to pimps (Beeks and Amir 2006: 64).

In other cases the arrangement is more “advanced” and resembles a partly “open ended prostitution contract”:

There are even so called marriage camps that have been established by some “entrepreneurs” to set up Norwegian men and Russian woman. Russian woman are brought in to Norway on tourist visas and they arrive in groups of twenty for three months. Norwegian men then pay a fee to come to the “marriage camp” to select women, and for an additional fee they can take selected women home for up to three months. ... Not surprisingly, women in these camps are often treated as exchangeable commodities. It has been reported that Norwegian men view these woman almost as prostitutes “who can be bought, sold, or sent back to Russia if they do not please the men” (Beeks and Amir 2006: 66).

According to the IOM the majority of marriage agencies offering women from the former Soviet Union are in fact controlled by organised crime, or exhibit other features that classify them as swindlers, such as being unlicensed or requiring immediate and up front payment (Journal of International Affairs, Spring 2000 and Stoecker and Shelley 2006: 83). These agencies usually operate via the Internet, and the women offered are in theory made available to anyone with a computer (Hughes, 1996, p. 71-76). The women obviously hope to improve their economic situation and to be able to leave their home country by marrying a foreigner. Sadly they often become victims of men who “order” them only to sell them to pimps (Beeks and Amir 2006: 64).

Reviewing the evidence collected for this study I have found few actual examples where traffickers have used marriage agencies to lure women and girls to Denmark or Sweden. However, there have occasionally been reports in the media about men in Northern Sweden ordering Russian women via marriage agencies, arranged much like the case from Norway previously referred to. Likewise, there are cases in Denmark where Thai women who originally married Danish men after a while have ended up in prostitution. To what extent this is a matter of “trafficking” is however difficult to say.

Finally, when it comes to recruiting for Sweden, traffickers in recent years in some cases seem to make use travel agencies.

*We have in particular seen cases where a travel agency in the girls' home town where they are recruited ... they offer that for 3000 Euros we will arrange a visa and you will be able to contact us in Sweden where you can come and work ... and the latest ... the new strategy is all these agencies in for example Romania, I have several stories from our latest cases, that girls all over the country are recruited, where they contract girls for various kinds of labour, and not only in the West but also in Japan or the USA ... jobs such as hotel cleaning ladies ... but well in place one is put in a completely different situation* (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).

#### 5.4.2.5 Second wave recruitment: using former female victims

Swedish and Danish detective inspectors and social outreach workers alike have in recent years increasingly observed traffickers using former female victims as recruiters, typically called “second wave recruitment”.

*The girls are recruited mainly through female friends or acquaintances who themselves have been in prostitution ... some do not know from the start that they are interned for prostitution, others are not threatened, but rather lured or persuaded into prostitution. The women play a very important role in the recruitment* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

Traffickers have recently found a new way to “get the most out of their victims”, by first exploiting the victims in prostitution, and then exploiting them as recruiters, by sending them back to their home countries to find new girls. From the perspective of the (male) traffickers, this is a “win-win” situation in the sense that the former victims of trafficking take most of the risk should there be a legal investigation.

Recent years' public trafficking campaigns, financed by, for example, the Swedish International Development Agency, in the traditional sending countries have thus warned young women and girls of the dangers and risks associated with accepting an "offer" from a unfamiliar man, so female recruiters are logically likely to be more successful in gaining the trust of victims and their parents.

Even more disturbing is the use of trafficked women to lure new victims –the so-called second wave. For many trafficked women, it's the only way of escaping the brutality of being forced to have unwanted sex with a dozen of men a day. Their pimps give them the option of returning home if the promise to reel in a number of replacements. And the women are extremely convincing, often pulling up in luxury cars, wearing flashy jewellery and expensive clothes. In no time they are surrounded by envious, naïve teenage girls who readily fall for grandiloquent tales of life in the golden west (Malarek 2003: 13).

This particular strategy is based on allowing and promoting a limited degree of upwards mobility for victims of trafficking.

*A common pattern is that many women and girls who have been working as prostitutes become a part of the organisation. They then often become girlfriends to someone in the organisation ... start dating someone in the organisation and then manage to climb in the hierarchy and become pimps to avoid having to sell sex themselves (Anna Lena Nilemar, Public Prosecutor, Stockholm 260908).*

In these cases traffickers prey on already recruited and exploited women and tell them the only way out of sexual exploitation is to return home to recruit new women and girls, thus in practice turning into traffickers and pimps themselves. Most often these second wave recruiters can be extremely convincing, showing up in their home towns in "luxury cars, wearing flashy jewellery and expensive clothes", whereby envious teenage girls readily fall for their tales of the glamorous life in the "golden west". Not surprisingly, many victims of trafficking and sexual exploitation therefore tell tales of how they were lured by former female friends with the "wonders awaiting them abroad" (Malarek 2003: 13, Stoecker and Shelly 2005: 83 and Beeks and Amir 2006: 66).

**Case description: using female recruiters to establish trust**

*“Monica”, sixteen years old, and “Elisa” were on holiday at a hotel in Hamburg. One day they saw a lady named “Lana” sitting on a chair in the lobby of the hotel. Lana’s cell phone was broken so “Monica” and “Elisa” asked if she needed help, and they all started to talk. Lana offered them jobs in Copenhagen, more precisely at a restaurant where they would be able to “make a lot of money”. It was Lana’s restaurant, she said, without specifying the type of work they would be doing. Still, “Monica” and “Elisa” thought it would be “regular” work and not prostitution. A man warned that that “Lana” was “dangerous”, still they left the day after and “Lana” paid for the tickets (Swedish legal protocolnr: B 7477-03).*

#### 5.4.2.6 Recruitment directly at bordellos, strip clubs or among women already in street prostitution

Traffickers sometimes recruit women and girls already active on the sex market in the sending country, in other words, women and girls already “working” at bordellos, strip clubs, massage clinics or in street prostitution. Obviously, there is no real point in traffickers deceiving these women and girls about the true nature of the intended work. Nevertheless, deception still serves an important purpose on several other aspects of the agreement between trafficker and recruit.

*In some cases it is women who already have experiences with prostitution from their homelands, but believe that they can earn ten times more by prostituting themselves in Denmark instead. It is the same basic vulnerability in both cases (Dorit Otzen, Director of Reden, interviewed 2008-10-23).*

It is obvious that even if the victims know of the true sexual nature of the intended work, they expect it to be more in line with an “up-scale” arrangement where they not only will earn good money for themselves, but also “live in a luxury apartment, have two days off a week, service two or three clients a night and never have to go with a man they do not like” (Malarek 2004: 18).

In reality, they soon learn their true fate after the arrival to the destination country. Now they are told that they are indebted to the trafficker and therefore are not free to leave until they have paid their debt. Instead of living the expected life of “upper class escorts” they find themselves exploited in establishments owned by the trafficker, or they are sold to other pimps or bordello owners. Re-

gardless, they typically cannot turn down abusive and unsafe customers, or take time off when they are sick or have their period (Malarek 2004: 19).

One such case involving Czech girl trafficked to Denmark was revealed in 2004.

**Case description: first recruited into local prostitution, then trafficked abroad**

*“Siv” is from the Czech Republic. She lived with her stepmother for 16 years, her father had left them when she was 14 or 15 years old. Her biological mother lived not far from them. “Siv” arrived to Denmark in 2004, it was her neighbour who sold her to a pimp. The same neighbour had told her that he had arranged a summer job for her including answering the telephone in a private apartment in Prague. A friend drove her and the neighbour to the apartment. At the arrival “Siv” found out that it was all a lie. The apartment was empty. Instead she was told that she must have sex with the clients visiting the apartment. After some days another girl named “Leja” arrived to the apartment, however, she was soon sold to another pimp named “Paul”. The neighbour told her that “Leja” was to work in Paul’s bar and that she was sold to him to pay of a debt that the neighbour’s girlfriend owed “Paul”. The day after, “Siv” was also sold to “Paul” and he came to pick her up in his car. Only now did “Siv” realise that she had been sold and that they were on their way to Denmark. (Danish legal protocol nr: 369/2008).*

#### 5.4.2.7 Re-recruitment

Some traffickers specialise in re-recruitment and re-trafficking of former trafficking victims. Typically they seek out women who have just escaped or been released from debt-bounded prostitution, and offer them non sexual jobs, all with the intention of ultimately luring them back into prostitution (Farr 2005: 66 – 67 and BRÅ 2008a: 47).

There are also re-recruiters, whose job is to seek out women who have just escaped or been released from debt-bounded prostitution and offer to help them find a “legitimate” job or provide them with some other service, with the ultimate purpose of bringing them back into the business. Once he or she has the women’s trust, the re-recruiter takes her to a new employer or employment agent, who again turns out to be a brothel or bar owner or a broker. The re-recruiter is paid a fee, and the woman is told that she has (again) been sold. It may seem naïve on her part to be duped a second or even a third time, but many of these woman are desperate,

and, believing that they have nowhere else to turn, they may be too quick to accept what seems like a genuine offer of help (Farr 2005: 66–67).

The practice of re-recruiting former trafficking victims is obviously further facilitated by governments' action, or lack thereof, in relation to assisting and protecting identified victims of trafficking. Hence, most governments have until very recently tended to “deport” victims of traffickers shortly after their “rescue”, in particular in cases where the victim has been deemed not valuable, willing, or cooperative enough in terms of witnessing in court against her trafficker to secure a conviction. In other cases, women and girls trafficked into prostitution have even been arrested and prosecuted for document fraud, prostitution and illegal residence. Obviously, in the end, practices such as arrest, deportation or prosecution do little to prevent trafficking, rather they re-victimise and re-traumatise victims of trafficking and facilitate re-trafficking (Langberg 2005: 132, Kelly 2005: 249, Human Rights Watch 2002, p. 19, IOM Nov 2002, p. 51, IOM Nov 2002: 51 and Davies 1994: 56).

This form of recruitment is not discussed to any great extent by Danish and Swedish governmental investigations or reports, nor mentioned by the experts interviewed in this study. There are, however, a few cases of re-recruitment in Sweden (BRÅ 2008a: 47).

*Now there is a base of women and girls already in prostitution from which they can recruit ... and as is seen they are stupid if they take girls who have not been working with this before ... that do not know the business ...* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Given that it is well known that several trafficking victims who end up in Denmark and Sweden have previous experience with selling sex in several different other countries in the region, I find it likely that re-recruitment has taken place in some of these cases too.

#### 5.4.2.8 Abductions and kidnappings

In some cases it has been found that traffickers use force, such as abduction, kidnappings, drugging or knocking out the victims already during the initial stage of the trafficking process (IOM 2002, p. 14, IOM Nov 2002, p. 30, Farr 2005: 67, 73, Lehti 2003: 32 and BRÅ 2002: 28). According to an IOM study just over eight percent of the women trafficked to Kosovo reported being forcibly abducted (IOM 2002, p. 14). Likewise, according to another IOM study with 125 female trafficking victims assisted in Albania, eighteen percent reported being kidnapped by the trafficking organisations (IOM Nov 2002, p. 30). Also in these cases there is substantial evidence that the trafficking organisations deliberately target women from the most disadvantaged groups in society. These women usually have very limited resources and low social status, they are usually poorly educated and belong to ethnic minority groups (e.g. Roma girls) (IOM Nov 2002, p. 31 and Swedish Ministry For Foreign Affairs 2001, p. 9).

Refugee camps are often seen as ideal sites from which to abduct girls and women into the sex market. Refugee camps in war-torn former Yugoslav republics, for example, have become popular sites for abductions by Albanian traffickers, who then take the kidnapped girls and women through Albania and sell them into prostitution in neighbouring Italy (Farr 2005: 73)

Apart from obviously being tremendously traumatising for the individual women and girls subjected to abduction, the practice as such has severe consequences for all women and girls in the areas in question:

In many rural areas in Moldova, Romania and Bulgaria, women and girls have been kidnapped walking home along country roads. The situation is so serious that in some rural areas, parents have stopped sending their daughters to school to protect them from being stolen (Mallarek 2004: 14).

In other cases, the practice of abduction is simply upheld due to complicity of the very government officials appointed to protect young girls at risk:

No doubt one of the most appalling aspects of the trade is the targeting of orphans throughout Eastern Europe ... the girls at risk are those who “must leave orphanages when they graduate”, usually at sixteen or seventeen. Most have no source of funds for living expenses or any education or training to get a job. Traffickers often know precisely when these girls are to be turned out of the institution (“some orphanage directors sold information ... to traffickers”) and are waiting for them, with job offers in hand (Malarek 2004: 15).

Clearly, using force during the process of recruitment may sound as a risky strategy on the part of the traffickers. However, by carefully targeting the girls that “no one will miss”, it need not be.

*Obviously there are many ways to recruit but typically it is the most vulnerable girls ... the women and girls that no one will miss or ask for ... girls and women that no one is checking up on ... because traffickers want to avoid getting caught and punished they simply take the women and girls where the risk is as low as possible (Dorit Otzen, Director of REDEN, interviewed in Copenhagen 231008).*

Obviously, such practices are facilitated by the fact that the recruiter often shares the same ethnicity and background as the victims he or she recruits, and hence is fully aware of the usually marginalised, impoverished and vulnerable situation of the girls in question.

This was the case for “Nina” who was first recruited and exploited in domestic prostitution shortly after she had been “kicked out” of her orphanage, and some years later trafficked to Denmark.

**Case description: recruiting girls from orphanages**

*“Nina” is a girl of Czech nationality; she is also of Roma origin. Between the age of six and eighteen she lived at an orphanage. However, at the age of eighteen she was forced to leave the orphanage in accordance with the regulations. Since she had no where else to go or be, she was forced to wander the streets until she was forcibly recruited by some “gypsies”. She was driven in a car to a family that offered her accommodation, food and cigarettes. In return she was supposed to “make money” for the family. It later became apparent for Nina that the family intended for her to work in prostitution, something that she had not done before. After two months the family sold her. She thereafter came to stay three years in the village of XXXX, where she was forced to work in prostitution. During these three years, she was sold and bought six or seven times between different families. Eventually a man called the “Baron” traded her for a couple of other girls, probably some time during 2002. Nina was then told by the Baron that she was to go to Denmark and he*

*drove her there himself in a car together with his wife and her cousin, who also was to work in prostitution in Denmark (Danish legal protocol nr 24.7147/04).*

In sum, while more forced forms of recruitment are uncommon, it do sometimes occur and are in such cases likely to involve younger girls, who in many cases belong to ethnic minorities or otherwise are in an especially marginalised and vulnerable position.

When it comes to the question to what extent traffickers use abductions, or other forms of more “forced” strategies, when recruiting women and girls for prostitution in Denmark and Sweden the picture is somewhat more contradictory.

First, in Sweden, the detective inspectors interviewed see such strategies as less common, especially in recent years.

*The only cases we have had that were really nasty, if I may say so, is one case from the Czech Republic ... where the girls were raped by the pimps, sold by Gypsies in the Czech Republic, had their passports stolen, but this was before the trafficking law came ... and there is also one case from Poland ... it was kind of like “Lilja-4-ever” ... but we do not encounter many Lilja-4-ever cases because they rarely come to Sweden due to the law criminalising the purchase of sexual services and because we, the police, are active ... they do not want these types of young girls from the Baltic countries (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

However, at the same time as the police state that the Swedish law criminalising the client, as well as their own efforts to combat trafficking, deter traffickers specialising in the youngest girls, there is also a recognition that forcibly recruited very young girls still may be exploited in Sweden, but in ways and forms that remain unknown to the police.

*Of course it is very possible that some sell young girls in Sweden ... but the girls may not be sold so openly and they are held by networks that specialise in particularly young girls, networks that are very closed and hard for the police to penetrate (Kajsa Wahlberg and Per*

Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlénfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Further, there is an understanding that the recruitment strategies have varied over time as the police and social services in Sweden have become increasingly skilled in identifying victims of trafficking.

*The recruitment strategies vary over time. Initially, during our efforts to combat human trafficking we saw more violence. Today we rather see that they choose women and girls who already have one foot inside the sex industry in one way or another ... maybe you work at a strip club or a bar ... and it is of course a very strategic decision from the perspective of the organisers ... these girls think they have made their own choice ... in contrast to women who believe they would come here and pick cucumbers, but are completely deceived. Now it seems that most girls we come in contact with knew that they were to perform sexual services ... but they usually do not know the actual extent of it (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

Traffickers today in many cases thus deliberately target slightly older girls, who are less likely to attract the Swedish authorities' attention.

*They choose the slightly older ones because they know what we, the Swedish authorities, are looking for ... they know that we often have a very stereotypical picture after the movie "Lilja-4-ever" ... that we typically look for a very young girl, a terrified and beaten girl ... Rather they choose someone who is more socially capable and competent (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

Likewise, there seems to be an understanding that the very youngest girls to a lesser extent are targeted by traffickers when they recruit for the Danish sex market. However, there are underage girls in for example escort prostitution in Denmark.

*We do still see the very youngest girls, although not in great numbers, we never have, but they are still here and one can say that there is an especially huge demand for young girls ... even*

*if they cannot advertise a 17 years old girl they can use words such as “young girls”, “looks very young”, “with a young girl’s body” or “with a young girl’s innocent look in her eyes” ... so that the customers know that it cannot be a adult woman ... but I do not think they take the very youngest girls any more because we have the law we have ... rather they take someone who is 18 or a bit older because then you do not get punished as hard if you get caught (Dorit Otzen, Director of REDEN, Interviewed in Copenhagen 231008).*

#### 5.4.2.9 Summary and sub-conclusions

The strategies used to recruit foreign women and girls for prostitution in Denmark and Sweden understandably do not differ much from the recruitment strategies used to recruit women and girls for other sex markets. Hence, the recruitment strategies for recruiting women and girls specifically for the Danish and Swedish sex markets are mainly informal in the sense that the victims are recruited by/through a relative, a friend or an acquaintance. Another common feature is that the victims have had a “rough” childhood and in many cases been subjected to (sexual) abuse and parental neglect during their upbringing. In many cases traffickers succeed in their recruitment attempts simply because the persons who are ultimately responsible for the wellbeing and safety of the women and girls, such as parents or staff at orphanages, are not up to the task, or deliberately choose to betray the trafficking victim to improve their own economic situation. In other cases the parents may be present during the recruitment attempt and try to look out for their daughter, but just like their daughter, for various reasons, do not manage to reveal the recruiter for the fraud he/she is.

Traffickers recruiting women and girls for prostitution in Denmark and Sweden are experts at identifying the women and girls who are most vulnerable, desperate and marginalised and therefore most likely to accept the offer from the recruiter, even if it is an open offer to work in prostitution. Likewise, traffickers use recruiters who seem highly trustworthy, including young men playing the role of the “loving boyfriend” or former female victims of trafficking who can act very convincingly by showing up in nice cars wearing flashy jewellery.

Further, traffickers often deliberately target women and girls belonging to ethnic minorities, such as Roma girls, who, due to ethnic discrimination, are in such a marginalised position that they more easily accept the offer from the recruiter. Some traffickers also use the internet to informally recruit

women and girls. However, the internet, as well as the daily papers, is also used for more formal recruitment attempts, in which case recruitment ads are published with either open offers to work in prostitution, or deceiving offers to work as waitresses, models, nannies and maids etc.

Obviously, some traffickers recruit women and girls directly at bordellos, strip clubs or among women in street prostitution in the countries of origin. A closely related strategy is to recruit former victims of trafficking shortly after they have returned to their home countries. In both cases, just as during other forms of recruitment, traffickers often choose to be honest with the women and girls that they are expected to sell sex after the arrival to Denmark or Sweden. The women and girls are still typically deceived about the true conditions they are to “work” under, including their limited right to self determination, restricted freedom of movement and unfavourable economic terms. Finally, although it does not seem as a very common strategy, traffickers sometimes use more forced forms of recruitment, such as abductions or kidnappings, or buying the girls directly from their parents.

At the same time there seem to be a common perception in Sweden, and to a lesser extent in Denmark, that traffickers increasingly avoid recruiting by force, violence and threats, which is the same as saying that traffickers increasingly refrain from recruiting the very youngest girls, say between 14 and 17. On the other hand it is worth remembering that the situation and living conditions for many young women and girls in Eastern and Central Europe are often so poor that violence and threats are not necessary when recruiting.

Clearly, this is where things start to get interesting and where the analysis allows us to reconnect to step 2, namely the prostitution and trafficking policy and practice of the Danish and Swedish governments. Experts from both Denmark and Sweden claim that it is a well thought out strategy by traffickers to avoid catching the authorities’ attention, and in the case of a legal investigation and subsequent prosecution, minimise the risk of being convicted for trafficking.

Traffickers thus seem to be fully aware that the authorities in Denmark and Sweden particularly are searching for underage foreign women when patrolling the sex market, and that recruiting and exploiting, say, a 16 year old Roma girl, instead of a 24 year old Russian girl, is more likely to trigger a legal investigation that potentially can result in arrest, prosecution and conviction. Traffickers

further seem to be fully aware that the trafficking law is designed so that it is significantly harder for Danish and Swedish prosecutors to prove that a victim has been “trafficked” when she is older than 17 and no “unlawful means”, such as violence or threats, have been used during recruitment.

Clearly, this further explains why more forced forms of recruitment, such as abductions and kidnapping are rather uncommon, and increasingly so in recent years. Traffickers also seem to increasingly avoid deceiving the victims with regards to the sexual nature of the work in Denmark and Sweden. Again, this seems as a logic and rational strategy given the legal practice in Denmark and in Sweden, according to which it is hard to convict the traffickers in cases where the (adult) victims knew/understood already during recruitment that they would work in prostitution. Clearly, such recruitment strategies, given the legal practices in Denmark and Sweden, partly explain the low number of convictions, and why prosecutors in many cases choose to legally administrate trafficking cases as procuring cases.

### 5.4.3 Preparation of the victims and their travel documents

According to research on trafficking victims in South East Asia and Europe, some victims are, after being recruited, “prepared” for the transport and given names and phone numbers to members of the trafficking organisation/network stationed at transit points and in destination countries. In some cases, traffickers also educate their victims on how to avoid border controls, how to respond to immigration officers or law enforcement agencies if questioned or detained during transportation and how to apply for asylum. Detained victims thus often tell the same “travel stories”, which indicates that these stories are made up and taught to the victims by the traffickers prior to departure.

Clearly, such practices are believed to lower the risks for the traffickers if victims are detained and questioned by the police (Schloenhardt 1999, p. 19, Schloenhardt 2003: 133, Schloenhardt 2001, p. 342 and Budapest Group 1999, p. 16).

Researchers have further stressed the importance of the production and supply of false travel and identity documents for trafficking. In preparation for the journey, traffickers need to provide their victims with high-quality travel documentation if they are to apply for visas, or obtain exit permits, for air transportation and to pass through border controls without interruptions. Trafficking organisations exhibit a variety of sophisticated means to obtain high-quality travel documents, e.g. by

photo-substitution in stolen passports or obtaining ready made passports or material for making passports from corrupt passport-issuing officials (Schloenhardt 1999, p. 20, Schloenhardt 2003: 134, Beeks and Amir 2006: 66 and Salt and Stein 1997, p. 481).

In the specific case of trafficking for prostitution, the newly recruited victims are sometimes also “prepared” for the “sexual labour” awaiting them by being taught how to strip and do “erotic dancing”, or by watching pornographic movies.

The question remains to what extent and in what ways traffickers recruiting women and girls for the Danish and Swedish sex markets take specific actions to “prepare” their newly recruited victims before leaving for Denmark or Sweden. Discussions of this dimension of the trafficking process are, with few exceptions, absent in governmental investigations and reports consulted in this study. Likewise, the extent to which traffickers took actions to prepare their victims before transportation to Denmark and Sweden is rarely discussed in the court verdicts acquired. A reasonable interpretation is that such information is of little “legal” value and will not determine whether the traffickers are convicted or not. Instead the experts interviewed provide valuable insights on this particular the issue.

First, due to the extension of the Schengen agreement it is in many cases no longer that difficult to enter Denmark and Sweden, so traffickers no longer need “advanced” strategies to secure passports and visas.

*It is not that much of a strategy really ... at least not a very advanced one ... they have their papers and they have at least enough money so that they say that they can manage on their own the first couple of days ... since most are coming from within Schengen there is not that much control ...* (Rene Hansen, Detective Inspector 2008-10-23).

The recent expansion of the European Union to some extent seems to have made things easier for human traffickers operating in Western Europe. In many cases victims of trafficking and sexual exploitation originate from countries whose citizens no longer have to acquire a visa before entering the destination country. However, in these cases, a valid passport or other identification documents may still be needed, especially if arriving by plane; additionally the victims still typically have to

prove that they have enough money to support themselves during the stay. Obviously this arrangement allows traffickers to increase their “hold” on the victims by “lending” them the money to secure a safe cross border travel, which again puts the victims in “debt” to be paid back, often with interest, through prostitution (BRÅ 2002:29).

When it comes to securing a passport and visa for victims of trafficking, the strategy logically looks different depending on the origin of the girls and women (Schengen/non-Schengen citizen). The majority of victims enter Sweden using their own real passport.

*In the cases I have dealt with, the girls have come here using their own passport ... as I experience it ... the majority come here using their own true identity and their own passports* (Thomas Eliasson, Public Prosecutor, Interviewed 2008-09-17).

It does however happen that traffickers provide themselves and their victims with fake or other persons’ identification documents to hide their own and their victims’ true identity. This is also done to avoid visa requirements and to avoid being detected and apprehended if already “wanted” by the police (RKP KUT 2007: 10, RKP KUT 2005. 31 and Rikspolisstyrelsen 2009: 11).

*Russian girls may, if they lack the proper visa, use falsified passports from Lithuania ... and Rumania ... one simply uses Schengen country passports or other fake ID cards* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

The police in Gothenburg have similar experiences.

*They often have fake identities ... and they are skilled in producing fake passports ... it is done in the home country ... one orders fake passports ... one has such contacts ... it is not uncommon that one uses stolen passports and simply substitute the photo* (Mats Paulson, Detective Inspector, Interviewed 2008-09-16).

Occasionally, trafficking victims may still also be smuggled across borders, in which cases passports and visas obviously are not needed.

*When it comes to securing passports and visa I have seen all kinds of versions ... one travels into Sweden on one's own passport as a tourist, this is rather common ... fake passports exist, although it is difficult to know where these passports come from ... I have also seen cases of traditional smuggling, that is, one hides in a car. I have not seen any case where one has acquired false identification documents and the courts later have been able to investigate this properly (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).*

It is further evident that in the case of Thai women and girls, Sweden is perceived as a country to which it is easy to get a visa.

*Thai girls typically present an invitation to Sweden, which may be real or false, then you receive a real Schengen visa ... by presenting a ticket booked to Sweden ... but then in the end you never go to Sweden ... nor pass through Sweden at all ... but rather cancel the ticket to Sweden and buy the real ticket to the intended destination ... and since many in Sweden go to Thailand ... it is a main tourist destination for Swedes ... this makes the Swedish Embassy very benevolent when it comes to handing out visas ... this could be improved by not handing out Schengen visas but rather national visas (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

This statement coincides with the experiences of the Danish police that many Thai women and girls in prostitution in Denmark enter the country on a visa issued by the Swedish embassy.

In Denmark and Sweden the detective inspectors, the social outreach workers, as well as the public prosecutors interviewed agree that trafficking victims at least to some extent are “prepared” or “trained” in how to respond to questions from especially the police if questioned when crossing the border, or alternatively, when selling sex. Clearly, such actions serve the purpose of reducing the risks if the girls or women capture the interest of the social and legal authorities. To avoid triggering

a full trafficking or procuring investigation, traffickers are known to instruct their victims to say that they run their prostitution business independently if questioned by the police (Rikspolisstyrelsen 2009: 11).

*I experience that the girls in particular are trained in how to respond to questions from the police ... the pattern is often that the girls take the full responsibility ...* (Kristina Ehrenborg Staffas, Public Prosecutor, Interviewed 2008-09-19).

Traffickers are further well aware what the Swedish “government” is looking for when trying to identify victims of trafficking, and instruct their victims accordingly.

*They are also trained in what to say to the police if caught ... usually they say that they work independently ... that they arranged everything themselves ... that no one controls them ... that they are allowed to keep all the money they earn ... that they are only here for a short period of time ... and basically all of them say the same thing ...* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

The police in Gothenburg have the same experience.

*It is extremely common that they have a history to tell ... in almost every case where they have a pimp organising things for them they are fed a story that from now on your name will be this or that ... you have travelled here and there ... your arrived to Gothenburg etc. ... we typically hear stories that immediately tell us that this girl cannot have made it up on her own ... it is almost always the case that when we meet these girls they first deny everything about being in prostitution ... or they deny that they have a pimp ... they say that they travelled alone ... they say things like they met a truck driver who gave them a ride ... they cannot describe the way they travelled ... they say that they arrived to Gothenburg ... and then walked around for a whole day without knowing where they were ... then they arrived to the central station ... it is always the central station ... they say that they sat down on a bench ... then suddenly a man approached them who spoke Russian ... in the case of a Vietnamese girls they*

*say they were approached by a Vietnamese man ... and he asked how I was doing ... they then I followed him home ... I do not know his name ... but he took me in for a couple of days ... then he drove me to the migration office ... they do not know his address, his name or telephone number ... there is nothing that can be used to trace things backwards ... it is these kinds of pre-fabricated stories they have* (Mats Paulson, Detective Inspector, Interviewed 2008-09-16).

The experiences of the Danish authorities seem similar.

*I have experienced that they tell the same stories that avoid mentioning every parameter of the trafficking or pimping paragraph ... they say that they have decided on their own to travel to Denmark ... and by coincidence they have run into someone on the street who offered them a place to sleep without wanting any money in return ... in many cases they do not even admit to being in prostitution* (Ingrid Lüttichav and Thomas Laigaard, Social Outreach Workers, Interviewed in 2008-11-21).

Victims who apply for asylum are also trained in how to respond to questions from migration authority officials.

*For example one learns a story to tell in case one meets the immigration office ... this is not so much true for Western European girls ... but rather Russian women and girls who know that they are not allowed to stay there ... still they need a valid reason when applying for asylum so that they can say here for a while* (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).

Some trafficking victims have been instructed to say that they are visiting a friend or a relative if stopped by the border patrol when trying to enter the country (Rikspolisstyrelsen 2009: 68).

*We have cases with Russian girls coming from the Baltic countries ... if they are stopped at the border ... most often they do not have that much money ... so then it is a question where they are to go ... in such cases they often give name and telephone number of the “friend” they are going to stay with ... or of a relative ... and when a control telephone call is made*

*one gets the same story and answers ... they know exactly what to say if stopped ... that they are here as tourists ... how long they are going to stay ... and the address of the place they will stay ... so they have a prepared “tourist story” ... that they only will stay for a short period ...* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Finally, among the experts interviewed, there seems to be a common understanding that trafficking victims ending up in Sweden and Denmark are not trained to a great extent in “how to sell sex” prior to departure.

*I feel that it is not a matter of training the girls for selling sex ... but rather taking control over the persons ... so as I see it ... the organisers ... and their friends see it as a right to have sex with the girls* (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).

Rather than being “trained for selling sex”, victims are “sexually tested” by the trafficker and his friends before being put in prostitution.

*It is quite common that the girls have to provide the traffickers and their friends with sexual services ... that they are “tested”* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

#### 5.4.3.1 Summary and sub-conclusions

Research from South East Asia and Europe has revealed that traffickers, in preparation for the transport of their victims, sometimes use rather advanced strategies to secure a passport and visa for themselves and their victims, and train their victims in how to respond to questions from the police or migration authority. Finally, research has found that traffickers in some cases “train” their victims in how to sell sex.

In the specific Danish and Swedish case, traffickers undertake the said preparatory measures, except “training” their victims for selling sex. The experts interviewed experience that victims encountered in Denmark and Sweden know exactly what to say if questioned, which usually includes very similar stories of how the victims “work alone and independent”, “keep all the money earned from selling sex” and that they only will “stay for a short period of time”. Once again, traffickers are well aware of how the trafficking paragraph is formulated and practiced, and instruct their victims accordingly to avoid triggering a full trafficking investigation if the victims are questioned by the police, the social services or the migration authorities.

Further, the preparatory measures are undertaken to secure a safe border crossing, including “lending” the victims money to be able to act as tourists. Victims are instructed to say that they are visiting a friend or a relative, and an address or telephone number is often provided so that the border police can “check” the story. Traffickers are thus very familiar with governmental practices at border crossings and prepare themselves and their victims accordingly.

When it comes to securing passports and visas for their victims, traffickers seem to operate differently depending on the origin of the victims. In this particular respect the extension of the Schengen cooperation means that citizens from some of the traditional sending countries no longer are subject to visa requirements when travelling to Denmark and Sweden, which obviously makes things easier for the traffickers. Many trafficking victims thus enter Denmark and Sweden using their own passport or other identification documents.

When it comes to “third country” residents/citizens, for example Russian women and girls living in Russia or the Baltic countries, traffickers may use fake passports to give the impression that the victims are Schengen citizens.

In the specific case of Thai women and girls, Sweden is perceived as a country to which it is much easier, compared to Denmark, to obtain a visa. This fact is obviously exploited by traffickers, or other agents, providing Thai women and girls for sex markets all over Europe, Denmark included.

The overall picture is thus that traffickers do not face significant problems when it comes to crossing the border into Denmark and Sweden, among other things due to the extension of the Schengen cooperation, and because traffickers over time have acquired knowledge of Danish and Swedish border practices. For trafficking victims from non-Schengen countries, traffickers find it worthwhile to invest in fake passports to be able to exploit women and girls on the Danish and Swedish sex markets. In this particular respect, the picture does not differ in any way from the more general picture discussed in Section 4.5.8 “The role of migration polices and practices”.

Finally, this analysis has found no evidence suggesting that trafficking victims entering Denmark and Sweden are “trained” in how to sell sex prior to being exploited, although they may be “sexually tested” by the traffickers and their friends. There are several possible explanations: Victims put to work in Danish massage clinics are likely to be surrounded by other, more experienced women and girls, who can teach them the “business”, or are instructed by the local manager who in many cases is a former “prostitute”. This is likely to hold true for victims exploited in Danish and Swedish street prostitution as well, and the trafficker is often “lurking” nearby to be able to give instructions.

Trafficking victims exploited in Swedish apartment bordellos are most likely accompanied by a “local manager”, who instructs the girls and women in how to act with clients. In the case of escort prostitution, it seems reasonable to assume that “new victims” are advised and instructed by older and more experienced trafficking victims, or by the local manager. Finally, as explained, several victims are repeatedly re-trafficked, and there is obviously no need to “prepare” these victims for selling sex; they know from experience what is expected of them.

#### 5.4.4 Routing and transportation of victims

The early research conducted on trafficking in the South East Asian and European region described traffickers’ routing and transportation in almost “conspiracy” like terms. Traffickers were explained to choose routes and means of transportation based on a variety of factors such as geographical position, distance between sending and receiving country, political situation and law enforcement efforts in different areas and the ease with which governmental officials can be corrupted (Budapest Group 1999: 35). Some of these factors were in turn described as changing quickly over time,

sometimes between the planning and realisation of different trafficking operations, forcing traffickers to rely on being able to successfully exploit weaknesses and monitor changes in legislation, coastal surveillance and border controls (Schloenhardt 2001: 343 and Schloenhardt 2003: 137). Borders could be temporarily closed or more heavily guarded, thus forcing a change of routes through an entirely different transit country (Schloenhardt 1999: 20).

As a consequence, the traffickers had to have a very flexible organisation and be able to change the trafficking routes on short notice and often during ongoing operations (Budapest Group 1999: 35). For similar reasons, the routes used by the trafficking organisations could sometimes be very simple and straightforward and other times much more complex and circuitous. Likewise, the time between the victims leaving the sending country and arriving in the destination country could vary from a few days, to several months, or even several years (Salt and Stein 1997: 481).

The trafficking organisations further used a variety of means of transportation and equipment to carry out their operations such as trucks, buses, small vessels, speed boats and communication technology such as walkie-talkies and C.B. radios (Council of Europe 1993: 10). The means of transportation could change many times during the same operation as confirmed by, for example, victims interviewed by the IOM. They originally left their sending country by air, but entered Lithuania by crossing the green border on foot during the night (IOM 1997: 23-24).

Clearly, this gives the impression of a highly advanced setup when it comes to determining the route and means of transportation to the intended destination country. In my opinion, this can partly be explained by a tendency of early trafficking research to not properly hold apart the phenomenon of trafficking from the phenomenon of human smuggling, as well as by the actual “harsh” migration policies and practices in the regions in question in the late 1980s and early 1990s, sometimes forcing traffickers, and their victims, to take extreme measures to not only leave their own country, but also enter for example Australia and Western Europe.

What is the picture in the case of Denmark and Sweden? Unfortunately, government investigations and reports, as well as the court verdicts consulted contain little information on the transportation stage. The little information there is, is not particularly detailed. Court verdicts only mention, with a

few words, that the victim was “put on the ferry to Sweden” or that the “victim arrived by plane to Copenhagen”, without mentioning any more details.

The same can be said for the experts interviewed, who, in comparison to other aspects of the trafficking process, provided surprisingly little information. A reasonable explanation for this lack of knowledge of, or interest in, the transportation process is that such information is deemed of little interest for the legal process against, and conviction of, traffickers. These limitations aside, the most immediate picture emerging is nevertheless that the traffickers who today operate in Scandinavia use much simpler and straightforward strategies when it comes to routing and transportation than what has been described in the early research (see above). Without doubt, the extension of the Schengen cooperation has made travelling from traditional sending countries such as the Baltic countries or Rumania much easier.

The experts interviewed thus all seem to agree that deciding the route, means of transportation and border crossing point is not such a big issue for traffickers.

*Choosing border crossing is not a big issue ... it does not matter ... it is the least of their problems ... there are no real border crossings any longer ... once you have entered the EU it more or less open ... generally it is very easy to enter a country ... Europe is so open today so if you have arrived safely to Western Europe then you are able to travel rather freely. I do not think traffickers are too worried about us or the customs office* (Mats Paulson, Detective Inspector, Interviewed 2008-09-16).

Nor does transportation need to be very costly.

*It should be as cheap as possible ... it is no longer difficult to cross the Swedish border ... one can travel between Tallinn and Stockholm for 95 kr with the ferry* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Today there thus seems to be no reason to doubt that route and means of transport are simple and straightforward, and the advanced strategies described in early research cannot be no longer valid, at least not in the case of trafficking women and children into Scandinavia for commercial sexual purposes (BRÅ 2008a: 66).

Researchers have broadly identified five dominant, and over time lasting, routes that are particularly important for trafficking into the “old” EU member countries, Denmark and Sweden included.

- The Eastern route
- The Baltic route
- The Balkan route
- The Northern route
- The Southern route

The Eastern route goes through Poland and into Germany, and then, if necessary, further to other member countries. The women trafficked along this route come from Russia, Ukraine, Romania, Latvia, Lithuania and Estonia and end up in Germany, Italy, Greece, Belgium, Austria and France (Farr: 2005: 21 and BRÅ 2008a: 63).

Court verdicts from Denmark and Sweden for example show how Eastern European victims take the bus or are driven by car from the Czech Republic to Denmark (28.20634/02 , 24.7147/04, 369/2008, S-257-08, 20. 29692/2004 and SS 15-31824/05). Likewise, Swedish court verdicts illustrate how victims in Rumania are put on the bus that goes directly to Sweden, or how victims are driven by car from Slovakia to Sweden (SS 21.16683/2006, B 436-05, B1230-05 and B 133-05).

It is further worth mentioning that since Rumania and Bulgaria joined the EU in 2007, and the visa requirements were abolished for travel to Sweden and Denmark, there has been an increase in primarily Rumanian women and girls (Rikspolisstyrelsen 2009: 9 and Københavns Kommune, Socialforvaltningen 2007: 46).

The Baltic route takes women and girls from Latvia, Lithuania, and Estonia into Sweden, Denmark and Norway, often by ferry and with Finland as transit country. However, traffickers specialising in

Baltic women also transport them by car through Poland, Germany and into Denmark, and if necessary, over the Oresund Bridge into Sweden. In some cases, traffickers fly their (Baltic) victims to Denmark or Sweden (Farr: 2005: 22, National Commissioner of the Police 2000: 3, RKP KUT 2005: 31, RKP KUT 2003: 23, BRÅ 2008a: 61, RKP KUT 2007: 10, RKP KUT 2005: 31 and Rikspolisstyrelsen 2009: 11).

In the case of the Baltic route, the ferry is obviously a very convenient means of transportation.

*The ferry is an excellent means of transportation ... a lot of people ... one feels anonymous ... one seems to forget that all passengers are filmed when boarding and leaving the ferry ... one often arranges for someone to meet them ... or they have a telephone number to call ... or they know that there will be someone in a green Mercedes to meet them ... they sometimes have a transporter with them ... it depends on where they come from ... the ferry is excellent in the case of Baltic countries ... in the case of the Balkans they may fly here or they are transported by car (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

Further, not only Baltic, but also Russian women arrive via the “Baltic” trafficking route.

*If you are coming from Russia you often take tourist busses to Finland ... to Helsinki ... one has a tourist visa to Sweden valid for two or three days ... then one takes the boat to Stockholm and is picked up by the pimp ... in some cases they have to board a bus in Stockholm leaving for Gothenburg ... (Mats Paulson, Detective Inspector, Interviewed in 2008-09-16).*

The Baltic trafficking route also illustrates the use of Sweden as a transit country.

*In the case of the Baltic countries they come with the ferry to Sweden and they fly here ... or take the train or the ferry to Denmark (Rene Hansen, Detective Inspector 2008-10-23).*

The court verdicts illustrate the frequent use of the Baltic trafficking route and traffickers convicted in Danish and Swedish courts have been found to transport their victims by ferry from Finland to

Stockholm, or from Tallinn to Stockholm, or directly by plane from Lithuania to Denmark (Court Verdicts SS. 7. 964/2005, B 2636-02 and B2698-04 and B 4156-04).

The Balkan route goes through Eastern Europe countries such as Serbia, Croatia, Albania, Macedonia, Bosnia-Herzegovina, Montenegro and Kosovo and further through Poland into Germany, Italy and Scandinavia (BRÅ 2008a: 63 and Farr 2005: 21). In cases involving children, traffickers seem to prefer transporting their victims to Denmark or Sweden by car.

*There are cases where the victims are driven here under more or less forced forms. And it has to do with how old the women are, their abilities and to what extent one trusts that they actually will come. The older they are the more likely it is that they are travelling on their own* (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).

Driving victims in cars to the intended destination gives traffickers a degree of control that is necessary especially in the case of younger victims.

*I experience that the younger the girls are the more likely it is that they are transported in cars here ...* (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).

The Northern route is used for trafficking Russian women from the Murmansk region into Northern Russia, and then further across the border into Sweden, Finland and Norway. The Northern route previously went through Russia and the Baltic States into Scandinavia and if necessary down to the Southern EU countries (BRÅ 2008a: 60 and Budapest Group 1999: 36).

The Southern route is used to traffic women and children from North Africa and into Spain and Italy, and in some cases further north through the European Union and all the way into the Scandinavian countries (Lehti 2003: 7). Danish court verdicts include stories where Nigerian women first have travelled to Spain and then taken the plane to Denmark, or Ghanaian women first arriving to Italy, then flown to France and then taken the bus to Denmark (Court Verdict SS 3-6771/2007 and S9-2235/2007).

*Women coming from Nigeria typically first arrive in Spain or Italy ... and then they fly here and land in Copenhagen ... the same goes for the women coming from South America ... they typically first arrive in Spain and then fly here ...* (Rene Hansen, Detective Inspector 2008-10-23).

In my opinion, we also need to recognise the “Thai” route, since Thai women often are flown directly from Bangkok to Sweden or Denmark. It is worth mentioning that there has been an increase of Thai women in prostitution in other counties than Sweden, such Denmark, with Schengen visas issued by the Swedish embassy in Bangkok (Rikspolisstyrelsen 2009: 9).

*Especially many women coming from Thailand have gotten an invitation to Sweden ... by a Swedish citizen ... and then they travel from Sweden to Copenhagen and work at a massage clinic there* (Rene Hansen, Detective Inspector 2008-10-23).

Again it is confirmed that Thai traffickers supplying Thai women to the European sex industry are well aware that the Swedish authorities can be quite generous when it comes to handing out visas.

*Thai girls often arrive via Sweden ... because it is slightly easier to ... or even much easier to get a visa to Sweden than to Denmark ...* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

#### 5.4.4.1 Summary and sub-conclusion

As made apparent by the following analysis, routing and transportation practices of the traffickers today operating the Danish and Swedish sex markets are far from the highly advanced, complicated and sophisticated strategies described in the early research on trafficking. Rather, the admittedly limited knowledge at hand suggests that traffickers choose the simplest and most straightforward route and means of transportation when trafficking women and children to Denmark and Sweden, which corresponds with the general recognition that traffickers, due to the extension of the Schengen agreement and the EU, no longer face great challenges when trafficking women and girls from for example the Baltic countries, Romania or Bulgaria. Therefore, victims of trafficking are today

transported either directly to Sweden by ferry, or by ferry via Finland, in which case traffickers clearly see the ferry as a cheap and anonymous means of transportation with little risk of being detected.

Sweden may also serve as a transit country for victims destined for the Danish sex market. However, Baltic women may also be driven via Poland and Germany to Denmark.

In other cases are victims driven all the way from the Czech Republic, or Romania, to Denmark, or further across the Oresund Bridge, to Sweden, in which case Denmark serves as transit country. It seems that transporting victims by car all the way to Scandinavia is found worth while, in particular in the case of younger victims, since it allows traffickers a necessary degree of control. Russian women from the Murmansk region may also be transported across the border and into the Northern parts of Sweden, a trafficking route that first and foremost is valid in the Swedish rather than the Danish cases, thus highlighting the importance of geographical position when routing. African women, primarily from Nigeria, are transported by air from Spain and Italy to Denmark, and in some cases further to Sweden. Thai women are flown directly from Thailand to Scandinavia, in which case Sweden often serve as a transit country due to the more generous visa policy of the Bangkok embassy.

The last two examples illustrate that traffickers successfully exploit differences when it comes various EU countries visa policies. Hence, in the case of African women and Thai women, it is obvious that other countries' migration and visa policies, e.g. Italy, Spain and Sweden, have consequences for the trafficking stream to, for example, Denmark.

## 5.4.5 Exploitation and debt bondage

### 5.4.5.1 Post arrival decisions

After arriving to the destination country, traffickers over the world have been found to act different depending on their business strategy. In some cases traffickers make money on selling their victims to local brothel owners (IOM Nov 2002: 34 and Human Rights Watch 2002: 17). In these cases the women may sometimes been taken to special "trading houses" in hotels or private apartments where they are forced to strip and parade in front of potential buyers (Amnesty International 2004 and Ma-

larek 2004: 31). If sold, the debt is simply transferred to the new owner and the victims find themselves in a debt-bound situation all the same. The victims' passports are handed over to the new owner to whom the victim is now indebted. This arrangement allows the new owner to control the victim and restrict her liberty of movement outside the working area (IOM 2002: 34).

In other cases, research suggests that traffickers make money from exploiting the victims in commercial sexual establishments that are under their direct control, in which case the contact between traffickers and victims does not end after arrival to the receiving country (Salt and Stein 1997: 483, Schloenhardt 2001 :350, Schloenhardt 2002: 67 and Schloenhardt 1999: 222).

The traffickers operating on the Danish and Swedish sex market seem to mostly follow the second strategy and have thus made it their business to continue exploiting the girls and women in either street prostitution, at massage clinics or apartment bordellos, or via escort agencies. There is thus nothing in the government investigation or reports, or in the research publications consulted suggesting that traffickers "sell" their victims to local pimps after arrival to Denmark or Sweden. Nor have the detective inspectors, social outreach workers or the public prosecutors seen or heard of such cases. Instead, the experts have a common perception that the victims are put to work immediately under control by the traffickers.

*I experience that they are being exploited directly ... it is the same day or the day after arrival ... the girls themselves often want to start to work immediately since they have a debt to pay ... within the organisation they may be handed over to the so called local managers ... they can receive the girls at the ferry stop or at the airport ... regardless, they are put to work immediately (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

Traffickers obviously have an interest in making money as quickly as possible; an interest that sometimes is shared by the victims. At the same time the strategy may differ slightly depending on the previous experiences of the victim.

*Often they are put to work directly ... they can even have a client the same day ... the same evening that they have arrived ... it is a matter of making money as quickly as possible ... however depends on the circumstances ... if it is a person with previous experiences of prostitution ... a person that already knows what she is expected to do, she can be put to work immediately ... if it is a person who does not know, one might open up more softly ... saying things like the job I promised you does not exist any longer ... what shall we do? I also owe people money ... we need to help each other out here ... in other cases one may use more pressure ... however generally I would say that one puts them to work immediately ... (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

In sum, traffickers in Denmark and Sweden waste no time and start making money on their victims as quickly as possible after the arrival.

#### 5.4.5.2 Arranging accommodation

Another immediate task is accommodation of the victims, which in both countries seems to depend on the form of prostitution the victims will work in. Trafficking victims destined for street prostitution are typically accommodated in cheap hotels or in apartments.

*They enter prostitution shortly after arrival ... either they are accommodated in apartments here in Copenhagen or at cheap tourist hotels ... then they are put to work in the street and told the prices to charge ... if they know any Danish they typically learn to describe the prices and the sexual services ... (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).*

In the case of (Danish) massage clinics, the victims in many cases sleep at their place of work, or in an apartment nearby.

*They are tied to a specific address ... that is a massage clinic ... some of them live at the massage clinic ... or they live with a Danish man or a female friend ... typically three or four girls live together in an apartment ... in such cases they seem not to be using the apartment for selling sex and I think it is because they do not want to risk that the police finds out where they live (Rene Hansen, Detective Inspector 2008-10-23).*

In the latter case, it seems reasonable to assume that some traffickers exploiting their victims at massage clinics like to keep an apartment nearby as a “safe haven” should the police have the massage clinic under surveillance or investigation. Further, it is well known that girls and women working at massage clinics “work in shifts” in which case traffickers obviously need a place to “keep” the victims currently not working.

In Sweden, trafficking victims may be living in the same apartment as they use for selling sex.

*The girls sometimes live in the apartment bordello ... sometimes one live at hotels ...* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

In the first case, such arrangements obviously have certain logistic advantages and allow the traffickers to keep their victims under close watch and at the clients’ constant disposal.

#### 5.4.5.3 Advertising the “new girls”

To make money on their victims, traffickers obviously have to advertise that they have “new” girls for sale. A well-known strategy is to first exploit the victims in street prostitution to build a client base before moving indoors.

*As I see it, putting the girls in street prostitution is a first step towards indoors prostitution ... it is a way of establishing oneself on the Danish sex market ... a way to establish the right connections and contacts ... indoor prostitution is then to prefer because the risk of being detected and prosecuted is lower ...* (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).

This is a well-known strategy from Sweden as well.

*They may let the girls work in the street ... the ads may also be placed on the Internet, the Secretary Academy or Stockholm city escorts ... or it can be a combination where one finds the girls in street prostitution as well as on the internet ... (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

In such cases, using female local managers with previous experiences selling sex are beneficial for the traffickers.

*In the Polish case I had, the woman transporting the other young girls knew how the market here functioned since she had been in prostitution here ... she knew where to bring the girls ... and how to get in contact with clients ... it was a matter of street prostitution (Thomas Eliasson, Public Prosecutor, Interviewed 2008-09-17).*

In Sweden, traffickers have also been found to exploit their victims under rather “closed off” circumstances, in which case advertising is done via word of mouth.

*We have also seen cases where the girls are exploited in very closed circles based on ethnicity ... among friends ... or poker clubs ... at restaurants ... or among people who via word of mouth have heard about these girls ... we have also seen how they have forced the girls to walk around to hand out slippers with the telephone number to call ... they walk around in the area close to the apartment ... (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

In this respect there seems to be a common understanding among the experts that the traffickers in Sweden, due to the limited possibility to advertise in regular daily papers, are facing troubles when it comes to advertise, and thus are forced to use less formal ways of advertising.

*It is not so easy to advertise the girls here ... one can put the girls on the street ... one can put up posters with the telephone number ... or hand out small flyers with the telephone number ... or spread the telephone number via taxi drivers or in hotel lobbies ... and of course use the Internet (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).*

In Denmark, in contrast, traffickers can and do exploit the opportunity to “legally” advertise sexual services in the daily paper Ekstra Bladet.

*They advertise in Ekstra Bladet in which case the most general is to advertise “new young girls” ... “Thai girls” ... “black girls” ... it is a matter of telling what the clients like ... and of course advertise the sexual services ... such as “super” that is without a condom ... the more one can make the girls do ... the larger the group of clients gets ... (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).*

Finally, as already discussed, traffickers in both Denmark and Sweden increasingly utilise the Internet and the various prostitution sites to advertise the arrival of “new” girls.

#### 5.4.5.4 Control strategies

To successfully transport victims and secure repayment of debts after arrival in the receiving country, the trafficking organisations and brothel owners need to be able to control the victims:

Control over the “commodity” is a central part of the “low cost, low risk” formula that has made sex trafficking such a profitable industry. Control mechanisms are intended to make the “commodity” dependent on pimps or traffickers and to deter individual acts of disobedience or rebelliousness (Farr 2005: 36).

Research on the subject of control indicates that several different strategies are used. Research from various parts of the world suggests that control strategies may include anything from deprivation of liberty and agency, isolation, constant surveillance, removal of identification documents and cash, threats and violence and exploitation of the fact that the victims lack a legal status in the receiving country (IOM 2002, p. 36, Beeks and Amir 2006: 68, Van Liemt 2004: 14, Farr 2005: 36 – 45, BRÅ 2008b: 77 – 179, Aronowitz 2001: 177 and Amnesty International 2004).

The deprivation of the victims’ liberty and agency may start early in the trafficking process, when the victims’ passport or travel documentation are taken away. Obviously, for practical reasons, it

may also be done after the victims have reached the receiving country. Regardless, the practice increases the victims' dependence on the traffickers and enables the traffickers to control the victim throughout the trafficking process. Hence, the traffickers exploit the illegal status of the victims, who are threatened and told that if they do escape, they will be arrested for immigration and other offences (Amnesty International 2004, Beeks and Amir: 2006: 68, Ruggiero 1997, p. 240 and IOM Nov 2002, p. 36).

The control is also facilitated by the simple fact that the victims are exposed to a new foreign country where they do not speak or understand the local language, culture or people and where they experience a feeling of social isolation. Research further suggests that traffickers deliberately maintain this feeling of insecurity by preventing victims from acclimating and integrating into their "new" society, by for example taking away their sense of agency (i.e., their feeling that they can act on their own, that they have some control of their lives). Such deliberate practices may include taking away the victims' identification papers, arranging so that the women live and work at the same place. The victims' agency is further restricted by the trafficker setting their work hours and activities, as well as regulating their living conditions, and if necessary, punishing acts of disobedience and lack of submissiveness (Farr: 2005: 37).

Traffickers have also been found to deliberately rotate women between different bordellos, cities and countries in order to keep them "confused", or to build a relationship to the customers, who then may help them escape. Women are also constantly sold to other traffickers, whereby they end up in a new cycle of debt bondage and exploitation. This practice further serves a commercial profit maximising purpose, and allows traffickers and local pimps to constantly and regularly present clients with "new and fresh" women and girls when they have grown tired of the "old ones" (Beeks and Amir 2006: 69 and BRÅ 2008: 123).

Studies also suggest that victims may be subject to isolation and confinement in small unsanitary and overcrowded establishments, denied the freedom to refuse abusive clients and practice safe sex, being starved and forced to work long hours, denied medical assistance and constantly be subject to rape and other forms of inhumane and degrading treatment (Amnesty International 2004, IOM Nov 2002, p. 36, Laczko and Gramengna 2003, p. 189, Corrin 2000, p. 13, UNICEF 2002, p. 96 and Human Rights Wash 2002, p. 17):

Personal agency is also diminished by requiring the women to accept and obey all customers. In many brothels, women cannot turn down a customer for any reason, and in most cases, they must perform whatever acts he demands (Farr 2005: 38).

Research consistently indicates that place and space restrictions are virtually always used to control women in enslaved prostitution. In most cases, women are not allowed to leave the premises (a club, brothel, or massage parlor) where they work (and often live) without being accompanied by a guard, or at least, without getting permission (Farr 2005: 38).

Victims who are forcibly recruited are also subject to extreme violence and abuse to have their spirit broken already during the transportation process. This practice, which usually is described as the “breaking process” and often includes beatings and rape, is used to instil fear in the victims and increase their dependency on the organisation, as well as to prepare them for the sexual exploitation to come (Amnesty International 2004, Farr 2005: 39 and IOM Nov 2002, p. 36).

There are big apartments or houses in Belgrade where most girls are brought. Sometimes there are fifty girls in each place ... potential buyers “test drive” the women, much like the way we test-drive new cars. They are sex-tested by each buyer. They want to see for themselves what the girls can do in terms of sex performance (Malarek 2004: 31).

The “break-in practice” also seems to serve a commercial purpose:

They have to stand naked for hours a day while men come and look them over. They look at their breasts, the color of their skin and check to see if they have rashes or pimples. The girls have to dress up to look like prostitutes and put on makeup. Those who resist are isolated, beaten and terrorized. It’s even more humiliating for them if they are considered ugly. They are treated worse than animals with what they are forced to do. You have a full range of traffickers, from cruel to vicious (Malarek 2004: 21).

Traffickers have also in some cases been found to use extreme violence against individual victims as a warning to other victims under their control what will happen if they do not obey or try to escape (Farr 2005: 43):

The corpses of several hundred trafficked women, strangled, shot, or beaten to a pulp, are detected in Europe every year. Europol believes that many more bodies are never found (Beeks and Amir 2006: 69).

The deprivation of liberty, the use of violence and threats and the exploitation of the illegal status of the victims continue after arrival in the destination country. The most commonly used control strategies once the victims have arrived in the receiving country are threats against the victim and against her family members left behind, and making the victims believe that their lack of legal status makes any appeal to outside assistance futile and will only lead to arrest and deportation. To increase the vulnerability, the victims' passports are continuously being confiscated by the trafficking organisation or brothel owner (Amnesty International 2004, IOM Nov 2002, p. 36 and Corrin 2000, p. 13).

It has been found that trafficking organisations and independent brothel owners deliberately use the psychological impact of the sexual exploitation to control the victims. Hence, the shame and humiliation following from the work in the sex industry effectively silences the voices of the victims and by threatening to tell the victim's family back home about the true nature of her work the exploiter manages to effectively control the victims (Amnesty International 2004 and IOM Nov 2002, p. 36):

Often they're videotaped or photographed in embarrassing sexual encounters, and are warned that if they escape, the pictures will be sent to their families and distributed around their hometowns (Malarek 2004: 32).

Finally, traffickers' control of their victims is obviously also facilitated by in particular Eastern European women's lack of faith in governmental officials due to their experiences of for example corrupt police officers from back home. Hence, few of these women dare to approach western police officers should they ever have the chance (Beeks and Amir 2006: 69).

#### 5.4.5.5 The Danish and Swedish experiences with regards to traffickers' control practices

The data from Denmark and Sweden partly deviates from and partly converges with the more general picture presented above.

First, there are cases brought to court in both Denmark and Sweden where the victims in fact have been subjected to what can only be described as extreme violence.

##### **Case description: Using extreme violence to break down and control the victims**

“Malena” arrived in Sweden together with her trafficker. After having driven off the ferry they stopped and picked up another man named “Mark” and drove to an apartment owned by a female friend of Mark. When Malena had gone to bed Mark told her to take off all her clothes. She undressed but did not take off her bra and panties. Mark got angry and ripped off her bra and panties and slapped her a couple of times. He then forced her legs apart and performed intercourse with her without using a condom; he ejaculated. The next day they drove to another friend of Mark and stayed there for a couple of days, during which Mark raped her a couple of times. She dared not say no since Mark had threatened her with a knife. One day Mark drove her to a hotel and told her to stay in the room. She did as she was told, even though she suspected what was about to happen, because she did not know where she was, and because she was afraid of Mark.

After a while a client named “Juri” came in the room and took his clothes off, and then ripped off parts of her clothes. She tried to resist but he forced apart her legs and performed vaginal intercourse with her without using a condom; he ejaculated. He stayed in the room between 23:00 and 03:00 and then left, he did not leave any money. Mark came back and they left the room together, they drove to a parking lot where Malena was sold to a Swedish man named “Calle”. They then drove to Calle’s house where Malena was given something strong to drink. Calle put a paper straw in her hand that she was instructed to put in her nose and draw up some white powder. He took her hand and forced her to take the narcotics. She started to bleed from her nose and felt feverish. They went to the bedroom. He sat her down on the bed and ripped her clothes off. She did not have the strength to resist. He performed vaginal intercourse with her lying down. He did not use a condom and he ejaculated. He tried to perform anal intercourse with her but she managed to say no. He performed yet two more vaginal intercourses with her before Mark came back and picked her up” (Court Verdict: B 436-05).

This case illustrates what seems to be a rather common strategy to not only control victims of trafficking, but also make them submissive and compliant, all to the benefit of traffickers and clients alike, namely the practice of encouraging or forcing the victims to use various forms of intoxica-

tion, such as alcohol and narcotics. Several trafficking cases thus show that traffickers sometimes provide their victims with drugs to keep them submissive and more controllable, a strategy obviously facilitated by the fact that some traffickers are engaged in drug trafficking or drug selling as well, or at least are in possession of drugs for personal use (BRÅ 2008a: 114 and RKP KUT 2004: 28 and Lehti 2003: 32).

Further, for women selling sex at sex clubs and bars in Denmark, alcohol is typically an integral part of the financial arrangement and the women are expected to make the clients pay for as much alcohol as possible for themselves and the girls, before they are allowed to take the girls “upstairs” to receive the sexual services. For these reasons, some even claim that the conditions for trafficking victims are harder when they are exploited at bars and sex clubs, in comparison to massage clinics (Moutsgaard and Brun 2001: 45-46). Control strategies such as violence and rape seem in some cases also to be facilitated by the presence of hand guns and knives in the environments where the girls are kept. One such case was revealed in Denmark.

**Case description: The presence of hand guns facilitates the control**

“Sara” worked in prostitution in Lithuania, she had various pimps. Her last pimp in Lithuania, “Anton”, told her that she owed him money and therefore she had to go to Denmark. He had sold her to another pimp to cover her debt and this other pimp wanted to bring her to Denmark. When she first said she did not want to go to Denmark the pimp, who had previously beaten her, threatened that he would turn her over to a big dog that would eat her. Together with her new “owner”, “Carl” and another girl, she was driven to Vilnius from where they all flew to Copenhagen, where they were met by two other persons. They were driven for three or four hours to another city (Århus). After arriving at the place (massage clinic) where they were going to sell sex one of the girls started to protest. Carl then pulled out a hand gun and pointed it at her. She was ordered to take her clothes off. Afraid that he would use the gun she did as she was told and took her clothes off. She was ordered to lie down on a bed, and he lay down on top of her. He then took off his own clothes and performed intercourse with her against her will. He used a condom, she was also forced to give him oral sex, he ejaculated, but not in her mouth. Therefore he once again lay on top of her and performed yet another intercourse this time without a condom. Thereafter they got dressed and the man stuck the gun back in his belt. Carl then went out to fetch the other girl and performed intercourse with her too.

The next day Carl bought clothes for the two girls that they were to wear when they “worked”. The clothes were to be paid off by working. Carl instructed them how much to charge and they were told that they had to pay 1800 kr each day for working at the massage clinic. She had a debt to pay for travel/ticket and for the clothes, Carl said, and she was to work every day of the week. Sara lived at the massage clinic and Carl also took her passport. She did not manage to have enough clients each day, so her debt increased. They also had to arrange and pay for condoms themselves. To be able to get some money for herself Sara sometimes sold herself for as little as 40 kr per client.

Carl had a helper named “Mike”, who was put in charge when Carl was away. On more than one occasion she witnessed how Mike hit one of the other girls with his closed fist, and kicked her. He was also carrying a gun in his belt, which he once pulled out after having beaten her and pointed it at her bleeding face from a close distance. Two of the other girls were so scared by the incident that they ran out and into a toy store close by, where they asked for help to call the police. The police came and together they walked back to the bordello and knocked on the door. By now Carl had returned and he told the police that the girls had been fighting with each other. The police also asked to see the girls’ passports, where after they left.

Afterwards Carl was angry and told the girls that they would be shot if they tried to escape. One week after two of the girls managed to escape with the help of a client. Carl and Mike went to look for them, they also brought a gun with which he was going to shoot the two girls if he found them, he said. They did not find the girls and then someone called and warned them that the girls had been taken to the police station and that the police was on its way to the bordello.

Carl, Mike and Sara left the bordello and drove to an apartment to avoid the police. They stayed the night in the apartment and the day after Sara was told to give one of the other men in the apartment a massage. She said she did not want to and Carl then took the gun and pointed it at her and threatened to shoot her. She told him to shoot her, she was not afraid any longer she said. Carl put away the gun and they all drove back to the bordello where she was put to work again. Since the other girls had left it was now much easier for her to get clients. One day the police returned and asked if she wanted to go with them; she happily did and at the police station she told her story. She eventually ended up at REDEN, where she stayed for one month together with the other girls from her bordello. Against her will she was then forced to return to Lithuania where Anton was waiting for her. He immediately sold her to some people in Germany. She first refused to go but when she was threatened to be sold back to Carl in Denmark, Sara went along to Germany. She stayed in Germany for a month and was repeatedly beaten by her new owner. Once when she had been particularly badly beaten the hostess of the bordello she was working at called the police. The German police contacted “Sonja”, Sara’s contact person at REDEN, and she was subsequently returned to REDEN in Denmark (Court Verdict SS 7.964/2005).

As “Sara’s” story illustrates, traffickers also control their victims in Denmark and Sweden by constantly monitoring the whereabouts and activities of their victims.

*The local pimp is almost always present or close by ... in the case of Nigerian women selling sex in the street the local pimp accompanies her to the street ... in the case of Thai girls ... the owner of the massage clinics is present at the clinic ... for the girls from Rumania or Bulgaria ... they typically work in street prostitution in which case their pimp is driving around in the area in his car ... (Rene Hansen, Detective Inspector 2008-10-23).*

Social workers in Denmark have found it particularly hard to approach/contact the youngest foreign women in prostitution simply because their trafficker/local (foreign) pimps do not let them out of their sight (Save the Children 2003: 19). Clearly, this is done not only to prevent the victims' escape, but also to keep track of how much money each girl is making. Also women and girls exploited in Danish massage clinics may be subjected to the same form of control.

*We increasingly see that there is a sort of guard at the bordellos ... and they claim during our control visits that they are there to protect the girls ... still we get the feeling that they are there to keep on eye on the girls and to see how many clients there are ... at other bordellos they may find out that no one is keeping an eye on this particular bordello and they then start doing so and then demand payment for the protection they provide, regardless if it is wanted or not (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).*

In Sweden, in the case of apartment bordellos the same is achieved by having the victims live together with their trafficker or the local pimp in charge of them, or by always being present in the "apartment" during customers' visits. In other cases traffickers use cell phones as an instrument of control by constantly calling their victims to check up on them, also during customer visits (BRÅ 2008b: 78 and BRÅ 2008a: 114).

When it comes to such extreme practices as rape to break down the victims, the experts interviewed in Denmark and Sweden seem all to have heard of, or personally handled, such cases, but nevertheless perceive it as a strategy more commonly used in the past.

*We have some case involving minors that has been exposed to violence ... we had a 16 year old girl that lived together with the pimp ... she was raped ... it was also a matter of drugs ... and the clients was allowed to do what they wanted with her ... all together this served to break her down (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

As illustrated by the social workers' statement above, the victims are not only subjected to violence on the part of the trafficker, but also on the part of the clients, who are allowed to "do what they want" with the girls in terms of sexual activities. Further, there seems however to be a general un-

derstanding that rape as break-in practice in many cases takes place in the home country rather than in Sweden.

*It probably used to happen before ... today I believe the break-in process is something that happens in the home country ... it has to be a very efficient tool exposing someone to a gang rape ... then they are broken down ... then the girls do anything not to be exposed to the same thing again ... and the shame following from being gang raped takes away their self esteem (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

Logically, since some of the girls and women ending up in Denmark and Sweden are not novices, but in some cases have several years' of sexual exploitation behind them, they have long gone been "broken in".

*In some cases ... where the girls do not know that they are to work in prostitution they may be broken down through physical or psychological violence ... in one such case ... it was a girl in Budapest that was locked inside an apartment and not allowed to talk to anyone ... she was raped every day by various men ... then she was told that she had to go to Sweden and work in prostitution ... other girls coming to Sweden ... such as Nigerian women coming here when they are 27 ... they may have entered prostitution when they were 15 and broken in then ... they have been on prostitution for 10 years ... so when they come here they may no longer see themselves as victims (Mats Paulson, Detective Inspector, Interviewed in 2008-09-16).*

Consequently, even though traffickers may use (sexual) violence to control their victims, other strategies more subtle, psychological or economic in nature seem more common (BRÅ 2008a: 104)

*The level of physical violence is low ... however ... as I see it, the violence lays in taking clients ... having twenty clients a day is a form of violence in itself ... I do not think the organisers need to use so much violence ... the girls end up in such a marginalised position anyway ... the organisers have such a power advantage over the girls so in many cases violence is not needed ... I do however believe that in many cases the threat of violence is enough ... (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

It is thus evident that traffickers in many cases do not need to use violence against the victims to make them compliant. Hence, in many cases it is enough to use various forms of threats instead. Clearly, there are many reasons for this.

First, the traffickers and local pimps often have strong and well-established connections to the victim's home countries, societies or even village, and know of the usually poor living standard the victims and their families are subjected to, as well as their marginalised economic and social position, and thus of their lack of alternatives and opportunities (RKP KUT 2007: 7 and Rikspolisén 2009: 10).

*The classic example is that they take younger women from circumstances that give them no alternative, which therefore makes them unlikely to escape ... so when I asked the girls why they did not turn to the police or did not try to escape ... then they say ... what should we do then?* (Laura Birch, Public Prosecutor, Interviewed 2008-10-27)

Traffickers may for example let the victims know that they have their home address and contact in their home village, and that their children or parents will be killed, or that the people in the home village will find out that they have been selling sex, which in many cases seems to be the victims' greatest fear (Moutsgaard and Brun 2001: 110).

*Threatening to tell their parents, children or neighbours what they actually are doing here in Sweden is very common ... and it is the girls' greatest fear ... it is not that they fear that they will be beaten or killed when they return home ... it is that they fear that their mother or father, or neighbours, will find out ... and it has happened in some cases ... I have visited some of these girls in their homes when the neighbours have shouted "whore" to them ...* (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).

In such cases, the women may also fear that their children will be taken away from them if the local authorities find out that they are "prostitutes" (Rasmussen 2007: 59).

Further, traffickers often exploit the victims' general distrust, or even fear from the authorities, the police in particular, that they carry with them from their home countries (Rasmussen 2007: 59).

*Girls are often told by the trafficker that they are committing a crime which obviously does not make them interested in contacting the police ... it is also threats ... they follow the girls back and forth to the street ... keep them under constant watch ...* (Kristina Ehrenborg Staffas, Public Prosecutor, Interviewed 2008-09-19).

Fear of being arrested and prosecuted or deported for selling sex also binds victims to their trafficker.

*Before the pimps told the girls that they also committed a crime by selling sex and that they too would be arrested ... typically they have a rather distorted picture of the police from their home countries ...*(Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Another well-known strategy that partly seems valid in Denmark and Sweden is to confiscate the victims' passports and return tickets after entering the destination country (BRÅ 2008a: 110 and Moutsgaard and Brun 2001: 111). Clearly, this is done to make the return of the victims impossible and to increase the victims' dependency on the traffickers (Salt and Stein 1997: 483, Schloenhardt 1999: 22 and Schloenhardt 2001: 350 and Lethi 2003: 32).

The perhaps most common strategy used by traffickers to control their victims is the so called "debt bondage" system, which is an economic control system (Moutsgaard and Brun 2001: 105-108 and BRÅ 2008a: 111). Debt bondage has been formally defined in international law, more precisely in the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and practices as:

a situation in which debtors pledge their personal services against the debt they owe, but the person to whom they owe it fails to deduct the value of the services from the debt, or the length and nature of those services are not respectively limited and defined (Farr 2005: 25).

The International Labour Organisation defines debt bondage as:

... all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily (Farr 2005: 49).

Since female victims pay no trafficking fee (or only parts of it) prior to departure they are told upon arrival that they are indebted to the trafficker and that the debt has to be repaid through work in the sex industry. In other words, victims who during recruitment were promised non-sexual work now find them selves trapped in debt-bound situations and are forced to sell sex to be able to pay off their debt (Budapest Group 1999: 20, IOM 1995: 19 and Raymond, Hughes and Gomez 2001: 53 and Center for Ligestillingsforskning 2004: 11).

*We often hear the girl say that they have to work off a debt ... for travel, passport and visa ... and this debt will remain if you return to your home country ... so if you do not work to pay it off here in Denmark it will be waiting for you and if you don't pay it back something will happen to you ... some of the girls also become dependent on their pimps ... the pimps have their ID which makes them bound in a way ...* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

In many cases, debt bondage turns into a vicious circle and the bounded condition never seems to end because more and more money is added to the debt for lodging, food, clothes, drugs, condoms, healthcare, and medicine (Farr 2005: 27, BRÅ 2008b:111, Raymond, Hughes and Gomez 2001: 53, Lethi 2003: 32 and Journal of International Affairs 2000: 10 and KUT 2007: 10 and RKP KUT 2006: 21).

*The debts cover food, condoms, accommodation and transportation by car ... we have had cases where the girls have paid 300 Euro per months for transportation to the client* (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).

In many cases, trafficking victims also face pressure to send money to their families, which together with the “debt” owed to the trafficker effectively keep the victims in prostitution. Additionally, vic-

tims living at Danish massage clinics or bordellos have no alternative income and accommodation opportunity and are thus bound to the traffickers (Sørensen, Socialministeriet 2007:24).

Fines for violating the rules of the bordello may also deplete the victims' share of the income. Such "rules" may include "leaving the premises without a guard", "coming to work late", "fighting with other girls", "gaining weight", failing to be "animated" with the customer, failing to get the customer to buy drinks, failing to please or give bad service to customers (Farr 2005: 31). Clearly, traffickers are inventive when it comes to adding new money to the victims' debt.

*We had a case with a women who had brought her child ... however, she could not bring her child when she was servicing clients ... so the local manager organising everything said that she charged 250 for baby sitting ... but the woman only received 200 per client ... so for every client she served she owed 50 kr (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

Some victims are told how many clients they have to serve before their debt is fully repaid, which encourages the victims to keep count of their clients.

*I have seen many of the prostitutes keep notes of how many clients they have serviced and how much money they have earned in order to be able to know when they are debt free and know how much money they can send home ... (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).*

In reality, keeping track of the number of clients served, and relating the income generated to the size and reduction of the debt, is not easily done and may even deliberately be made more difficult by the brothel owner by confiscating the victim's journals (Raymond, Hughes and Gomez 2001: 53).

The economic control can also be arranged in such ways that the client always pays directly to the trafficker, in which case the victims at best receive pocket money, or no money at all (BRÅ 2008a: 113 and BRÅ 2008b: 77). Or the victims receive a part of the income, in which case the trafficker

still gets a hold on the victims by limiting the share of income each woman may keep from selling sex, and they will not be able to pay off their debt in a hurry (BRÅ 2008b: 77).

Traffickers also control women by sending them clients to make sure that the women and girls provide the sexual services that they are supposed to, and that they do not try to trick the traffickers on money. If they women or girls are found to misbehave, they may be punished by not being allowed to keep their part of the profit, or they may be subjected to rape, threats or other forms of violence (RKP KUT 2005: 32)

However, some women and girls actually manage to pay off their debts and start making money for themselves:

*We have seen girls who have started with a debt of 42,000 and ended up with a debt of 200,000 which they will obviously never be able to pay back ... they may have to pay a fine ... or they may be sold to another network ... but there are girls who owe 16,000 and who manage to work it off and get free of their debt* (Dorit Otzen, Director of Reden, Interviewed 2008-10-23).

The informants interviewed further state that in some cases traffickers do not need to exercise control by using violence or threats because the victims' "situation" serve as a control instrument. For example, for several of the girls ending up in Sweden, being trafficked is their first journey abroad. They do not speak the local language, nor necessarily English, and they lack knowledge of the authorities in Sweden and the possibilities for help and protection (RKP KUT 2007: 6 and Rikspolisén 2009: 10).

*In the case of girls who do not know beforehand that they will work in prostitution I am surprised how little is needed to make them sell sex ... just being located far way from your home county ... not being able to speak the language ... you do not know what will happen if you contact the police ... some think that it is illegal to be in prostitution ... that they will be sent to jail ... which actually is the case in many counties ... so if such a girls is placed in a house in the far country side ... isolated without contact to other persons ... they need food and clothes ... so eventually they think that the only alternative is to accept ... so violence is not*

*needed simply because the situation they end up in is so extreme ... they also fear being perceived as failed migrants ... they have a pressure on them to earn money for themselves and their families* (Anne Maskel, Social outreach worker in Copenhagen, Interviewed in Copenhagen 071108).

Using violence may, from the perspective of the trafficker, be counterproductive and only “damage the goods” and lead to loss of income.

*In Sweden the control is more subtle ... it is difficult sell the girls if they are beaten to a pulp ... and the pimps will lose money if their girls cannot work due to injuries ... the recruiters know where the girls are from, their conditions at home. This is in itself a control mechanism ... and the girls end up in an apartment, they don't speak the language ... they do not know how to contact the police ... and they have been warned what will happen if they talk to the police ... so there really need not be that much control ... the girls will stay in the apartment* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Recently traffickers seem to increasingly avoid using violence as a control mean, and instead try to exercise a more indirect form of control by establishing a relationship to the victims based on mutual trust. Obviously, in such cases the victims are still dependent on their traffickers for accommodation, food, transportation, etc. (BRÅ 2008a; 114).

Likewise, some traffickers increasingly and deliberately treat their victims quite well, at least to the extent that they do not resort to blunt violence. Instead the control of the victims is indirectly maintained by creating a “mutual” relationship of trust between the trafficker and his/her victim. Hence by treating their victims comparatively nice, the victims tend to be more loyal towards the traffickers.

Further, arriving to a foreign country and not knowing the language automatically increases the victims' dependence on their traffickers; it is therefore not uncommon that some victims over time develop what they describe as a “friendship” with their trafficker. Finally, as in the case of recruitment, trafficking networks increasingly put women rather than men in charge of local bordellos,

women who in many cases have personal experiences with selling sex, and thereby more easily can gain the victims' trust (BRÅ 2008b: 79).

*The better the relationship is between the victims and the trafficker the lower the risk is that you are caught ... and if you take those over the age of 18 the risk is very small that you are convicted for trafficking ... and we have fewer girls under 18 compared to Norway or Denmark ... (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

Traffickers today thus increasingly try to keep their victims "happy" to reduce the risk of the victims trying to escape or cooperating with the authorities in the potential prosecution of the traffickers.

*The pimps have also gotten better at exercising control ... before they always took the passports and other papers from the girls ... but then they found out that this was something that the authorities looked specifically for "so lets stop doing that" ... now it is rather the case that the women actually have money ... are allowed to keep money ... so at the same time as they are kicking them they are also rewarding them ... so at the same time as they are not free to leave they are also granted some freedom in the sense that they are allowed to keep some money ... we also hear some say that I am not treated that bad and I only have to work 4 days a week; the other girls have to work 7 days a week ... I am a little special ... they do not want to admit that they are victims of trafficking ... they say they have heard of other girls being trafficked but this is not the case with them ... (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).*

In this respect it is especially interesting to observe that the public prosecutors in Sweden complain that the courts have not fully understood the traffickers' more subtle or non-violent means of control that recently have become more common.

*I feel that they do not need any special control strategies ... the girls know what they are expected to do ... and they earn money for themselves ... earlier one could see that they were*

*more controlled ... today we see that they move more freely ... so it is difficult to prove the element of control ... and many of the girls have never been abroad before ... then they end up in Sweden, they end up in a suburb and they don't speak the local language ... this makes it useless when the courts ask why did you not escape? So they (the courts) seem not to understand ... earlier we could see that the traffickers took away their passports ... and we could hear the girls call their pimps to ask can we go to the shop? Can we go outside? This seems to have ended and today the traffickers know that they should have as little contacts as possible with the girls ... since they know that their telephones may be tapped by us ... earlier the local managers could travel between the different bordellos and pick up envelopes with money each day ... (Anna Lena Nilemar, Public Prosecutor, Interviewed 2008-09-26)*

Finally, Swedish investigations and reports, as well as the Swedish experts interviewed point out that traffickers today in many cases keep a distance to their victims, but somehow still manage to control them and collect the profits. In recent years it has become increasingly difficult for the Swedish police to tie traffickers physically to the victims. Traffickers rarely visit the apartment from which the girls sell sex, nor are they seen out together with their victims. The organisers higher up in the hierarchy never visit Sweden but send their local managers. When the girls are to hand over money earned to the trafficker they often do so in public places, at busses, trains, subways or other means of public transportation, in order to make detection harder (RKP KUT 2007: 9).

The will to keep a distance to their victims has forced traffickers to adopt a new economic arrangement. Instead of the traditional debt bondage system it is becoming increasingly common that the victims pay a fixed daily sum for rent of the apartment, usually 2000-3000 Kr. The daily or weekly sum covers accommodation, advertising, cell phone calls and transportation (BRÅ 2008a: 112). Other traffickers use a system where the women are requested to pay a fixed amount of money each day, and still have to pay for accommodation, healthcare, underwear and condoms etc. (BRÅ 2008b: 77).

*Punishment was more common earlier ... today it is often decided that you pay 2000 or 3000 per day ... and then it is up to the girls to decide how many clients per day to take (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Ser-*

vice, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

When the women cannot earn their 2000 kr per day, they remain indebted to the trafficker and are not able to keep any money, which in turn allows the trafficker to continue controlling them. In some cases the trafficker initially waits to post a girl's ad on the Internet so that her debt increases and along with it the trafficker's control over her (RKP KUT 2007: 11).

The will to keep a distance to the girls and women means that prostitution increasingly is organised so that the Swedish client can book women via the Internet from agencies located abroad. The woman is then sent to Sweden and the trafficker or pimp books a hotel room and the ticket for the journey. Payment is done to the woman or directly into a bank account. The woman and the client are directed to the hotel via SMS or via the Internet (RKP KUT 2007: 5 and RKP KUT 2005: 5).

*I have had cases where the organisers do not even accompany the girls here ... instead they are controlled from the home country ... we had a case involving Czech girls who flew here and accommodated themselves at a hotel ... they stayed for a couple of days ... there was no person overseeing what they did here, still there was a strong control mechanism ... they had to report what they earned ... so there are some forms of control that we do not know how are exercised (Thomas Eliasson, Public Prosecutor, Interviewed 2008-09-17).*

#### 5.4.5.6 Summary and sub-conclusions

Traffickers seem to maintain contact with the victims after they arrive in Denmark or Sweden, in some cases if only through the local managers. There is thus no evidence suggesting that traffickers operating in Denmark and Sweden "sell" their victims to local bordellos or pimps after arrival, but rather continue to exploit them for profit in their own commercial sexual establishments, such as apartment bordellos in Sweden, or massage clinics in Denmark, or in street prostitution.

Traffickers also have to arrange accommodation for the victims (and themselves) and it seems that the intended form of exploitation is determinable for the choice of accommodation. In the case of

massage clinics in Denmark, victims may sleep at the bordello, which obviously is beneficial in the sense that they are at clients' constant disposal. However, some traffickers keep an apartment nearby, which serves as a safe haven should the bordello be under police observation.

In Sweden, the victims sleep in the apartment bordellos, which is beneficial for logistical as well as control reasons, and again, it may increase the profits by having the victims at constant disposal. Obviously, it lowers the cost of the trafficking operation to only have to pay rent for one apartment, rather than two.

Traffickers naturally also need to advertise the arrival and availability of the "new" girls and women, which is done either via the Internet, sometimes in advance of the arrival, or in the case of Denmark, by posting ads in the daily paper Ekstra Bladet. Traffickers in Denmark as well as Sweden may initially exploit their victims in street prostitution to build a client base before moving indoors. Some put up small posters with telephone numbers, or have the victims hand out flyers to potential clients with information on how to get in contact. The Swedish experts consulted see it as quite difficult for traffickers to advertise in Sweden due to the lack of possibilities to use the daily papers. This may partly explain why some choose to advertise via word of mouth or to exploit their victims exclusively within closed circles based on ethnicity and friendship. Another possible explanation that I see as highly plausible is that in these particular cases, the girls are very young, and it is too risky to advertise them on the Internet or put them in street prostitution, which would attract the attention of the police and the social services field worker groups.

A successful trafficking operation is further based on the traffickers "controlling" their victims during transport as well as during the stage of exploitation in Denmark and Sweden. For victims who have been forcibly recruited the transport offers several opportunities to alert the authorities, which thus in turn requires traffickers to take measures to prevent their victims from "calling for help" during for example border crossings. Other victims, the majority, are recruited knowing that they are expected to sell sex after arrival to the destination country, in which case the control element during the transport is less urgent.

In the post-arrival phase, victims need to be controlled in order to deliver the sexual services that they are expected to, and not seek help from clients or authorities, not trying to trick the traffickers

on money, or participate in the legal investigation and prosecution of the trafficker should it come to that.

Early research, and research conducted in other parts of the world, suggests that traffickers can be extremely violent when it comes to controlling their victims. One violent practice is commonly known as the “break-in” practice where the newly recruited victims are subjected to extreme violence such as rape and severe beatings to break their spirit, tie them to the traffickers and prepare them for selling sex.

The data from Denmark and Sweden suggests that violence is rather uncommon, although there are several cases where traffickers have acted extremely violent against their victims, either before leaving for Denmark or Sweden, or after the arrival, including rape, beatings and the display of hand guns and knives. There is also a perception among the experts in Denmark and Sweden that violence was more common ten years ago than today, which may be a deliberate choice on the traffickers’ part since the absence of violence, in case of a legal investigation and prosecution, may be enough to avoid a trafficking conviction given the present legal practice in the two countries.

It seems to be more common that traffickers control the victims through various forms of threats against the victims and their families; for example that their parents or children will be hurt or even killed, or that the people of their home town will be told that they are “prostitutes”, which in many cases represents the victims’ greatest fear. Traffickers also exploit that the victims generally have a limited education and experience of other countries, including how the legal system works and what the laws are in Denmark and Sweden. Victims may thus be told that they also have committed a crime by illegally crossing a country’s borders or by selling sex. The victims’ general distrust and even open fear of the authorities, the police in particular, is based on experiences from their home countries and plays an important role. If properly exploited by the traffickers, it prevents the victims from seeking the Danish and Swedish authorities’ assistance.

Traffickers are in most cases also constantly present with the victims, or watch over them, for example by circling the area in a car in the case of street prostitution or by being present in the massage clinics or at the apartment bordellos when the victims receive clients.

There is also substantial evidence in Denmark and Sweden suggesting that traffickers control their victims through debt bondage. However, while some women and girls actually manage to work off their debt and start making money for themselves, others never become debt-free when new costs constantly are added to the debt for food, accommodation, advertising, transportation or punishment when the victims have not “behaved”.

In other cases, the control needs not be exercised via violence or threats, or even debt bondage; some victims simply do what their trafficker say without objecting. Their home situation may be so desperate that they feel they have no alternative, or their situation in Denmark and Sweden is one of dependence in the sense that they do not speak the local language or English, or know exactly where they are and feel dependent on their trafficker for food and accommodation, that they simply choose not to escape.

One can also conclude that the experts interviewed in both Denmark and Sweden perceive that traffickers have gotten better and more skilled at controlling their victims without using violence, threats or severe slavery-like debt-bonded conditions. In recent years some traffickers have instead started to use a “kinder” form of control by befriending their victims, establishing a relationship based on mutual trust for example by actually treating their victims “quite nicely” and be letting them keep a share of the money made. These traffickers have learned from past mistakes and adjusted to the local (legal) conditions in Denmark and Sweden. “Happy” victims are further more likely to remain loyal to the traffickers and may not even see themselves as victims. In case of a legal investigation and prosecution, the trafficker may in such cases even avoid a conviction for trafficking. In summary, some traffickers have come to the logical conclusion that the better the relationship is between trafficker and victim, the lower the risk of investigation, arrest and conviction by the Danish and Swedish authorities.

In Sweden, and as I perceive it, to some lesser extent in Denmark, the police have recently observed that traffickers increasingly try to keep a distance to their victims, by not being present with them in the apartment bordellos and by arranging hand-over of money at locations that cannot be easily monitored by the police. This coincides with recent evidence that traffickers in some cases have abandoned the traditional debt bondage system and have victims pay a fixed daily sum covering for example accommodation and advertising.

Finally, the police in Sweden have found traffickers to organise their businesses in such ways that the women and girls are sent on their own to Sweden to service clients at hotels, which means minimum risk exposure for the trafficker. This development may suggest that traffickers see the Swedish sex market as more risky to operate on than the Danish. However, given the limited evidence at hand, we should be careful not to draw too far-reaching conclusions.

#### 5.4.6 Collecting and reinvesting the profit

Although trafficking for prostitution is known to generate high profits for those involved, except obviously for the victims exploited, little is actually known about how traffickers handle the money earned. Some researchers claim that trafficking organisations/networks launder the profits to be able to reinvest them in other legal or criminal businesses, however there is no evidence of this in the Danish and Swedish case (Aronowitz 2001: 173, Schloenhardt 1999, p. 17 and Schloenhardt 2003, p. 124). Rather, Swedish studies indicate that traffickers send parts of the profit back to the sending country where the main organiser is believed to reside, or use it for the daily consumption in the destination country (BRÅ 2008a: 119).

In the cases where women and girls actually get to keep a share of the profits, it has in Sweden been found that they use it either for their daily consumption of food, drugs, clothes and perfume, etc, or send it to their home country to provide for children or other family members (BRÅ 2008a: 119).

Generally however, tracing the money is difficult for the police.

*We try to try to trace and get the money ... but it is a very time consuming task. The problem is that we are a group of five detectives ... we need to focus on getting the ones that are here and helping the girls ... then we always have the next case waiting for us ... so most often there is no time to try to track down the profit ... we need to involve EUROPOL and INTERPOL ... and it is also difficult because of the corruption in the home countries ... sometimes it feels like the police is involved in most of the cases (Mats Paulson, Detective Inspector, Interviewed in 2008-09-16).*

The Danish reports and investigations in turn entirely lack information on how traffickers handle their profits and how large these profits are and just like the Swedish detective inspectors, the Danish detective inspectors interviewed claim that it is hard to estimate how much money traffickers make and determine what they do with the money in question.

*It is very difficult to say how much money they make ... we have made control visits and found no money at all ... then we make another visit and find a million ... since the money is sent back it is difficult to say how much money they earn ... but there can be no doubt that it is a lot of money ...* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

The estimates that do exist however indicate that the Danish sex market in total generates significant incomes for those involved. For example, a soon to be ten year old study estimated that the sex industry in Denmark generates between 2-9 billion Dkr (Moustgaard and Brun 2001: 214-215).

Reviews of cases from Sweden indicate that the profits from a single trafficking operation can vary considerably. The Swedish National Council for Crime Prevention's study of 2008 found that a large scale Estonian trafficking network had earned over 1,000,000 Skr. Another case revealed that traffickers had earned 500,000 Skr for exploiting a number of women for 200 days. Yet another case revealed that traffickers earned 2,000,000 Skr by exploiting a number of women for around three years (BRÅ 2008a: 116).

It does however seem clear that a single victim can generate a substantial profit for the trafficker.

*I would say that a part of the money is sent back to the home country to finance other criminal operations ... let's say that a single girl has 5 clients per day times 1500 Kr, around 10,000 per day ... this means 300,000 per month ... the girls consume their part ... they buy clothes ... or they buy an apartment or a car in their home town ... or they have children back home who need money ... so when they return home they find out that the money they have been sending home is spent ... and therefore they have to return to prostitution to earn new money ... so most will not be able to buy that apartment or car they had hoped for* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Ser-

vice, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

The police in both countries have further found no evidence of money laundering, still the money can be invested in other activities.

*I do not think they launder the profits ... what we have seen in several cases is that they invest in their home countries ... .Kosovo Albanian traffickers have invested in their houses in Kosovo or in gas stations ...* (Mats Paulson, Detective Inspector, Interviewed 2008-09-16).

One reason seems to be that it is quite difficult to launder money in Denmark and Sweden.

*I do not think one tries to launder the money because the control in Scandinavia is very good ... the money earned is used up or it is sent back money* (Peter Liestmann, Jesper Leth Hansen and Frank S. Blaabjerg, Detective Inspectors, Aarhus Police Department Counter Trafficking Unit, Interviewed 2008-11-26).

#### 5.4.6.1 Summary and sub-conclusion

This analysis is not able to offer any new information on what is done with the profits from the sex trade. However, the little information at hand suggests that the profits are either consumed by the traffickers, or the trafficking victims in cases where they get a share of the profits, or is being sent to the home country to the head organiser, and to the traffickers' or victim's families. Obviously, parts of the profits are also used to cover the costs associated with running the sex business such as rent for apartments, transportation, advertising, food and drugs etc.

It is further evident that tracing the profits from a particular trafficking operation is difficult and time and resource consuming, and often something that the police in Denmark and Sweden do not prioritise, which obviously explains why so little is known about this aspect of the trafficking process.

### 5.4.7 Re-trafficking or re-leasing the victims

When, how and where does the trafficking cycle end in the case of victims ending up in Denmark and Sweden? And what happens to the victims after they come in contact with the Danish and Swedish authorities? Finally, what happens to victims after they return to their home countries?

Such questions are rarely asked and therefore rarely answered by Danish and Swedish government investigations. The sad reality is that both Denmark and Sweden, as every other western destination country are very bad at securing a safe return for victims who have been exploited in the sex industry. In all fairness, the task faces numerous challenges and obstacles that single countries and authorities alone cannot meet or overcome.

First, for some victims, the trafficking cycle “never” ends and there is no real exit. In such cases the victims instead usually remain under the control of the trafficking organisations/networks long after their debts can be said to have been paid back. The evidence further suggests a substantial scale of re-trafficking both within the destination country and/or to a new destination country and some victims remain in prostitution for several years. In other cases the trafficking cycle may (temporarily) end if the victims are identified, assisted and/or deported by the local authorities in the destination country or they are released by their traffickers or manage to escape and return home (IOM 2002: 31).

*Either there is no exit and they remain in prostitution or there may be an exit if the police get involved. In such cases they may be sent home or the police have to let them go and they may return to the pimp* (Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11).

As discussed, trafficking victims who are identified and “rescued” in Denmark and Sweden may stay in the destination country during the so called “reflexion” period; in Denmark 100 days provided that they cooperate with the authorities in preparing their return home. In Sweden victims may stay up to six months, of which the first 30 days are a test period to evaluate if the victims can contribute with anything in the legal process against the traffickers. During this time the victims can receive various forms of assistance.

*After the police raid they are first brought to the police station for an initial interrogation ... and if they are not suspected of any crimes they are offered the protected shelter ... we have the Stockholm city prostitution centre where I work that offers therapy, mid wife ... psychiatry ... doctors ... we offer everything such as getting tested for STDs ... initially the girls are often very defensive and do not want to be seen as victims ... they may also be angry that we have interrupted their chances of earning money ... but after some time this façade cracks and they start to speak about what they have been going through (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

In Sweden, depending on their nationality, it seems that some victims choose to return home as quickly as possible.

*Earlier when we had many cases from non-EU countries we had the migration laws that made the work more difficult ... at the raid I often had the first talk with the girls where I informed them of their rights and possibilities to participate in the legal process against the trafficker ... and I also offer them protected shelter/accommodation ... which many girls choose to accept ... and over 90 % say yes ... in recent years the girls have been EU citizens and it has actually been harder to make the girls stay ... they may be better organised or drilled by their traffickers (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).*

Even in cases where social workers and detective inspectors make an extra effort to secure a safe return for victims, a lack of alternatives and reliable partners in the receiving countries significantly complicates things.

*We are lousy at safe return ... we have tried to work together with voluntary organisations ... however, in the former Soviet countries ... Russia and the Baltic states there are no real social services ... instead we are forced to work with NGOs and this is a huge problem ... because many times NGOs are only paper products ... they receive money from the West ... but the money disappears along the way ... and it is also a problem since the girls do not want anyone to know that they are trafficking victims ... and the NGOs typically have a large sign saying that here we work with trafficking victims so if a girl shows up at such a centre every-*

*one will now that she has been in prostitution* (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).

Corruption may further serve as an obstacle to rehabilitating and reintegrating victims who return to their home countries.

*One needs to build organisations in the home countries that can help the girls when they return ... and corruption there is most likely widespread ... our indication is that many persons benefit themselves...in reality they have nothing to offer although they gladly receive money from other countries ... and it is difficult to control that protected shelters and schools are being built ... and the Westerns countries have no insights* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

In other cases the victims' own attitudes and requests prevent the authorities in Denmark and Sweden from arranging a safe return.

*Often they do not want to tell what they have been going through when they return home ... for example, Russian women that may be a bit older, 25-30 and with children ... they return home and say that they have been working at a bar or café ... they return with a bit of money and do not want anyone to find out what they have really been doing and therefore they cannot receive any help* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

In such a case there may be a point in convincing the victim to stay and think things over rather than "rushing back home", among other things to get a perspective on things and the life they have been living perhaps for several years.

*We have encountered several girls who have long experiences of prostitution and it is the only world they know ... they have nothing else to relate to ... prostitution is their entire world ... it*

*is only when we investigate the cases here, which often takes a long time, during which they may be placed at a protected shelter where they may start to reflect on their situation and may realise that the life that they have been living perhaps is not good for them ... they may start thinking about their future and the possibilities to do something else ... but they are sent home and there is no one that can help them develop these thoughts further ... such as help them get into an education or another job ... there is no other job for them* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Other girls trafficked into Denmark and Sweden may in fact leave prostitution behind in the sense that they no longer sell sex, but remain in close contact with the original traffickers.

*As a reward for being nice and compliant ... the most reliable and loyal girls may later be used in the organisation ... this is where the female traffickers come from ... it is often girls who have been very tight with the traffickers and never caused any problems ... girls who are 100 percent trustworthy ... they become a part of the organisation and climb in the hierarchy ... they often become local managers* (Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25).

Hence, as already concluded, for some trafficking victims the only way of “leaving” prostitution is to become traffickers or pimps themselves by assuming the role of female recruiters or local managers.

#### 5.4.7.1 Summary and sub-conclusions

For some victims the trafficking cycle does not end after having been exploited in Denmark or Sweden; some are transported to another country for a new cycle of exploitation. In other cases victims actually manage to become debt free and even to earn some money for themselves, which they may be able to keep and return home with, perhaps only to be recruited again when the money is spent.

A few victims are obviously rescued by the authorities in Denmark and Sweden, but it may still be difficult to make them break free from prostitution once and for all, among other things due to a lack of alternative income opportunities and resources to rehabilitate and reintegrate them in their home countries. Additionally, many victims may not be open to receive any help, sometimes because they fear being marked as “prostitutes” by their home communities. Finally, for some trafficking victims, the sexual exploitation only ends when they climb the hierarchy and become recruiters or local managers themselves.

Regardless, it seems certain that securing a safe return for trafficking victims is something that the authorities in Denmark and Sweden as well as the victims’ home countries, can become much better at.

## 5.4.8 The organisation of traffickers operating in Denmark and Sweden

### 5.4.8.1 Introduction

It is now time to penetrate the organisational structures of the traffickers operating in Denmark and Sweden, which is a challenging task, especially due to a general lack of data. Only in one publication, “Kroppe over grænser: Når Kvinder handles til Danmark” (Moustgaard and Brun 2001) have I been able to find a (brief) discussion of the organisational aspects of the trafficking business in Denmark.

In the Swedish case, the intelligence seems somewhat better, and the organisational aspects of the Swedish trafficking business are discussed (briefly) by the annual trafficking reports published by the National Police Authority since 1999, as well as more thoroughly by the two trafficking reports published by the Swedish National Council for Crime Prevention (BRÅ 2008a and BRÅ 2008b).

As the following analysis will make apparent, the experts interviewed also have difficulties describing the organisational structure of the traffickers operating in Denmark and Sweden, in particular the organisation beyond the Danish and Swedish borders. However, by combining various data

sources, it is still possible to paint a fairly detailed picture of how the traffickers operating in Denmark and Sweden are organised.

Several different but interlinked questions are relevant. First, is the organisational structure of the traffickers best described in terms of a centralised hierarchical organisation or a de-centralised, loose network? Or does the organisational reality of the trafficking business lie somewhere in between these extremes? Other relevant questions relate to the size of the organisations or networks, what the leadership looks like and how it is exercised, and to what extent traffickers employ division of labour based on each member's specific skills?

Finally, after having described the size and organisational structure, as well as the management features, of the traffickers operating in Denmark and Sweden, it is relevant to ask to what extent these trafficking organisations or networks can be classified as true organised crime as defined by the research literature, the EU and the UN.

#### 5.4.8.2 The structure and size of the traffickers

When it comes to describing the organisational features of the traffickers no researcher has been as influential and widely referred to as Andreas Schloenhardt. He has identified three organisational typologies according to size, professionalism, and geographical reach, namely, (1) amateur traffickers, (2) small groups and medium sized groups of organised traffickers, and (3) large scale international trafficking networks. His trafficking typologies are first and foremost a result of empirical studies of the conditions in South East Asia and parts of Europe.

Likewise, EUROPOL has more recently officially divided traffickers into three organisational structures, (1) amateur or low level traffickers, (2) small groups or medium level traffickers and (3) international or high level networks (Europol 2006: 12-13).

Italian researchers Pormodoro and Stefanizzi have in turn identified three organisational typologies in the prostitution business in Italy (1) individual criminal entrepreneurs, (2) medium level prostitution rings and (3) large scale international trafficking organisations (Pormodoro and Stefanizzi (1995) in Aronowitz 2001: 173).

As discussed, Andreas Schloenhardt's typologies do not immediately clarify to what extent traffickers organise in the form of "organisations" or "networks", although it seems reasonable to assume that at least the "amateur traffickers" and "small groups and medium sized groups of organised traffickers" are likely to employ a network structure. In For Schloenhard's third typology, "large scale international trafficking networks", the networks are also described as having a prominent vertical, differentiated management structure, which may make it questionable to use the term "network" when describing these particular kinds of large scale traffickers.

Today, researchers and government experts seem however to agree that traffickers operate mainly in the form of networks. Europol, for example uses the term "trafficking networks" rather than "trafficking organisations", although it recognises that trafficking can be conducted by "organisations" (Europol 2006:12).

Finally, the admittedly limited evidence available from Denmark and Sweden suggests that traffickers, at least on the regional Eastern and Central European-Scandinavian level operate mainly in the form of networks of various sizes. The data suggest that the traffickers operating in Denmark and Sweden can be categorised and divided into three network sizes: (1) small scale, (2) medium scale, and (3) large scale trafficking networks, although it is not clear to what extent the latter operate in Denmark and Sweden (BRÅ 2008a: 12, BRÅ 2008b: 35-36 and Moustgaard and Brun 2001: 84).

In the Danish case, the typologies identified are partially based on research from other European countries (Germany, the Netherlands and Italy) (see Moustgaard and Brun 2001: 84), whereas the Swedish typologies seem to rest more solidly on independent Swedish empirical data (court verdicts, pre-investigative material, and expert interviews) (see BRÅ 2008a and BRÅ 2008b).

While the detective inspectors and public prosecutors interviewed all seem to agree that traffickers operating in Denmark and Sweden do so in the form of networks, the experts also describe the organisational structures as having changed over time.

*If we start with the first cases we had, then it was a matter of organisations ... if we talk about the most recent cases it is a matter of networks ... in the first Estonian case it was a top governed organisation ... still the pimps here were at the low level ... the pimps here were a part*

*of a network connected to the organisation ... they could fetch girls from different recruiters ... and the organisation behind everything still wanted its part of the profit ... we could remove the local pimps without it causing any harm to the organisation* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Finally, several government reports and investigations, as well as the experts interviewed in this study, sometimes use the terms “organisation” and “network” interchangeably when discussing various aspects of the trafficking business. Still, in summary, there seems to be a general understanding that traffickers today organise in the form of networks when supplying women and children for the Danish and Swedish sex markets.

#### 5.4.8.3 Small scale trafficking networks

Trafficking businesses in Denmark and Sweden are typically dominated by small scale trafficking networks, which operate for example the trafficking routes between the Baltic countries and Denmark and Sweden (Moustgaard and Brun 2001: 86 and BRÅ 2008b: 36). In many cases, former female victims of trafficking and sexual exploitation assume the role of pimp (local managers) in Denmark and Sweden (Rikspolisén 2009: 10). These small scale trafficking networks are typically characterised by their spontaneous and low level of organisation (BRÅ 2008b:36). The leading individuals are often aided by their families and friends and most often carry out all the tasks in the trafficking process themselves, such as recruiting, transportation to and sexual, commercial exploitation in the destination (Moustgaard and Brun 2001: 86, BRÅ 2008a: 12, 131-132 and BRÅ 2008b:36).

The recruitment is carried out personally and informally in the circles of acquaintances and a trafficking operation normally includes no more than one or two women each time (Moustgaard and Brun 2001: 86 and BRÅ 2008b: 36 and BRÅ 2008a: 131-132). After the arriving to the destination country, the victims often live with the organiser in his/her apartment, or stay with him/her at a cheap hotel or youth hostel. Further, due to the low level of organisation and resources, the victims

are typically put to work in street prostitution or sold to friends of the trafficker (BRÅ 2008b: 36 and BRÅ 2008a: 131-132).

One such case was known to the Swedish authorities in 2003 when a trafficking network comprising of three individuals was brought to court. The organisation was very simple. A woman, who herself had a history of being in prostitution, functioned as leader and personally recruited two girls, whom she transported directly to Copenhagen with the help of a male friend who functioned as “driver”. In Copenhagen, the girls were put to work in street prostitution, where they were being watched by the female recruiter’s second friend, a man who only functioned as guard. After one of the girls had been arrested by the Danish police, the remaining girl was transported to Sweden (Gothenburg) where she was exploited until aided by the Swedish authorities, after which the details of the case became known (Court Verdict B 7477-03). This particular case illustrates several of the main organisational features of small scale trafficking networks.

- ❖ A single individual as the main organiser
- ❖ Family members and friends facilitate the business
- ❖ Only one to two women/girls at a time
- ❖ The victims live together with the main organiser
- ❖ The sexual exploitation takes place in street prostitution or in the close circles of friends

(BRÅ 2008b: 36 and BRÅ 2008a: 131)

#### 5.4.8.4 Smaller groups or locally organised criminals or medium-sized networks

In comparison to small scale trafficking networks, medium size networks exhibit a higher level of organisation, sophistication and specialisation, and run their trafficking operations on a more permanent basis and over longer periods of time (BRÅ 2008b: 36 and BRÅ 2008a: 133-134). The recruitment is often semi structured and can involve actors such as bordello owners, acquaintances or friends of the victims, but also in many cases, former female victims of trafficking (BRÅ 2008a: 12, 133-134 and BRÅ 2008b: 36).

Also in these cases is it common that the victims live with their traffickers after arrival to the destination country and are sold to friends of the traffickers. However, due internet advertising, victims are also known to be sold to a wider group of customers through escort setups or in apartment bordellos (in Sweden) and through escort setups, in clubs or at massage clinics/regular bordellos (in Denmark) (Moustgaard and Brun 2001: 85-86, BRÅ 2008b: 36 and BRÅ 2008a: 133-134). As in the case of smaller trafficking networks, these medium size traffickers also seem to have specialised in trading women and children from one specific country (Moustgaard and Brun 2001: 85-86). Clearly, there are many medium size networks operating in Denmark, as illustrated by the court verdicts (Moustgaard and Brun 2001: 85 and court verdict S-257-08 and S-20.29692/2004).

In Sweden there seems to be more disagreement about the extent to which the sex market primarily is dominated by small scale trafficking networks, or if medium sized networks also play a role (RKP KUT 2005: 31 and RKP KUT 2007: 7). However, in recent years there seems to be an understanding that also medium sized networks are active on the Swedish sex market, as also suggested by court verdicts (see BRÅ 2008a: 133-134).

One such case was uncovered by the Swedish authorities in 2004/2005.

The subsequent investigation revealed that the trafficking network had recruited six girls. In the country of origin (Romania), a man named "Peter" functioned as a recruiter; he also travelled with the girls on the bus to Sweden. Upon arrival, the main organiser, a man named "John" met them. John also functioned as the driver for the girls, that is, he drove the girls to the clients, a task facilitated by the fact that he also worked as a taxi driver. Other girls were recruited directly by "John" and his female friend "Sonja" via the Internet. The girls took the bus on their own to Sweden, where they were met by Sonja, John, or Peter. The girls were accommodated by Sonja, who also works daytime as an assistant nurse at an old peoples' home. John and Sonja had been friends for years, but Sonja was submissive to and afraid of John. Sonja was also friends with Peter, since their fathers had known each other for a long time. John's, Sonja's and Peter's trafficking operation seems to have been facilitated by the driver of the bus from Romania to Sweden, who agreed to hand over the travel papers to the newly recruited girls (Court Verdict B 133-05).

This case illustrates several of the central organisational features of medium sized trafficking networks.

- ❖ Higher degree of organisation and planning
- ❖ A larger number of victims recruited and exploited
- ❖ Organisers with varying roles
- ❖ Victims live with the organisers
- ❖ Victims exploited in street prostitution, or among circles of friends, as well as indoors at bars, clubs, massage clinics, apartment bordellos and through escort setups

(Moustgaard and Brun 2001: 85-86, BRÅ 2008b: 36-37 and BRÅ 2008a: 133-134)

#### 5.4.8.5 Large scale professional criminal international networks

Finally there are large scale trafficking networks, known to be dominating the Southeast Asian and parts of the European sex market (The Swedish Ministry of Foreign Affairs 2001: 16). Europol estimates that up to 60 percent of the western sex market can be in the hands of these mostly Russian, Albanian or Baltic criminal networks (Moustgaard and Brun 2001: 84).

These large scale networks are known to operate in Italy, Germany, the Netherlands, but it is unclear to what extent they operate in Denmark and Sweden. One indication that they do not is that they are known to sell their victims to other criminal networks or local bordello owners, which appears not to be the case for networks supplying women and children for the Swedish and Danish sex markets (Moustgaard and Brun 2001: 84).

Large scale trafficking networks exhibit the same organisational features as “traditional” organised crime: the business is typically led or coordinated by a core group of permanent members, whereas lower level staff seems to come and go over time. Further, their trafficking strategies are more professional and a lot of energy and resources are put into concealing their illegal business and to develop strategies to minimise the risk of government detection and interference (BRÅ 2008: 37).

These networks are highly diversified in the sense that individual members typically are highly specialised and only carry out one specific task in the trafficking process, such as recruiting victims, falsifying identity and travel documents, transporting victims, acting as real estate agents, operating vehicles, collecting debts and marketing women and children on the Internet or elsewhere.

Each trafficking operation often includes 10-20 women who typically are accommodated in apartments that also serve as bordellos. The recruitment can be described in terms of a pipeline where new women and children regularly are recruited to replace the old ones as customers grow tired of them (BRÅ 2008b: 37 and BRÅ 2008a: 12-13, 135). Intermediaries may be used, for example bordello owners who get to function as recruitment agents and lorry drivers used for transportation. Further, the main organiser typically stays in the country of origin and sends other persons to function as “local managers” (BRÅ 2008a: 135).

Large scale networks may be very flexible and professional, but there are also obvious disadvantages and the greater the number of persons involved the greater the chances of conflicts. Further, the larger the networks the longer distances there are in communications, which may lead to mistakes and misunderstandings, especially since traffickers sometimes try to speak in “code” in case the police is listening. Friction may arise and lead to disloyalties between the members of the network; for example, some members have tipped off the police about other members who are a part of the same network. There are fewer problems with disloyalty and trust in smaller networks due to family and friendship ties, or due to romantic and personal relationships between the members (BRÅ 2008b: 39).

As mentioned there seems to be a lack of agreement about the extent to which these large scale organisations or networks operate in Denmark. Swedish police reports do refer to police operations in Denmark that have revealed between 20 to 50 Eastern European women exploited at the same time, which is taken as evidence that large scale trafficking networks at least occasionally run trafficking operations on the Danish sex market. In comparison, the same Swedish police reports refer to Swedish police operations that typically only uncover three to four women at the same time (RKP KUT 2002: 10 and RKP KUT 2006: 19).

The Danish detective inspector interviewed however questions that large scale networks operate in Denmark.

*One group often has six or seven girls ... they do not have 20 girls* (Rene Hansen, Detective Inspector 2008-10-23).

Contrary to the detective inspector's statement above, Danish courts verdicts reveal that the authorities in some cases have revealed trafficking operations involving a substantial number of traffickers as well as victims. One case involving over 20 girls was revealed in 2002 the subsequent investigation proved that the trafficking network comprised of six individuals. Two of the men involved were responsible for the recruitment and transportation of the victims to Denmark. The same two men, together with three other men were also responsible for accommodating the girls in Denmark, as well as for driving them to clients and exploiting them in prostitution. Four of the men also took turns keeping an eye on the women when exploiting them in street prostitution, and collected money on a daily basis. Finally, a woman was involved in the limited sense that she provided accommodation for some of the girls.

As can be seen, in this potentially "large scale" trafficking network, division of labour did in fact not seem to be based on specialisation. Rather the men shared responsibility for recruitment, transportation, accommodation, exploitation, collection of money and guarding the victims. Hence, unlike large scale networks identified on other European sex markets (see above) this particular network did not employ a deliberate and sophisticated division of labour based on each member's individual specialised skills (Court Verdict SS 28.20634/02).

Finally, it remains unclear to what extent all 20 victims were being exploited at the same time, or if it was a matter of a few girls at a time, but over a longer period of time. In the latter case, this may suggest that it was not a large scale, but rather a medium sized network that ran its operation over a longer period of time.

In the case of Sweden, the evidence is even more contradictory. First, the investigations and reports, as well as the experts interviewed, do not hold it as very likely that large scale trafficking networks choose to operate in Sweden, due to in particular the Swedish law criminalising the client and its

consequences in terms of reducing the market for sex. At the same time it is acknowledged in the same reports and by the same experts that traffickers sometimes exhibit a remarkable ability to exploit their victims in different countries.

*They operate in Norway, Sweden, England, Spain, Brussels ... we see that the girls tour around ... we see it on the Internet where they say that they are in Norway between ... .and Stockholm between ... they move around in Europe and it has to do with the free visa policy ... (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).*

Clearly, the capacity to have the girls “touring” between Europe’s capitals suggests that the trafficking networks’ organisation in some cases can be quite substantial, although it is not possible to say exactly how these “tours” are organised.

Also the court verdicts suggest that traffickers active in Sweden sometimes run operations that include a rather substantial number of girls, a number that is high enough to suggest the involvement of a rather large network. In one case, two men functioned as the main organisers and recruited through helpers in Estonia in total 20 women. One of these men was responsible for taking pictures of the girls and arranging their ads on the Internet. The other organiser was in charge of visiting the apartment bordellos in Sweden and pick up the money the women made from selling sex. A third man was responsible for receiving the women when they arrived to Sweden, and for arranging their accommodation. He was also in charge of escort and transported the women to clients and received payment directly from the clients. Finally, a woman played a minor role, assisting the network with finding apartments for the prostitution and helping out with translation. (Court Verdict B 2698-04).

Another case illustrates that also a network comprising of a limited number of individuals can take part in the exploitation of a rather large number of girls, thus suggesting that a large number of identified and exploited victims cannot automatically be taken as evidence of the presence of a large scale network.

One such trafficking network was revealed in 2002. A woman who had experience selling sex was found responsible for recruiting in total 35 women and girls through ads in the daily paper. Some of these girls were compelled to travel on their own to Sweden, others were accompanied by the woman. In both cases, the woman accommodated the victims after the arrival. The apartment she provided was further to service the clients, who were booked and provided by the woman. A male Swedish friend of hers was also involved as “advisor” on organising the sex business. He also allowed his apartment to be used for the sexual activities (Court Verdict B 2636-02).

As can be seen these potentially “large scale” networks identified in Denmark and Sweden sometimes do not live up to the central features of large scale networks identified elsewhere in Europe, networks that are found having:

- ❖ Flexible organisation
- ❖ Systematic recruitment
- ❖ 10-20 victims
- ❖ Several organisers with different and varying roles
- ❖ Run business more professionally

(BRÅ 2008b: 38 and BRÅ 2008a: 135)

In comparison, the potentially large scale networks identified in Denmark and Sweden do not always employ a clear cut division of labour based on each member’s individual skills. Further, cases involving a large number of victims may not necessarily mean a trafficking network consisting of a larger number of individuals.

Clearly, the evidence is contradictory and the question thus remains: Can we conclude that large scale networks of the kind known to operate the German and Dutch sex markets also operate in Denmark and Sweden?

In my opinion, there are reasons to suspect that large scale trafficking networks at least occasionally have formed and operate on the Danish sex market. However, in the absence of more definite evidence it seems more reasonable to assume that in the cases involving a larger number of victims,

medium scale networks have taken their operations to the extreme end of their capacity. The same conclusion seems reasonable in the Swedish case.

In both Denmark and Sweden it is further evident that the individuals making up the small scale, and in particular the medium scale trafficking networks over time have become increasingly skilled at organising and operating in specific ways to make government legal investigation more difficult.

*I had three cases after each other involving the same network ... the first time they visited the girls in the apartment twice a day ... next time they met the girls outside the apartment bordellos ... met with one of the girls who had to deliver the money ... the third time they rarely visited the girls at all ... one dropped off the girls outside the apartment then the girls had to take care of everything themselves and send home the money ... so they have clearly learned that this is what got us caught the last time so let's do things differently this time* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Traffickers may therefore over time have been able to increase the number of women and girls controlled and exploited without feeling increasingly exposed, thereby giving the impression of being more large scale than they actually are.

#### 5.4.8.6 The division of labour, leadership and internal relationships

As the analysis of the small and medium scale networks has proven, traffickers may in some, but not all, cases employ a division of labour, so that different people handle recruitment and transportation. In some, but not all, cases it is thus possible to identify different roles among traffickers in the same network, for example special recruiters who live in countries of origin, special transporters to bring the girls to Sweden, such as truck drivers or bus drivers. After arrival it is not uncommon that some play the role of driver when it comes to escort prostitution, in which case the same person often plays the role of guard and money collector. These persons may also be living with the victims if the main organiser does not take this role. In medium scale networks special debt collectors

may be used; however, women may also work independently in apartment bordellos and be trusted with collecting the money (BRÅ 2008a: 140-142).

At the same time there seems to be a common understanding among the experts interviewed that such a division of labour is not always a deliberate strategy.

*Things are usually not very well thought out ... you are good at this thing so you should do this task ... it is more like my car is broken so you have to drive the girls ... or my apartment is not furnished enough but yours is so the girls have to stay with you ... it is random, ad hoc decisions ...* (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).

Hence, rather than deliberately training each member for a specific role, situational conditions may determine the division of labour.

*I do not think they have any special competences whatsoever ... rather the recruiter does what he does simply because he is where he is ... the person taking care of the girls does what he does because he is in place here so it becomes his mission ... and the central individual that I described earlier must be here since he must take care of the money and be close to the money, and the money is made here* (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).

Court verdicts further show that the different members making up the networks in fact in some other cases share the tasks internally, such as recruitment, transportation, arranging accommodation, guarding the victims and collecting the money.

In addition, external political factors have led to changes in the division of labour; for example the Schengen expansion has in some cases made the “transporter” role absolute.

*... often the recruiters are found in the home counties and it is their task to find these girls ... either at sex clubs or bordellos or through ads in the local papers ... then they may be transported on their own ... or before the Schengen ... via the help of truck drivers who smuggled them in* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal In-

vestigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

In other cases the division of labour seems to some extent to depend on whether a single individual takes on the role as leader of the network.

*It is clearly a matter of networks, but not as well organised as one may think, rather than a network with a core group it is networks that centre around an individual with a strong personality ... but things revolve around an individual with a strong personality ... this person ... this boss gives direct orders to the other persons ... but the boss is not “boss” in the normal sense ... he does not have that power ... rather he asks his friends for favours ... he does not order people around ... he uses his charisma and asks people for favours ...* (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).

The authority of the main organiser or leader, as well as the local managers, seems in turn to be based on having more experience with the prostitution business than other members of the network. Further, in most cases the will to make money is sufficient motivation.

*Often they have more knowledge ... female organisers have often been in prostitution and then climbed the ladder ... the leader may also motivate the others by saying that you will earn money ... there is no need for violence ... they all want to make money so other forms of motivation are not necessary* (Kajsa Wahlberg and Per Englund, Detective Inspectors at the National Criminal Investigation Service, and Ewa Carlenfors and Ann Martin, Detective Inspectors at the Stockholm Police Department Counter Trafficking Unit, Interviewed 2008-09-25).

Consequently, the best way to nurture the relationships between the leader and the rest of the members in a network is naturally to share the profit.

*The leadership is based on trust and on the helpers getting a reasonable share of the profit ...* (Rene Hansen, Detective Inspector 2008-10-23).

Further, the relationship between the various members of a trafficking network seems primarily to be based on friendship or family ties.

*The trust between the individuals is based on friendship ... having known each other for long ... but it may also be based on family ties ... they may be a married couple working together* (Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16).

However, in cases where former female trafficking victims are allowed to become a part of the network and assume the role of female recruiters or local managers, the relationship may obviously be based on fear and intimidation.

*In the case of massage clinics ... a person may have several massage clinics ... he may have several women who are local managers at the massage clinics where they are in charge of a number of women ... they may also be in charge of advertising ... the girls pay to these women ... and they pay to him ...* (Rene Hansen, Detective Inspector 2008-10-23).

Hence, the use of female local managers illustrates that the (male) leader of the network at least has the power to order these women to take on the role as local managers, which clearly is the most risky role to assume in terms of the risk of being arrested and convicted.

*Especially in the case of massage clinics it is a way to minimise the risk if the police conducts an investigation ... we get the female manager but not the man above her ... this man in turn may have women in the home country who recruit the girls* (Rene Hansen, Detective Inspector 2008-10-23).

Finally, it is well known that traffickers, whether they belong to small or medium, or even large scale networks, also depend on so called facilitators for their businesses to run smoothly. Facilitators through various initiatives facilitate the trafficking operation, for example by using their legal ordinary job positions, such as taxi drivers finding clients for the women in prostitution, or hotel staff turning a blind eye to hotel rooms being used, and friends who assist the traffickers with advertising on the internet or translating (BRÅ 2008a: 12, 146-147 and BRÅ 2008b: 34).

#### 5.4.8.7 Are we talking about organised crime?

A final relevant question is to what extent and in what ways the small and medium scale trafficking networks operating in Denmark and Sweden can be said to live up to the definition of organised crime found in the research literature or employed by the EU or UN? First, when comparing the specific organisational and operational features of these small and medium sized networks with the more general features offered in the research literature this seems not to be the case. The networks do not live up to several of the central characteristics offered in the literature such as being hierarchical or necessarily demonstrating a specialisation and division of labour. Nor are they monopolistic in nature or governed by explicit rules and regulations.

When it comes to EU's criteria it seems however reasonable to conclude that both small and medium scale networks, as described here, fulfil the compulsory conditions 1, 5 and 11.

There can further be no doubt that these networks are involved in serious crimes and are motivated by profit. However, when it comes to compulsory condition 3, small scale networks, unlike medium scale networks, are not always involved in trafficking operations for a long or unspecified period of time.

In sum, it seems rare that small scale networks live up to all the compulsory conditions (1, 3, 5 & 11) plus two additional conditions, which is the requirement in order to be considered true "organised crime" in the eyes of the EU. For example, the small scale networks are not very likely to "exercise influence at the political level ...", or "be involved in money laundering", nor are the members very likely to have "prearranged functions".

In contrast, the medium level networks are not only more likely to fulfil the four compulsory conditions, but also the additional two conditions, such as having criminal "activities on the international level" and "use violent behaviour or other means serving to intimidate", and employ "prearranged functions".

When it comes to the UN's definition of "organised criminal group" several of the small scale networks, unlike medium scale networks, do not live up to condition (a) in the sense that they comprise of "a structured group of three or more persons". With regards to condition (b) there is no doubt that

both small and medium sized networks take part in criminal activities that are “punishable by a maximum deprivation of liberty of at least four years or a more serious penalty”. Finally with regards to condition (c) in particular small scale networks may be randomly formed, in which case the UN definition does not apply. Medium scale networks, on the other hand, seem to form less randomly.

To be on the safe side, only some, but not all, medium sized networks can be said to live up to EU’s and UN’s definition of organised crime. Finally, when it comes to positioning the small and medium sized networks in relation to the organisation-network continuum we have already concluded that the organisational reality of the traffickers operating in Denmark and Sweden lies closer to the “network” structure than the “organisation” structure.

#### 5.4.9 Summary and comparative conclusions

Finally, it is time to summarise the result of the last step of the analysis, that is, the operational strategies and organisational structures of the traffickers operating across the Danish and Swedish borders with the intention of supplying women and children for the Danish and Swedish sex markets. The operational strategies of the traffickers are best analysed chronologically.

Naturally, recruiting the victims comes first. The analysis has found that the majority of the trafficking victims ending up in Denmark and Sweden have been informally recruited, typically by or through a relative, friend or acquaintance. Traffickers in many cases deliberately target girls and young women who have had a “rough” childhood and been subjected to (sexual) abuse and general parental neglect. They turn to girls and young women who are in economic despair and perhaps actively looking for an alternative, or at least are more open to listen to and accept an offer to go abroad to make money. The evidence further suggests that traffickers often do not deceive the girls and women about the true sexual nature of the post arrival activity, although they are likely deceived about several other aspects of the “business setup” such as the number of clients to be served each day, the nature of the sexual services to be provided, or the percentage of the profit they can keep.

Traffickers increasingly use former female trafficking victims as recruiters, a strategy that obviously not only serves to establish trust in the recruitment stage, but also to reduce the risk of the (male) main organiser of getting arrested and prosecuted. Trafficking victims may also be recruited through ads in the local news papers, or via the Internet, as well as directly at sex clubs and bordellos in the country of origin. An alternative to the latter is to re-recruit victims shortly after they have returned home. In both cases, traffickers get girls and women who already have experience selling sex, which may be an advantage for example when the organiser, for security reasons, wants to maintain a distance between himself and the girls and women exploited. Finally, more “forced” forms of recruitment, such as abductions, are rather uncommon. There is a perception in Denmark and Sweden that traffickers increasingly avoid recruitment through the means of force, violence and threats, which is the same thing as saying that traffickers increasingly avoid recruiting the very youngest girls. At the same time, we have to acknowledge that traffickers often do not need to use “force” when recruiting simply because the girls and women are marginalised and desperate.

The Danish and Swedish experts interviewed claim that this strategy is a direct result of the legal policy and practice in each country, a policy and practice that simply makes it less risky for traffickers to recruit and exploit a 24 year old woman instead of a 16 year old girl. Obviously, a 24 year old woman is not only less likely to attract the authorities’ attention and trigger a trafficking investigation if for example exploited in street prostitution. The same woman is also, as an adult, less likely to have her exploiter convicted for trafficking should there be a legal investigation. Over the eight years since its introduction, traffickers have thus been increasingly aware of that the trafficking paragraph is designed and practiced in such ways that if they recruit an adult woman without using force or deceiving her about the true sexual nature of the intended “work”, the likelihood and risk of being convicted for trafficking is much lower than in cases of forcibly recruiting, or deceiving, a girl under the age of 18.

In this respect we can tentatively conclude that traffickers operating in Sweden have come further in their ambition not to recruit the youngest girls compared to traffickers operating in Denmark. One reasonable explanation is that traffickers perceive the Swedish sex market as more hostile and the Swedish police as more alert than the Danish market/police. However, the evidence on this issue is weak and anecdotal.

Next, before leaving the country of origin, traffickers “prepare” their newly recruited victims and, in some cases, take specific actions to secure them a passport and visa. This study indicates that traffickers need not employ advanced strategies to secure a passport for the women and girls recruited due to in particular the extension of the Schengen agreement, and the subsequent removal of border control between several of the most common sending countries and Denmark and Sweden. Russian traffickers and victims may use fake passports, for example from Lithuania. Fake passports mean fake identities, which may be a necessity if the traffickers are “wanted” by the police.

When it comes to women from Thailand, traffickers often secure a visa to Sweden although it may not be the final destination. In such cases traffickers exploit the fact that it is easier for Thai nationals to be granted a Schengen visa at the Swedish than the Danish embassy. Many Thai women in prostitution in Denmark thus have a visa issued by the Swedish embassy.

In Denmark and Sweden there seems to be a common understanding that traffickers prepare their victims for exploitation on the Danish and Swedish sex markets, in particular “training” the women and girls in how to respond to inquiries from Danish and Swedish police officers and social outreach workers. Typically, when questioned, trafficking victims tell the same stories to give the impression that they are “working independently”, have “arranged everything themselves” and “keep all the money made”.

Clearly, such actions are taken to protect the traffickers should the police or social outreach workers approach a girl exploited in street prostitution, or detain and question women and girls encountered in massage clinic or apartment bordello “raids”. As in the case of deliberately using non-violent recruitment strategies, traffickers again seem well aware what the Danish and Swedish authorities “are looking for” when trying to identify potential victims of trafficking, and prepare and instruct their victims accordingly.

In the next step in the trafficking process, traffickers choose how and through which route to transport the women children recruited into Denmark and Sweden. Again, the extension of the Schengen cooperation has made things easier for traffickers when for example trafficking women and children from the Baltic countries or Romania and into Denmark and Sweden. Well inside the European Union, it is no longer that difficult to conduct the transportation part of the trafficking process due to

the abolished border control between the most common sending countries that were previously non-EU countries and the most common destinations countries that are typically the “old” EU countries.

Not surprisingly, this analysis indicates that the transport in most cases is direct and straightforward. Victims may be transported by car from the Czech Republic to Denmark, or be put on the bus in Romania directly to Sweden. Victims from the Baltic countries may take the ferry directly to Sweden, or they may first be transported to Finland from where they take the ferry to Stockholm. Some victims are driven by car through Poland and Germany and into Denmark, and if necessary over the Oresund Bridge and into Sweden. Also Russian women may be arriving to Sweden via Finland in which case they typically have a three day tourist visa. Russian women from the Murmansk region may be transported via the “northern” route; that is, through northern Russia and into Sweden, Finland and Norway, and if necessary, further down to Denmark. Victims from the Balkan countries may be driven all the way through Eastern Europe, through Poland and into Germany, Denmark and Sweden. Victims from Nigeria and Ghana often enter the EU on a visa to Spain or Italy from where they are transported to Denmark and Sweden. Thai victims often first arrive to Stockholm for further transport to Copenhagen, or fly directly to Copenhagen and never set foot in Sweden, although their Schengen visa often has been issued by the Swedish embassy.

In summary, the choice of transportation route seems to be determined by geographical factors rather than by variations in border control, as well as by the relationship between the sending and destination country, which is illustrated by the Thai women first entering Sweden, or the Nigerian women first entering Spain or Italy.

After arrival to Denmark and Sweden, traffickers often act quickly to start making money on the women and girls recruited and transported. The victims are often immediately “put to work” at massage clinics in Denmark, apartment bordellos in Sweden, or in street prostitution or in escort business in both the countries. Regardless of the chosen form of prostitution the evidence from Denmark and Sweden indicates that traffickers maintain control over their victims after arrival rather than selling them to local pimps.

Accommodation may be arranged in different ways. Cheap hotels may be used in Copenhagen, or the victims live at the massage clinics they are tied to. In other cases, the traffickers exploiting their victims in massage clinics try to avoid having the women and girls living there, and prefer keeping a “secret” apartment nearby that also serves as a “hide out” should the police be investigating the massage clinic. With regard to these apartments, it is further evident that traffickers in control of many women have them work in shifts at the massage clinics, so women who are not working need a place to stay. In Sweden, trafficking victims often live in the same apartment bordellos that they are put to work in, an arrangement that obviously has several logistic advantages.

In order to start making money on the newly arrived women and girls, traffickers need to announce the women’s presence to new potential clients. In Denmark as well as in Sweden, this can be done by exposing the victims in street prostitution before moving them “indoors”. However, as already concluded the internet plays an increasing role in advertising. In Denmark, but not in Sweden, traffickers can and do also advertise in daily papers, especially Ekstra Bladet.

In order to make money, traffickers also need to exercise some level of control vis-à-vis the women and girls to make them provide the requested sexual services and prevent them from seeking clients’ help or in other ways escape and contact the authorities, or participate in legal investigations and prosecution. Further, traffickers need to make sure that the women and girls do not trick them on the money made.

Research from various parts of the world shows that traffickers initially can be extremely violent towards the victims after arrival and subject them to rape and severe beatings. In Denmark and Sweden, however, violence as control seems to have been more common ten years ago than today, and the experts interviewed think that the absence of such violent behaviour is a direct result of traffickers adjusting to the legal practices in Denmark and Sweden according to which the absence of violence in some cases is enough to avoid conviction for trafficking. However, in some known cases traffickers have subjected their victims to extreme violence such as rape, threatening them with hand guns or drugging them. More commonly, control is exercised through threats against the victims or their families. The most efficient strategy is however sometimes simply to threaten to reveal the prostitution to parents or neighbours.

To gain control, traffickers often exploit the victims' usually low level of education, limited abilities to speak the local language or English, and limited life experiences, as well as their fear of authorities, the police in particular, that they bring with them from their home countries. As trafficking victims exploited elsewhere in the world, victims ending up in Denmark and Sweden are also economically controlled through debt bondage, in other words, being told that owe money to the traffickers for transportation, money that can only be paid back through prostitution. While some women and girls actually manage to work off their debts, return home, or stay on and make money for themselves, others remain indebted to the traffickers when new charges constantly are added for food, accommodation, transports and advertising.

The experts interviewed further reveal that traffickers in both Denmark and Sweden have become increasingly skilled in exercising control without using extreme violence, threats of even severe debt bondage. They use "softer" or "kinder" forms of control, including establishing a relationship of mutual trust by befriending the victims or by letting them keep a share of the profit.

Again it seems that traffickers operating in Denmark and Sweden have adjusted to the local (legal) conditions and learned from past mistakes. By keeping the victims "happy" and letting them keep some of the money made and exercise some level of agency and self determination, the traffickers can make some victims feel that they have made an independent and free choice, and therefore, in their own eyes, are not to be perceived as victims. In such cases, the victims may even protect their exploiter should there be a legal investigation, for example by refusing to reveal compromising information, in which case the traffickers may go free.

Finally, the analysis reveals that traffickers, more so in Sweden than in Denmark, have abandoned the traditional debt bondage system and instead operate with a system where the women and girls pay fixed daily sum, which allows the traffickers to keep a distance to the victims and thereby reducing the risk of being arrested and prosecuted.

This last recognition can possibly be taken as evidence that traffickers perceive the Swedish sex market as more hostile than the Danish. The strategy presupposes exploiting victims with previous experience selling sex who "know what to do" on their own. An alternative strategy that also seems increasingly common in both countries is to send former female victims to assume the role of local

managers and pimps, in which case the main organiser can profit from the operation without great risk.

Once the victims have started selling sexual services to clients in Denmark and Sweden, traffickers, and the victims in cases where they actually get a share of the money, have to decide what to do with the profit. In the case of the traffickers, Swedish studies have found that parts of the profit may be sent back to the country of origin where the main organiser resides. The rest may be used for the daily consumption in Sweden. Victims who get a share of the profit may send the money back to their families or use it for daily consumption. Although traffickers sometimes make substantial profits there is no evidence of money laundering; still it may be invested in other activities such as building houses in the country of origin.

The last step in the “trafficking cycle” is when the victims leave Denmark and Sweden. Victims may be trafficked to another country and thus remain under the control of the networks. Other victims manage to become “debt free” and may return to their home country, sometimes only to be re-recruited. Other victims are taken into custody by the Danish and Swedish authorities after being assisted by the police, and may during the so called “reflexion period” be offered various kinds of support, which eventually may end whereby the victims in question have to return to their home country. Securing a safe return is problematic and challenging and, sadly, in many cases the authorities in Denmark and Sweden, together with the authorities in the receiving country, do not succeed in permanently liberating the victims from selling sex, due to among other things a lack of local resources to rehabilitate and reintegrate the victims. In other cases the victims are not interested in assistance and only wish to return home as quickly as possible, in which case they often find themselves trapped in prostitution again. In summary, this is clearly an area with much room for improvement on the part of both the Danish and Swedish authorities, as well as the authorities in the countries of origin.

The final part of the analysis has described the organisational features of the traffickers operating in Denmark and Sweden. The analysis confirms recent years’ understanding that criminal “networks” rather than “organisations” are involved in the trafficking business. These networks have been categorised into small, medium and large scale networks. In the Danish case the sex market seems to be dominated by small and medium scale networks. Some say that also large scale networks operate on

the Danish sex market, but the conclusion here is that the evidence does not support this claim. In Sweden, the evidence suggests that small and medium rather than large scale networks operate on sex market. These small scale networks often include no more than one to three individuals and the trafficking operations often include only one or two victims. The members of the networks often have family or friendship ties and the victims often live with the main organiser and are exploited in street prostitution or in closed circles of friends.

In comparison, the medium scale networks typically comprise of more members (3-6) and tend to recruit and exploit more victims. A division of labour may be employed; but sometimes the members carry out the same tasks in the trafficking process. The victims are typically exploited in street prostitution, or among circles of friends, as well as indoors at bars, clubs, massage clinics, apartment bordellos and through escort setups. The leadership and the relationship between the members are in both small and medium scale network typically based on family or friendship ties and the will to make a profit. Finally, only medium scale trafficking networks live up to the definitions of organised crime offered by the EU and UN.

#### 5.4.9.1 Limitations of the data and methodological considerations

The quality of the data on the various steps of the trafficking process varies considerably. While I have been able to derive plenty of information about recruitment strategies, exploitation practices and control strategies by reviewing research publications, government reports and investigations, as well as by interviewing Danish and Swedish detective inspectors, public prosecutors and social outreach workers, other aspects of the operational features have been comparatively much harder to get information about, including how traffickers prepare the victims and carry out the transportation, and in particular what traffickers do with the money earned, as well as what happens to trafficking victims at the end of the trafficking cycle.

When analysing these latter stages of the trafficking process, I have been forced to rely more on the interviews with Danish and Swedish detective inspectors, social outreach workers and public prosecutors. At the same time, these experts showed a significant lack of knowledge about what traffickers do with the money earned and what happens to victims when they leaving Denmark and Swe-

den. Clearly, the most reasonable explanation is that these aspects of the problem are less interesting in legal investigations of individual trafficking cases.

While the analysis of the recruitment, preparation, transportation and exploitation stages has relied more extensively on all the data sources (research publications, court verdicts, government investigations and reports and interviews), the remaining parts of the analysis have had to rely on the interviews, and to a minor extent on court verdicts. From a methodological point of view, the reliability and validity can thus be considered higher in the analysis of the aforementioned operational stages, due to the extensive triangulation of the various data sources, than in the analysis of the last mentioned stages.

Unfortunately, some data asymmetries exist, and in several cases the Swedish investigations and reports, as well as the Swedish experts interviewed, provide more detailed information than their Danish counterparts. The picture is even worse when it comes to analysing the organisational features of the traffickers operating in Denmark and Sweden.

First, only one of the Danish research publications, investigations and reports contains information about how traffickers organise when operating in Denmark. I was therefore forced to rely more extensively on Swedish reports and investigations, which contain more information of relevance, also when describing the Danish conditions. Fortunately, the experts interviewed provided valuable information, although not to the extent I had expected. Court verdicts therefore played an increasingly large role, which is problematic since there is no way to make sure that these few court verdicts give a general and representative picture of the organisational features of the trafficking networks. Clearly this is problematic from a methodological point of view and may affect the reliability and validity of the result.

Still, I feel confident in that the descriptions of the small and medium scale trafficking networks are rather accurate. When it comes to describing the large scale trafficking networks, and determining to what extent such networks operate in Denmark and Sweden, the Danish and Swedish empirical data is not only limited, but also contradictory. It certainly would have proven my point, as well as confirmed the superiority of the theoretical “business approach”, had I been able to prove that these large scale networks operate in Denmark to a much greater extent than in Sweden. In other words, the theory suggests that the Danish sex market is more attractive than the Swedish to large scale

criminal networks given Denmark's significantly more liberal and tolerant policy and practice on prostitution. Although there is evidence in favour of such conclusions, the same evidence is clearly not strong enough to support such conclusions all the way.

## 6. Retrospective reflexions

### 6.1 Introduction

This study is coming to an end. Like most other PhD-students I am forced to realise that the road has not only been long, but also full of challenges. Wisdoms have been gained during the process, and clearly, in retrospect, had I known what I know today I would have gone about some things in a slightly different manner.

I would like to end the study with a brief discussion of its result, method and theory. Several questions are worth answering. What is the main contribution of this study and what are its limitations? In retrospect, what are the weakness and advantages of the method used? Has the theoretical “business approach” to the problem worked as expected?

### 6.2 The contribution of the study and its limitations

The most immediate question I ask myself is how my study has contributed to the base of knowledge on human trafficking and prostitution. As I see it, the main contribution is not only a far reaching and detailed description of the operational strategies of the mainly Eastern and Central European traffickers operating across the Danish and Swedish borders, but also the ambition to explain and compare these features in the light of each country’s policy and practice on prostitution. The latter includes a critical analysis of how Danish and Swedish laws work in practice, and the actual challenges facing in particular the police and the public prosecutors, but also the social outreach workers, when trying to assist the victims of the sex trade and prosecute the traffickers.

Hence, where most studies suffice with concluding that various countries have different legal approaches to prostitution, this study takes the analysis a step further by recognising that in order to truly understand the impact of a country’s legal policy on prostitution one too has to take a closer look at how the laws are practiced. The information generated by the chapter analysing the Danish and Swedish prostitution regimes is not only rarely found in other research publications, it also of-

fers several insights on how complex and challenging it actually is for the agents involved in combating trafficking for prostitution, something that other studies do not always acknowledge.

The latter includes a critical discussion of the United Nation Palermo Protocol, which is the model for most European Union countries' laws against human trafficking, Denmark's and Sweden's included. This study has thus shown that the Danish and Swedish human trafficking laws are designed and practiced in such ways that traffickers in many cases manage to avoid conviction. Perhaps even more interesting, traffickers operating in Denmark and Sweden have adjusted their operational strategies accordingly over time.

One such adjustment is to increasingly avoid "forced" recruitment, since violence, threats and deception of victims with regard to the true sexual nature of the business is what in the end may lead to a conviction if the case is taken to a Danish or Swedish court. For similar reasons, traffickers seem increasingly to avoid recruiting the very youngest girls, again knowing that the Palermo Protocol, and hence, the Danish and Swedish trafficking paragraphs are designed and practiced in such a way that the burden of proof on the part of the police and public prosecutors is significantly higher in the case of recruiting and exploiting adult women.

Along the same line of reasoning, this study has found that traffickers operating in Denmark and Sweden increasingly use "non-violent" control strategies, again explained as a direct result of the practice of the Danish and Swedish trafficking paragraph, according to which it clearly is significantly more difficult to secure a conviction in the absence of violent control strategies.

Clearly these are aspects normally not captured by studies setting out to describe the operational strategies of traffickers and can therefore at least to some extent be said to comprise "new" knowledge.

Academics researching prostitution and trafficking often promote and hold a specific legal approach to prostitution as superior to any other legal approaches when it comes to counter act trafficking. Proponents of the Danish decriminalised approach to prostitution as well as proponents of the Swedish criminalised approach can often give a detailed description of how the laws should work

and counteract trafficking in theory. However, the same academics often neglect to investigate how the laws work in practice and their consequences.

Hence, in Denmark proponents of the de-criminalised approach claim that it allows women to make a free and independent choice to become “sex workers”, and men to buy sex from these “professionals”, which therefore will decrease the involvement of criminal entrepreneurs on the Danish sex market and allow women to work independently and on their own without being controlled by a third party, traffickers included. Further, due to the de-criminalised approach to prostitution the police are believed to increasingly be able to focus its resources on those who organise, exploit and make money on women selling sex, as well as on clients buying sex from children. However, this study shows that in practice things look quite different and that the laws to combat trafficking and other unwanted consequences of the sex industry most often are not used as intended.

One problem relates to Article 223.1 of the Danish criminal code criminalising the purchase of sexual services from someone under the age of 18. However, the representatives of the legal system and the social services are often not aware of the law, and since the decriminalisation of prostitution in 1999 it has rarely been used. In practice, it is thus almost risk free in Denmark to buy sex from girls between the age of 15 and 18, trafficking victims included.

Another dilemma concerns the legal status of the bordellos that make up the great majority of the Danish sex industry. Article 228 of the Danish criminal code criminalises the keeping and running of a bordello, but in reality the decriminalisation of prostitution in 1999 has created a “legal grey area” for bordellos, which is exploited by the third parties of the sex industry. Additionally, the police have a lax attitude vis-à-vis these bordellos. When the police actually do act, they have trouble establishing whether the law has been violated and collecting evidence.

In Sweden, the introduction of the law criminalising the client of women in prostitution was partly motivated by the recognition that trafficking for prostitution best is combated and prevented by reducing the demand for prostitution, and thereby the profits made from trafficking women and children. However, initially, and still to some extent, enforcing it has proven problematic. Problems include proving that a commercial sexual act actually has taken place; the fact that the legal system exhibits an indulgent and “forgiving” attitude towards clients of women in prostitution, and that the

courts typically use the lenient sanctions when convicting men found guilty of having paid for sex. Further, relatively few cases have been taken to court and relatively few men have been convicted for violating this law.

At the same time, the law seems to have reduced Swedish men's demand for prostitution, which has dropped from 13.6 percent in 1996 to 8 percent in 2008 (Lewin et al 1998 and Kuosmanens 2008). The "corresponding" Danish investigations indicate that Danish men's demand for prostitution has remained at the same level (14 percent) between 1989 and 2005 (Schmidt et al 1987 and Lautrup 2005).

It seems rather straightforward to conclude that in Sweden, the possibility of the police to investigate suspected violations of the law criminalising the clients of women in prostitution often leads to uncovering trafficking operations, and in this particular respect holds an advantage over the Danish law de-criminalising the clients of women in prostitution.

Another highly interesting aspect that this study has highlighted is the role of migration regimes, in particular the role of border control and visa requirements. Migration scholars often claim that stricter migration regimes and higher level of border control between sending and destination countries mean that more women and girls are forced to turn to human traffickers to be able to "migrate", this study proves that the extension of the Schengen cooperation and the subsequent abolition of border control and visa requirements between the traditional sending countries and receiving countries in fact has played right into the hands of traffickers and significantly facilitated transportation and border crossings. Further, it has made it more difficult for the police to detect potential victims of trafficking already during the border crossing since they are not allowed to ask the same questions as before.

Yet another aspect that this study has revealed is the difficulties of securing a safe return for victims of trafficking and once and for all breaking them free from prostitution. Clearly, this is not "new knowledge". Rather, what perhaps is new, or at least not publicly known, are the difficulties the authorities in the receiving countries have in finding a reliable NGO in the country of origin to meet and assist the victims when they return. In many publications on human trafficking NGOs are often described as a "golden solution" or even the only solution when it comes to receiving, rehabilitating

and reintegrating victims of trafficking, and much bilateral and multilateral aid money has been directed at these NGOs over the years. However, as this analysis has made apparent, some of these NGOs have surprisingly little to offer although they have received financial support.

What is also “new” is the extent to which experts like public prosecutors, detective inspectors and social outreach workers are allowed to be heard, something that clearly keeps the analysis and its result in pace with the reality “on the ground” and increases the understanding of the problem of trafficking and prostitution from the perspectives of the representatives of the Danish and Swedish legal system and social services.

Another interesting aspect is the sometimes profound differences between the picture as presented in the literature and the reality that Danish and Swedish detective inspectors and social outreach workers face “on the street”. It seems reasonable to assume that in some of the research on human trafficking and prostitution, the “extreme” and anecdotal stories are given comparatively much space, and the results are therefore not representative of the reality of the highly complex trafficking business, as pointed out by other researchers who have conducted detailed empirical studies.

Like most other studies, this one also suffers from limitations. Empirically speaking, it has been difficult to find data on how traffickers collect and reinvest the money made as well as what happens to victims at the end of a trafficking cycle. Unfortunately, the same is true for data on the organisational structure of the traffickers operating in Denmark and Sweden. This study does not offer much new information or insights, but rather confirms the picture already offered by the admittedly few almost exclusively Swedish studies available on the issue.

Due to a lack of recent publications, investigations and reports, the study is in some places forced to rely on references that seem outdated. This is problematic, since this study has made clear, if nothing else, that some things change, if not rapidly, at least gradually over time, in the trafficking business. Luckily, the experts interviewed were often able to point out to me that the operational strategies of the traffickers have changed in some respects and gave me a more updated picture. This allowed me to offer a very valuable perspective of change, something which is not always found in other studies on human trafficking.

## 6.3 Evaluating the method

In some parts of the analysis, the study suffers from cross country data asymmetries in the sense that Swedish reports and investigations are more detailed compared to Danish reports and investigations. I have had much use of the annual reports published by the Swedish National Police Authority. The lack of corresponding Danish police intelligence reports clearly makes the Danish empirical base of knowledge much weaker. This problem is further aggravated by the fact that the Danish detective inspectors at the Danish National Police Authority generally refuse to participate in this and similar studies.

The Swedish experts interviewed without exception provided more detailed and nuanced answers than their Danish correspondents. My explanation is that the Swedish detective inspectors, public prosecutors and social outreach workers, with a few exceptions, have longer experience with trafficking for prostitution. Additionally, Swedish authorities, the police in particular, have at least a couple of years' lead on Danish authorities in terms of organising against trafficking for prostitution, by for example establishing specialised counter trafficking units, which is likely to have improved the intelligence flow and systematic data gathering and treatment.

It also proved difficult to find information on some aspects of the operational strategies and organisational structures of the traffickers operating in Denmark and Sweden; most likely because such information is of little relevance when it comes to prosecuting traffickers and therefore is not in the focus of the detective inspectors or public prosecutors interviewed.

Given these data limitations, it seems relevant to ask what other sources that could have been utilised? Two alternative sources of information that I excluded are the female trafficking victims and their traffickers. With regard to the female victims, it does seem likely that they would have been able to fill some of the data gaps, for example what the victims do with the money earned and what happens to them at the end of, and after, the trafficking cycle. It does however not seem likely that they would be able to provide me with information about the organisational aspects of the business.

Further, I am even more convinced now than what I was at the beginning of the study that interviewing victims of trafficking and sexual exploitation is difficult to carry out in a ethically respon-

sible manner. The experiences of the social workers and therapists working with victims of trafficking for example show that it can take up to six months before trafficking victims “start to talk”, and then often only after having built a relationship of trust to their therapist and being provided with safe accommodation.

Further, it can be argued that the words of the victims to some extent still are captured by the court verdicts that typically include victims’ witness statements, given during long hours of police interrogations under conditions that may be defaceable from a legal point of view, but hardly can be said to be an ethically responsible alternative in social science.

Interviewing traffickers could clearly fill some of the gaps of knowledge, in particular with regard to how traffickers organise. On the other hand, it is hard to imagine how exactly such interviews were to be organised in practice in order to yield detailed and reliable answers. Clearly, given the few convictions in Denmark and Sweden there are very few traffickers in prison at any given moment of time in the two countries in question. Further, most, if not all, traffickers sent to prison in Denmark and Sweden are convicted against their denial, and hence have no interest in revealing compromising information.

In contrast, I feel more convinced that the study could have benefited considerably had I taken the time to visit the archives of the Danish and Swedish court houses and reviewed the often highly detailed and substantial pre-investigative material from trafficking cases.

Finally the strategies used to secure validity and reliability need to be discussed. The analysis has mainly relied on triangulation of the different data sources, and it has mostly been a successful strategy. Hence, the use of various data sources has not only enriched the analysis and allowed detailed descriptions of especially the operational strategies of the traffickers operating in Denmark and Sweden, but it has too also allowed me to review the problem from various perspectives, for example the police, social services and public prosecutors.

On most occasions the data sources pointed in the same direction, which according to the logic of triangulation means that the results are valid and reliable. On few occasions the data sources pointed in different directions, or even contradicted each other, in which case I have been more careful

when drawing conclusions. Further, the diverging data often pointed out that the phenomenon of trafficking is highly complex and that the reality of the trade can look quite different depending on one's perspective.

Another wisdom gained during the process is that a perspective of change is essential when analysing trafficking for prostitution, and that the operational strategies of traffickers in fact can change quite rapidly and significantly say over a ten years period. It is therefore problematic that some of the references used are slightly outdated and therefore do not capture for example new legal policies and practises, or for that matter, new operational strategies and organisational structures among traffickers.

As can be seen, the interviews were conducted in 2008, and it seems reasonable to assume that the trafficking business has already changed in some respects since then. Additionally, the Danish and Swedish authorities' actions against trafficking for prostitution have changed significantly. The respondent validation at the very end of the writing process has therefore been very valuable and increased the validity and reliability of the result.

The Danish public prosecutor and Swedish detective inspector who kindly agreed to read parts of my dissertation, in particular the chapter analysing the Danish and Swedish prostitution regime, have thus given valuable feedback and suggestions for changes and updates.

All in all, I feel confident in my result even though I wish I had been able to come further, especially in the analysis of the organisational structures of the traffickers.

## 6.4 Evaluating the theory

The theory guiding the analysis is the economic so called "business approach", which has been used increasingly in recent studies of organised crime, in particular in studies of its operational and organisational features. As applied here, the business approach suggests that the operational and organisational features of the traffickers operating on the Danish and Swedish sex market will be determined by the conditions on each sex market in terms of risks, business and profit potential, factors that in turn are determined by the Danish and Swedish (governmental) policy and practice on prostitution.

During the first steps of the analysis I was able to conclude that there are several significant differences between Denmark and Sweden. In Denmark, the latest investigation shows that 14 percent of the men admit to having paid for sex, compared to 8 percent in Sweden. Unfortunately, these figures say little of the role of visiting tourists' and business men's demand for prostitution when visiting the two countries; however, it seems reasonable to assume that Denmark is the preferred destination for this category of clients.

Nor do such figures typically say anything about clients' preferences in terms of local women vs. foreign women, trafficking victims included. The qualitative research however suggests that (white western) clients are more likely to request the services of trafficked women and children when they look for prostitution at the lowest cost possible or if they prefer being sexually serviced by women and children who are ethnically different from themselves. This suggests that the establishment of a low price ethnic market segment is vital if a sex market is increasingly taken over by traffickers.

Next we can conclude that Denmark and Sweden have chosen very different legal approaches to prostitution leading to significantly different policies and practices, which in turn has led to differences in how the sex markets in the two countries have evolved over time. Denmark has not only a much larger sex market in terms of the number of local and foreign women selling sex, it also has a more accessible and diversified sex industry, including in particular massage clinics, which comprise the major part of the Danish sex industry, but are almost entirely absent in Sweden. Other differences refer to the public's attitudes towards prostitution and the possibility in Denmark to advertise sexual services in regular daily papers.

Clearly, the de-criminalised approach to prostitution creates more legal grey areas in Denmark than the criminalised approach does in Sweden, grey areas that obviously are exploited by traffickers and local third parties. Likewise, the law in Sweden criminalising the clients of women in prostitution seems to give the Swedish police an advantage over the Danish police, also when it comes to detecting and investigating suspected trafficking operations. Finally, traffickers seem to prefer the Danish sex market over the Swedish, simply because the profit potential is higher in Denmark and the risks are perceived as lower.

Accordingly, given these seemingly profound between-country differences, the “business approach” clearly predicts that the operational strategies and organisational structures of the traffickers will also differ for traffickers operating in Denmark and Sweden. We might therefore expect the traffickers to undertake larger scale trafficking operations when operating in Denmark compared to Sweden, as well as to organise in larger scale, since they can be expected to take advantage of the more diversified and accessible Danish sexual infrastructure, the massage clinics in particular.

However, as this analysis has shown, the operational strategies and organisational structures cannot be proven to differ that much between the countries (see above). Among other things, I have not been able to prove that the absence of massage clinics in Sweden makes that much of a difference when it comes to the size of the trafficking networks. Nor have I been able to prove the existence of a low price ethnic market segment where the prices are significantly different for ethnic Danish and Swedish women in prostitution. Rather, the analysis suggests that the arrival of trafficking victims on the Danish and Swedish sex markets has increased the competition for everyone selling sex, leading not only to lower prices but also to lower standards for practicing safe sex. Instead, the price differences are found between the various market segments (street prostitution, massage clinics, apartment bordellos and escort services etc).

Clearly, one may ask why the differences are not more significant between the two countries, and if the lack of profound differences is enough to refute the “business approach” theory? As I see it, this analysis has without doubt proven that the theory has significant potential and that the operational strategies and organisational structures of the traffickers operating in Denmark and Sweden in fact are determined by economic incentives, such as profit potentials and risks. This clearly holds true

for recruitment practices, transportation practices, advertisement practices, exploitation practices and control strategies.

Still, why aren't the differences between the two countries greater? Possibly, the most reasonable answer to the question is also the simplest answer, namely that the differences between the two countries in terms of the size and nature of the sex market, and even in the policy and practice on prostitution, are not large enough to make an impression on the operational strategies and organisational structures of the traffickers.

An alternative explanation may be that there actually are profound differences but they are not detected or captured by this analysis due to the sometimes profound data asymmetries between the two countries. As mentioned, there is evidence suggesting that large scale traffickers may be active in Denmark, unlike in Sweden. However, when trying to investigate these claims further, the lack of evidence forces one to realise that while this very well may be true, it is not scientifically defensible to draw such a conclusion at this point of time.

Clearly, given these limitations, it would be interesting to test the business approach theory further by including the Netherlands or Germany, that is, a country that has legalised prostitution and seen the development of a significantly larger and more diversified sex industry than Denmark and Sweden. As reported, independent research as well as intelligence reports from EUROPOL indicate that large scale trafficking networks are active on, or even dominate, the Dutch and German sex markets, suggesting that it takes a legalised approach to prostitution for traffickers to be able to operate and organise in larger scale than in today's Denmark and Sweden.

Another relevant question is whether it is justified to use an economic theory of organised crime when analysing trafficking for prostitution, when the same analysis concludes that in the case of small scale trafficking networks, we are not talking about "organised crime" as defined by for example the EU or UN?

As I see it, the fact that small scale trafficking networks do not qualify as true organised crime does not exclude the merits of an economic analysis since, clearly, the most basic assumption of economic theory of organised crime is that some type of criminal behaviour simply is motivated by the

will to make an profit and is therefore guided by economic incentives. This can also be said to hold true for criminals in small scale trafficking networks. Additionally, as this analysis has served to clarify, most medium scale networks do live up to the various definitions of organised crime offered by the academic literature as well as EU and the UN.

In the end, the reality of the problem is too complex to be explained by a single theory. Rather, various theoretical perspectives offer various insights that are valuable and necessary in order to fully understand the problem of trafficking for prostitution. The migration theory perspective of “push and pull” sheds light on the factors serving to create a supply of girls and young women and to push them into the hands of traffickers, and as such explain the ease with which traffickers often can recruit their victims. For similar reasons, these “push” factors need to be studied, understood and considered when designing and implementing preventive programs.

Feminism in turn not only sheds light on government prostitution policies and how they have changed over time, but also explains how patriarchal power structures within politics and law enforcement often have marginalised the problem, ultimately leading to a tolerant and forgiving attitude towards Danish and Swedish men buying sex from trafficking victims.

Finally, economic theories of organised crime can still perhaps better than any other theory explain why traffickers operate and organise the way they do by taking the perspective that traffickers primarily are in it for the money, and therefore act to maximise profit and minimise the risk.

## 6.5 Questions for the future

If anything, this study has proven that the subject of the operational strategies and organisational structures of traffickers has much to offer from a research point of view, in particular when studied and compared in relation to different countries’ policies and practices on prostitution. While several of the operational aspects of the trafficking business are well studied, such as the recruitment and exploitation phase, other aspects are significantly less studied, for example what happens to victims of trafficking at the point of exit.

We have even less knowledge about the organisational aspects of the trafficking business, so future studies are needed from a strictly academic theoretical point of view, but also from a practical law enforcement point of view.

Another aspect that I personally find interesting is the background and profile of the traffickers. Comparatively, we know a lot about the background and profile of female victims of trafficking, and the factors that more or less push them into the hands of traffickers, but we know much less about the traffickers' background. What little is known suggests that the traffickers in most cases come from the same impoverished and marginalised conditions as their victims, which makes it relevant to study to what extent poverty, lack of economic opportunities and social and political discrimination push individuals into becoming traffickers, and consequently, what strategies can be employed to prevent men from becoming traffickers or encourage them to leave a criminal career behind.

Another area in urgent need of more research is clients' preferences and actions in relation to victims of trafficking. What possesses Danish clients to visit massage clinics where Romanian trafficking victims are exploited rather than visit a massage clinic where ethnic Danish women are "working"? Alternatively, what possesses Swedish clients to visit an apartment bordello in the suburbs to be sexually serviced by an underage Lithuanian girl rather than call on the services of an adult Swedish woman working as an escort? How do clients actually reason when they make these decisions?

Finally, the perhaps most urgent question, from the victims' perspective, is to research the initiatives, programs, policies and practices that help liberate women and girls from prostitution, as well as rehabilitate and reintegrate them, and generally prevent them from being re-trafficked. What is actually being done in this respect? What works and what does not work?



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## 7.4 Court Verdicts

### (Swedish)

Stockholms Tingsrätt, DOM Mål nr: B 8862-04

Stockholms Tingsrätt, DOM Mål nr: B 2698-04

Göteborgs Tingsrätt, DOM Mål nr: B 7477-03

Göteborgs Tingsrätt, DOM Mål nr: B 4385-05

Solna Tingsrätt, DOM Mål nr: B 2636-02

Södertörns Tingsrätt, DOM Mål nr: B 5346-07

Helsingborgs Tingsrätt, DOM Mål nr: B 1230-05

Borås Tingsrätt, DOM Mål nr: B 436-06

Katrineholms Tingsrätt, DOM Mål nr: B 133-05

### (Danish)

Højesterets DOM, Sag nr: 369/2008.

Københavns Byret, Sag nr: 24.7147/04.

Københavns Byret, Sag nr: SS 2.10453/2007

Københavns Byret, Sag nr: 4-16586/2008

Københavns Byret, Sag nr: 21.16683/2006

Københavns Byret, Sag nr. SS 3-6771/2007

Københavns Byret, Sag nr: 29692/2004

Københavns Byret, Sag nr: SS 15-31824/05

Retten i Århus, Sag nr: SS7.964/2005

Retten i Roskilde, Sag nr: S 9-2235/2007

Retten i Skjern, Sag nr: SS 329/2006

## 7.5 Interviews

### **(Swedish)**

Kajsa Wahlberg, Detective Inspector, Interviewed 2008-09-25  
Per Englund, Detective Inspector, Interviewed 2008-09-25  
Ewa Carlenfors, Detective Inspector, Interviewed 2008-09-25  
Ann Martin, Detective Inspector, Interviewed 2008-09-25  
Mats Paulson, Detective Inspector, Interviewed 2008-09-16  
Bo Svennecke, Social Outreach Worker, Interviewed 2008-09-17  
Patrik Cederlöf, Social Outreach Worker and Coordinator, Interviewed 2008-09-25  
Thomas Ahlstrand, Public Prosecutor, Interviewed 2008-09-16  
Kristina Ehrenborg Staffas, Public Prosecutor, Interviewed 2008-09-19  
Thomas Eliasson, Public Prosecutor, Interviewed 2008-09-17  
Anna Lena Nilemar, Public Prosecutor, Interviewed 2008-09-26

### **(Danish)**

Dorit Otzen, Director of Reden, Interviewed 2008-10-23  
Rene Hansen, Detective Inspector 2008-10-23  
Peter Liestmann, Detective Inspector, Interviewed 2008-11-26  
Jesper Leth Hansen, Detective Inspector, Interviewed 2008-11-26  
Frank S. Blaabjerg, Detective Inspector, Interviewed 2008-11-26  
Anne Maskel, Social Outreach Worker, Interviewed 2008-11-07  
Ingrid Lüttichav, Social Outreach Worker, Interviewed 2008-11-21  
Thomas Laigaard, Social Outreach Worker, Interviewed 2008-11-21  
Hanne Mainz, Social Outreach Worker, Interviewed 2008-11-11  
Ann Maskell, Social Outreach Worker, Interviewed 2008-11-07  
Laura Birch, Public Prosecutor, Interviewed 2008-10-27



## 8. Attatchments

### 8.1 Letter of Informed Consent

#### Letter of Informed Consent

**Project Title:** *Operating the Baltic trafficking route: A case study of trafficking in women and children into Denmark and Sweden for the purpose of commercial sexual exploitation*

**Investigator:** Daniel Gustafsson, PhD-candidate, Aalborg University, Department of History, International and Social Studies  
E-mail: [dg@ihis.aau.dk](mailto:dg@ihis.aau.dk)  
Telephone: 0046(0)762273020

**Supervisor:** Professor Birte Siim, Aalborg University, Department of History, International and Social Studies  
E-mail: [siim@ihis.aau.dk](mailto:siim@ihis.aau.dk)  
Telephone: 0045 9940 8312

**Address:** Aalborg University  
Fibigerstræde 2  
9220 Aalborg Ø  
Denmark

#### Dear Madam or Sir

In the capacity of your professional expertise, you are hereby invited to participate as an informant in my dissertation research project related to organised crime, human trafficking and prostitution. The purpose of the study is to describe the operational strategies and organisational structure of the criminal organisations and networks known to be operating the Baltic trafficking route with the intention of supplying women and children for commercial sexual exploitation in Denmark and Sweden.

The study is principally based on expert interviews carried out with informants having relevant experience in the field of organised crime, human trafficking and prostitution. These typically include police officers, prosecutors and representatives from women's organisations working in the Baltic-Scandinavian region.

Your participation will include being interviewed face to face preferably at your worksite. Depending on the extent of your professional experience with regards to the subject in question, the interview can take a varying amount of time at its disposal. Consequently, should you choose to participate, I therefore ask you to reserve at least two hours of your time.

The questions asked will be of a so called semi structured type, hence allowing you to emphasise issues that you believe to be of particular importance.

If preferred, your participation and responses can be kept confidential and your anonymity thereby guaranteed.

Further, you can at any time up until the date of publication choose to cancel your participation and withdraw from the study.

Finally, it should be noted that, apart from the actual dissertation, the result of the study may be published in other forms as well, and thereby be made publically available.

If you have any concerns about the nature of the study, the terms of your participation or the practical details of the interview, please feel free to contact me for further clarification.

Sincerely,

Daniel Gustafsson

Please sign below if you are willing to participate in the dissertation research project as outlined above.

Signature and Date\_\_\_\_\_

Print name\_\_\_\_\_

## 8.2 Interview Guide

<b>Formalities</b>
Date:
Location:
Name of respondent:
Professional title:
Years of experience and number of cases handled?
Present area of responsibility?
Contact information:
Informed consent secured:
Anonymity requested:

# Introduction

Identification of the trafficking organisations/networks operating in Denmark and Sweden
Along which trafficking routes are women and children transported to Denmark/Sweden?
Can a Baltic trafficking route be identified and separated from other trafficking routes in the case where Denmark and Sweden serve as destination countries?
If so, what comprise the main geographical points of departure, transit and destination?
Which are the preferred points of entry/border crossings into Denmark/Sweden?
Are the same criminal organisations or networks operating the entire Baltic trafficking route, that is, from the point of departure to the final destination? Or are the victims during some point of transit, transferred to another criminal organisation or network?
Are the women and girls trafficked via the Baltic route exclusively of a Russian or Baltic origin/nationality? Or are victims of other nationalities trafficked along the same route as well?
If so, what are the connections between the criminal organisations and networks operating the Baltic trafficking route and their correspondents operating outside the region in question?
Does Denmark/Sweden in some cases serve primarily as transit countries rather than destination countries?
Which factors determine the choice of trafficking route?
How have these issues changed over time? If so, why and how?

# Operational features

Recruitment
What are the most common recruitment strategies?
Which women and girls are targeted?
Does the recruitment strategy differ depending on the characteristics of the victims?
Is the recruitment general or does it sometimes take the form of commissioned work?
Who are in charge of the recruitment?
To what extent are female recruiters used?
Do the victims sometimes pay a fee prior to the departure?
What role do otherwise legal businesses play in the recruitment process?
Have the recruitment strategies changed over time? If so, why and how?

Preparation of victims and their travel documents
To what extent and in what way are the victims prepared prior to the departure?
Are the victims sometimes, prior to the departure or during some point of transit, "trained" for the sexual exploitation to come?
Describe the strategy used by the traffickers to secure passports and visas for their victims?
Has there been any change over time with regards to these aspects?

Transportation
Describe the transport process from point of departure to the final destination with regards to means of transportation and the time it takes to make the journey.
Is the transport always as straight forward as possible or is it sometimes carried out step by step?
Describe the living conditions during the transport.
What determines the means of transportation?
How many victims are transported each time?
How are the victims transported inside Denmark/Sweden?
Have the transportation practises changed over time?

Exploitation
Describe what happens between the time of the arrival in Denmark/Sweden and the point of time where the commercial sexual exploitation begins.
Does the contact between the trafficker and the victims continue after the arrival or are the victims sold to a local owner/organiser of a commercial sexual establishment? If so, how is this arranged? Or are the victims put to work in establishments under the control of the traffickers?
Are there any evidence of the existence of so called "trading houses" where the victims are "auctioned off" to local "buyers"? If so, which features generates the highest price?
When does the sexual exploitation begin
Describe the nature of the post-arrival commercial sexual exploitation?
Are the victims exploited for non sexual purposes as well?
Do non commercial forms of sexual exploitation occur?
Describe the living conditions during the time of the exploitation.
Have the characteristics of the exploitation changed over time?

Control strategies
How are the victims controlled and made compliant during the process of transport?
How are the victims controlled and made compliant during in the post arrival exploitive phase?
Describe the so called "breaking in process".
Describe the system of debt-bondage.
What is included in the debt?
What determines the level of violence the victims are subject to?
Does re-trafficking or re-selling of the victims occur? If so, why?
Have the control strategies changed over time?

Market strategy
Describe the strategies used by trafficking organisations and networks when penetrating the Danish/Swedish market for commercial sex.
Are the victims primarily sold to local owners of commercial sexual establishments? Or are they rented out? Or are they put to work in establishments owned and controlled by the traffickers them selves?
Are traffickers known to "take over" already existing establishments in Denmark and Sweden? If so, how is this done?
In what type of establishments and which price segment are victims of trafficking usually put to work?
How are the services advertised?
How is the contact with the customers established and maintained?
Has the market strategy changed over time?

Strategy for meeting the competition
What is the relationship between the different traffickers operating on the Danish/Swedish market for commercial sex?
What strategy is usually used for handling competition?
Is there any evidence that traffickers have divided the Danish/Swedish market for commercial sex in geographical territories?
Is there any evidence that violence is used to protect the business of the traffickers?
How do traffickers or local third parties exploiting victims of trafficking compete with local independently working women?
Has the strategy for meeting competition changed over time?

Financial aspects
How are the trafficking operations financed?
What are the costs associated with a trafficking operation?
What are the potential profits that a victim can generate?
How is the profit reinvested?
What system or setup is used to launder the profit?
Is it possible to trace the money/profit for criminal investigative purposes? And is this something that is being done?

Operational strategy Vis-à-vis the law and the police
In what ways do traffickers adapt their operations as to overcome obstacles caused by the Danish/Swedish law on prostitution?
In what ways do traffickers adapt their operations as to overcome obstacles caused by Danish/Swedish legal policies and practices with regards to migration and border control?
How are the police working in Denmark/Sweden with regards to prostitution and female trafficking?
Describe a typical police operation vis-à-vis a trafficking organisation/network from the beginning to the end.
Is it prioritised area within the police department?
Are there any indications that traffickers have adjusted their operational strategies to counter act police initiative/investigation?
How rapidly do traffickers and local third parties change their activities as a consequence of new laws and legal practices?

# Organisation and management features

Introduction
<p>In the literature on the subject in question, two different organisational structures are typically used for describing the criminal elements engaging in trafficking for prostitution, namely, traditional hierarchical pyramid like organisations and networks, possibly with a core group.</p> <p>Which model/typology do you mean best describe the true organisational structure of the traffickers operating in Denmark and Sweden?</p>
<p>Is it possible that several different organisational structures can be identified?</p>
<p>What determines the choice of organisational structure?</p>
<p>Has there been any change over time with regards to the preferred organisational structure of the traffickers operating in Denmark and Sweden?</p>

The Corporate Model
Could you graphically illustrate the organisational features of the trafficking organisations operating in Denmark and Sweden?
In detail, please describe the vertical differentiation of these organisations.
In detail, please describe the horizontal differentiation within these organisations.
What are their size, and geographical reach? How well structured are they, and how professional?
To what degree are these organisations dependent of corrupted governmental civil servants?
How are the members selected, recruited and trained? How is trust (and diciplin) built and maintained internally?
What does the organisation look like on the local level in Denmark/Sweden?
Describe the relationship to local third parties.
In what way and to what extent is this particular choice of organisational structure a part of a deliberate strategy for risk management and damage control?

The Network model
Could you graphically illustrate the organisational features of the trafficking networks operating in Denmark and Sweden?
Describe the management/co-ordination of the networks.
Describe the division of labour within the network.
Can the networks operating in the region easily be told a part from each other? Can the same individual be a part of different networks?
What are their size, and geographical reach? How well structured are they, and how professional?
To what degree are these networks dependent of corrupted governmental civil servants?
How are the members selected, recruited and trained? How is trust (and diciplin) built and maintained internally?
The role of women and ethnic composition?
Can the network be well defined and separated from other networks?
What does the network look like on the local level in Denmark/Sweden?
Describe the relationship to local third parties
In what way and to what extent is this particular choice of organisational structure a part of a deliberate strategy for risk management and damage control?

# Transnational and criminal spill-over aspects

Transnational aspects
Are the traffickers responsible for trafficking women and children into Denmark/Sweden also active on other national markets?
Are the same victims exploited in several different countries? If so, is it the same network/organisation that is responsible or are the victims sold to other traffickers?

Criminal spill-over aspects
Do the same organisation/network that traffic women and children into Denmark/Sweden also engage in the smuggling of human beings into these countries? If so are these operations kept separated from each other or do they overlap? Are the same routes used?
Are the same organisations/networks that traffic women and children into Denmark/Sweden also engaged in trafficking in drugs? If so, are these operations kept separated from each other or do they overlap? Are the same routes used?
What other criminal activities do traffickers operating the Danish/Swedish market engage in?
Have these aspects changed over time?

Non-Criminal spill-over aspects
What non-criminal activities do traffickers operating in Denmark/Sweden engage in?
Has this aspect changed over time?

## The sex market

Describe how the Danish/Swedish market for commercial sex has evolved during the last 15 years.
Describe the nature and size of the present Danish/Swedish market for commercial sex.
Which are the actors involved?
What does the sexual infrastructure look like?
How do third parties and independently working women advertise the services offered? What role does the Internet play?
What role does trafficking victims play on the Danish/Swedish market for commercial sex?

## The victims' perspective

Describe the profile of the victims trafficked into Denmark/Sweden.
Describe the typical duration and nature of the exploitation.
To what extent can victims exercise their own agency in relation to traffickers and buyers?
Describe the impact of the sexual exploitation on the victims' physical and mental health.
Describe the "exit" phase.
Describe how the Danish/Swedish authorities treat victims when they manage to escape or are rescued.
What assistance can victims get in their home countries?
What knowledge is there about what happens to victims when they have been sent home from Denmark/Sweden?

## **The buyers' perspective**

How do buyers' relate to the Danish/Swedish law on prostitution?
How do Danish/Swedish buyers' act as to avoid detection?
To what extent are Danish/Swedish buyers aware of the problem of trafficking and how do they act in relation to it?
Do sex buyers' some times alert the police when they encounter victims of trafficking?
Which buyers do knowingly and deliberately seek out victims of trafficking?
What are the relationship between the customer and the traffickers? How is trust built and maintained?
Do Swedish buyers travel to Denmark as sex tourists?

## **The Baltic-Scandinavian counter-trafficking network**

Which agencies, individuals and NGOs are engaged in combating trafficking in the Baltic-Scandinavian region?
What do the strategies look like and which concrete measures are being taken?
What system is in place to rehabilitate and reintegrate former victims?
How have these aspects changed over time?

# Analytical Questions

In what way and to what extent do Danish/Swedish laws and practices related to prostitution affect the actions of the trafficking organisations and networks operating the Baltic trafficking route?
In what way and to what extent do Danish/Swedish laws and practices related to migration affect the actions of the trafficking organisations and networks operating the Baltic trafficking route?
Do human traffickers exploit differences between Danish and Swedish laws on prostitution and migration?
What role does the sexual infrastructure play?
Why are there so few convictions in Denmark/Sweden?
Do counter trafficking operations sometimes fail because of corruption within the police?
Do the police sometimes knowingly neglect to report/ investigate a case of female trafficking for prostitution?
What needs to be done to increase the number of convictions?

## Analytical questions

(Detective inspectors in Århus)

In what way and to what extent do Danish laws and practices related to prostitution affect the actions of the trafficking organisations and networks operating the Baltic trafficking route?
In what way and to what extent do Danish laws and practices related to migration affect the actions of the trafficking organisations and networks operating the Baltic trafficking route?
Do human traffickers exploit differences between Danish and Swedish laws on prostitution and migration?
What role does the sexual infrastructure play?