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The Swedish Law That Prohibits the Purchase of A Sexual Service: Best Practices for Prevention of Prostitution and Trafficking in Human Beings

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After several years of public debate initiated by the Swedish women's movement, the Law that Prohibits the Purchase of Sexual Services came into force on January 1, 1999. The Law is the first attempt by a country to address the root cause of prostitution and trafficking in beings: the demand, the men who assume the right to purchase persons for prostitution purposes. This groundbreaking law is a cornerstone of Swedish efforts to create a contemporary, democratic society where women and girls can live lives free of all forms of male violence. In combination with public education, awareness-raising campaigns, and victim support, the Law and other legislation establish a zero tolerance policy for prostitution and trafficking in human beings. When the buyers risk punishment, the number of men who buy prostituted persons decreases, and the local prostitution markets become less lucrative. Traffickers will then choose other and more profitable destinations.

Prostitution and trafficking in women and girls for sexual exploitation have shown an alarming increase during the past several decades. The prostitution industry¹ is booming and expanding in a world where many countries subscribe to the ideology of a free market economy, a market in which women and girls are just some among an infinite number of highly saleable items. Thus, trafficking and prostitution of women and girls for profit is one of the fastest growing global enterprises, after drug and arms trafficking. Meanwhile, neoliberals have normalized prostitution as a form of sexual entertainment, with equal players exchanging services for money. "Working" as a "sex worker" is seen as a legitimate career path for women, and employment centers in the Netherlands, where prostitution and brothels are legalized, suggest brothel worker as an appropriate professional choice. What previously was viewed as a severe form of sexual exploitation is now a woman's right to do what she wants with her body and a way to sexual liberation and self-determination. This change is a contemporary and pertinent example of the revival of a stagnant repressive political agenda, which now permeates virtually all current political, academic, and popular discourses on prostitution and

trafficking in human beings. However, not every country in the world is equally enthusiastic about the idea that prostitution should be seen as a form of work, or that sexual exploitation of women by men should be commercialized and legalized. In its proposal to prohibit the purchase of sexual services, the Swedish government states,

By prohibiting the purchase of sexual services, prostitution and its damaging effects can be counteracted more effectively than hitherto. [...] The government considers, however, that it is not reasonable to punish the person who sells a sexual service. In the majority of cases at least, this person is a weaker party who is exploited by those who want only to satisfy their sexual drives. (Ministry of Labour, 1998, p. 55)

PRINCIPLES BEHIND SWEDISH POLICIES AND LEGISLATION AGAINST PROSTITUTION AND TRAFFICKING IN HUMAN BEINGS

For a long time, the work against prostitution and trafficking in human beings has been a political priority in Sweden, at the national level as well as international level. The work is considered an essential part of efforts to create a contemporary and democratic society where full gender equality is the norm, and to recognize the right to equal participation of women and men, girls and boys, in all areas of society.

In Sweden, it is understood that any society that claims to defend principles of legal, political, economic, and social equality for women and girls must reject the idea that women and children, mostly girls, are commodities that can be bought, sold, and sexually exploited by men. To do otherwise is to allow that a separate class of female human beings, especially women and girls who are economically and racially marginalized, is excluded from these measures, as well as from the universal protection of human dignity enshrined in the body of international human rights instruments developed during the past 50 years (Ministry of Industry, Employment, and Communications, 2004). In fact, as early as the first decades of the 20th century, pioneering Swedish feminists, in their efforts to combat prostitution and the traffic in women and girls, illuminated the link between the international trafficking in women, and the position of women and girls in society.

In Sweden, prostitution is officially acknowledged as a form of male sexual violence against women and children. One of the cornerstones of Swedish policies against prostitution and trafficking in human beings is the focus on the root cause, the recognition that without men's demand for and use of women and girls for sexual exploitation, the global prostitution industry would not be able flourish and expand. Prostitution is a serious problem that is harmful, in particular, to the prostituted woman or child but also to society at large. Therefore, prostituted women and children are seen as victims of male violence who do not risk legal or other penalties. Instead, they have a right to assistance to escape prostitution.⁴ Pimps, traffickers, and prostitution buyers knowingly exploit the vulnerability of the victims caused by high rates of poverty, unemployment, discriminatory labour practices, gender inequalities, and male

violence against women and children. On a structural level, Sweden recognizes that to succeed in the campaign against sexual exploitation, the political, social, and economic conditions under which women and girls live must be ameliorated by introducing development measures of, for example, poverty reduction, sustainable development, measures that promote gender equality, and social programs focusing specifically on women.

In Sweden, prostitution and trafficking in human beings for sexual purposes are seen as issues that cannot, and should not, be separated; both are harmful practices and intrinsically linked. It is understood that the purpose of the recruitment, transport, sale, or purchase of women and girls by traffickers, pimps, and members of organized crime groups within countries or across national borders is, in the overwhelming majority of cases, to sell these female human beings into the prostitution industry.

In Sweden, all forms of legal or policy measures that legalize or regulate different prostitution activities, such as brothels, or that decriminalize the perpetrators of the prostitution industry, including pimps, traffickers, brothel owners, and buyers, are seen as some of the most serious present-day threats to gender equality and the rights of women and girls to live lives free of male violence. It is understood that the legalization of prostitution will inevitably normalize an extreme form of sexual discrimination and violence and strengthen male domination of all female human beings.

Legalization of prostitution activities means that the state imposes regulations with which they can control one class of women as prostituted. Accordingly, it is argued that trafficking in human beings for sexual purposes will never be eliminated unless the international community also takes a vigorous stand and puts in place concrete measures against prostitution and sexual exploitation, and against the expansion of the international prostitution industry.

The work against prostitution and trafficking in human beings requires a broad perspective and a will to act in a wide range of policy areas. It also requires the involvement and collaboration of a broad variety of public and private actors. In Sweden, this work is undertaken not only by the Swedish government and public authorities but also by the women's movement, the shelter movement, and other nongovernmental organizations (NGO's) (Ekberg, 2003).

To further its commitment to work toward gender equality and to prevent and suppress prostitution and trafficking in human beings, the Swedish government, under the coordination of the Division for Gender Equality, is presently preparing a National Action Plan to Combat Prostitution and Trafficking in Human Beings for Sexual Purposes, especially Women and Children (the Plan; Government Decision (N2004/7678/JÄM); Wahldén, 2003).

The Plan, which will be presented to the Riksdag (the Parliament) in the fall of 2005, will include additional measures that prevent prostitution and trafficking in human beings, including special measures to counteract the demand that furthers all forms of sexual exploitation of human beings, especially women and children. In addition, an overhaul of measures to combat prostitution and trafficking in human beings within the justice and social welfare systems and, importantly, measures that concern protection of and

assistance to victims of prostitution and trafficking will also be developed and implemented. Finally, the Plan will include measures that promote and protect the human rights of women and children and level those political, social and economic inequalities in countries of origin, and countries of transit, which further prostitution and trafficking in human beings, especially women and children.

THE LAW THAT PROHIBITS THE PURCHASE OF A SEXUAL SERVICE

On January 1, 1999, the Swedish Law that Prohibits the Purchase of Sexual Services (the Law) entered into force (Law That Prohibits the Purchase of Sexual Services, 1998:408). This Law recognizes that it is the man who buys women (or men) for sexual purposes who should be criminalized, and not the woman. The Law is gender neutral and is, as mentioned above, a fundamental part of the comprehensive Swedish strategy to combat prostitution and trafficking in human beings.

The initiative to criminalize the prostitution buyers originally came from the Swedish women's movement. Feminists analyzed women's position in society and how men, through the exercise of violence against women ensured that the subordinate position of women was maintained, including by men using some women and girls for prostitution purposes. In agreement with other feminists worldwide, they concluded that prostitution was another patriarchal tool of oppression that has deleterious effects on the women and girls, who are induced and kept in prostitution, as well as an extreme form of male violence used to control female human beings as a class.⁷ Since the beginning of the 1980s, Swedish feminists have consistently argued that men who buy prostituted women should be criminalized (Welborn, 1990), and that the women and girls in prostitution should be seen as victims of male violence who have a right of assistance to escape prostitution.

In 1987, the National Organization for Women's Shelters and Young Women's Shelters in Sweden (ROKS) made this demand part of its yearly Plan of Action, a plan that includes a list of demands that the organization presents to the female parliamentarians every year. Thanks to the intense lobbying and policy-setting work of these dedicated feminists, and with the assistance of female politicians from across party lines, the Law was brought to the Parliament, approved with little opposition, and finally entered into force on January 1, 1999.

The Law was part of an Act on Violence Against Women (Kvinnofrid), which was enacted on July 1, 1998 (Swedish Government Offices, 2001). The Act, which was the outcome of two Commissions of Inquiry; the Commission on Prostitution (1995) and the Commission on Violence against Women (1995), included several amendments to laws relating to male violence against women, including a strengthened sexual harassment law. In addition, a new offence was created—gross violation of a woman's integrity and gross violation of integrity—punishing repeated instances of male violence against a woman in an intimate relationship (Ministry of Labour, 1998). The National Board of Health and Welfare was, in accordance with the Act, charged with the task of

gathering information on and to monitor the extent and development of prostitution in Sweden, as well as giving support to the local authorities on the development and improvement of measures against prostitution. The Board reports regularly to the Government.¹⁰

It is important to note that this legislation only targets buyers of persons in prostitution. The persons who are exploited in prostitution, the victims of male violence, are not subject to any kind of criminal or other legal or administrative repercussions. The government also pledged money and assistance to women who are victims of male violence, including to prostituted women. Thus, the state, to a certain extent, is responsible for assisting women to leave violent situations, including prostitution, and for providing women with access to shelters, counselling, education, and job training. The direct responsibility for the provision of services to victims of prostitution and trafficking in human beings, according to law, remains with the Swedish municipalities (Ministry of Social Affairs, 2001).

AMENDMENTS TO THE LAW

In 2001, the Parliamentary Sexual Crimes Committee released its extensive report on proposed amendments to the sexual crimes legislation in chapter 6 of the Swedish Penal Code (Ministry of Justice, 2001). The Committee proposed a series of changes to existing crimes; not only to the procuring offence but also to the crimes of rape and sexual assault. In this report, the Committee also recommended that the law prohibiting the purchase of sexual services be amended and strengthened. The Committee noted that the Law excluded from criminal liability those (men) who regularly purchase the same prostituted woman. In addition, the Law did not cover situations in which a person or a group of persons purchased a sexual service for someone else. This situation occurs when a group of men come together for a stag party to celebrate the marriage of one of them, and friends buy a woman for the bridegroom as a sending-off gift, or when a corporation provides escort services for visiting male customers and business associates.

In response, the Swedish government prepared a bill, which was presented to the Parliament in the spring of 2004, in which the proposed amendments to chapter 6 of the Penal Code are incorporated. The amendments entered into force on April 1, 2005.¹¹

The offence is currently worded as follows:

A person who, in other cases than previously stated in this chapter, obtains a casual sexual relation in exchange for payment shall be sentenced for the purchase of a sexual service to a fine or imprisonment for at the most six months.

What is stated in the first paragraph also applies if the payment has been promised or made by someone else.¹²

The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels, in so-called massage parlours, from escort services, or in other similar circumstances. Attempts to buy a sexual service are also

punishable. If another person has promised to give or have given compensation for the purchase of a casual sexual relation, he can be punished as an accomplice.¹ To put the length of imprisonment in context, the longest sentence that can be imposed on anyone for any individual criminal offence in Sweden is 10 years. The Supreme Court has set the fine to at least 50 day fines; however, in cases where prostitution buyers have purchased sexual services more than once, the courts have imposed up to 150 day fines.¹⁴

MONEY FOR POLICE ENFORCEMENT

When the legislation came into force, SEK 7 million (approximately US\$ 1 million) were set aside by the government for police enforcement. The money was allotted to four police districts, including the three largest cities. In 2003, the Swedish government granted another SEK 30 million (approximately US\$ 4.1 million) for 3 years to the National Board of Police, specifically earmarked for measures to combat prostitution and trafficking in human beings.¹ During the first year of the Law's operation, the police enforcement efforts were directed mainly at men buying women in street prostitution; however, since then, prostitution buyers of women in apartment brothels, porn clubs, massage parlours, and escort agencies are also being targeted.

NUMBER OF PERSONS IN PROSTITUTION IN SWEDEN

In 1999, it was estimated that 125,000 Swedish men bought about 2,500 prostituted women one or more times per year. Of these women, approximately 650 were street prostituted. From 1999 until today, the number of persons involved in street prostitution has decreased by at least 30% to 50%, and the recruitment of new women has come almost to a halt. It is estimated that the number of women in prostitution has decreased from 2,500 in 1999, before the Law came into force, to no more than 1,500 women in Sweden in 2002 (S-A. Månsson, School of Social Work at Malmö University, personal conversation, January 12, 2004; T. Ekman, Director for the Anti-Trafficking Group at the Police Authority in Gothenburg in charge of investigating crimes related to prostitution and trafficking, personal conversation, January 16, 2004; Gripenlöf, 1991- 2002; M. Sjöstrand Persson, Director for the Prostitution Group at Social Services in Malmö, personal conversation, January 16, 2004).¹

Significantly, the number of women in street prostitution in Sweden today is estimated to be considerably lower than when the Law entered into force in 1999, with no more than 500 individuals involved once or more during the course of one year (Sweden has 9 million inhabitants).¹⁷ This number should be compared with the number of women involved in street prostitution in Denmark (with 4.5 million inhabitants). In the beginning of the 1990s, approximately 2,000 women were in Danish street prostitution, compared with 5,500 to 7,800 in 2004 ("Love Bestemmer Antal Prostituerede," 2004). Denmark does not have legislation that prohibits the purchase of sexual services.

There is no evidence that the Law has caused an increase in prostitution related contacts on the Internet (National Board of Health and Welfare, 2004; Gripenlöf, 1991-2002). The global prostitution and pornography industry has always been quick to take advantage of every new technological advance that can benefit their activities and promote the sale of their products. The Net Sex Project at the University of Gothenburg, a research project that studies the use of the Internet for sexual purposes, concludes in its report that the number of Swedish women who are prostituted via the Internet remains stable at around 80 to 100 women, with the same women advertised on many different Web sites. The report also concludes that the use of the Internet for prostitution purposes is a consequence of the rapid development of Internet technology and not a consequence of the Swedish legislation (S-A. Månsson, School of Social Work at Malmö University, personal conversation, January 12, 2004; Månsson & Söderlind, 2004).¹ The presence of foreign women in street prostitution has come almost to an end (IÖKSP, 1999-2001; Kärrman, 2000), and the number of buyers has decreased by 75% to 80% (Gripenlöf, 1991-2002).

WHO ARE THE SWEDISH MEN WHO BUY PROSTITUTED WOMEN?

Every eighth man older than 18 years in Sweden, or approximately 13 % of men ages 18 years and older, have, at least once, bought a person for prostitution purposes within Sweden or in other countries (Månsson, 2001, 2004; National Institute of Public Health, 2000). These men represent all ages, however, the majority of the buyers are between 30 and 55 years of age, all income classes and all ethnic backgrounds. The majority of the men are, or have been, married or cohabiting, and they often have children. Men who have or have had many sexual partners are the most common buyers of prostituted persons, effectively dispelling the myth that the buyer is a lonely, sexually unattractive man with no other option for his sexual outlet than to buy prostituted women. In addition, in a study undertaken in Stockholm in 2000, the researchers found that of boys and young men between the ages of 16 and 25, 10% had paid for a sexual service (National Institute of Public Health, 2000).¹

ENFORCEMENT OF THE LAW

The primary purpose of the Law is to prevent the purchase of sexual services. Accordingly, under the legislation, the Swedish police are to intervene before a crime is committed. However, the arrest and prosecution of the perpetrators is, of course, of equal importance. Most police reports give evidence of attempts by men to buy sexual services. It is considered an attempt when a buyer offers something, such as money, drugs, or a place to stay to a prostituted person as payment for a sexual service.

According to the latest statistics from the National Council for Crime Prevention provided by Kerstin Öhrnell (Brottsförebyggande rådet, 2005), 914 male individuals have been reported under the Law from January 1999 to March 2005.⁰ Of the 300 men who were arrested for purchasing sexual services during 2003, more than 200 of the arrests took place in the county of the capital of

Sweden, Stockholm. Similarly, in 2004, of the 156 buyers who were reported under the Law, 109 of these arrests took place in the counties of the three largest cities; Stockholm, Gothenburg and Malmö. Around 234 male individuals have been convicted of purchasing sexual services or have pleaded guilty during the first 5 years (1999 to 2003) of the Law's operation. Conviction rates for 2004 are not yet available. However, it is expected that the 2004 conviction rates will show a considerable increase. Most men arrested under the Law pled guilty to avoid not only a court trial but also the possibility that their partners or wives will find out about their having bought and used prostituted women. The oldest man arrested under the Law was age 70 years (2002) and the youngest age 16 years (2000). The average age of the buyers was age 44 years (Brottsförebyggande rådet, 2005).

The police and the prosecutors successfully enforce the Law against buyers who are apprehended in brothel investigations and in cases concerning trafficking in human beings for sexual purposes.¹ In one trafficking-related case, which was investigated during the latter half of 2002 and prosecuted during the spring of 2003, the pimp who operated his business solely on the Internet, received approximately 25,000 e-mail inquiries about women advertised on his Web sites from men around Sweden and elsewhere. The pimp kept a customer registry with the names of more than 1,500 buyers. In the case, 571 men were suspected of having bought sexual services under the Law, of these only 73 could be identified. In the case, 41 men have been prosecuted for purchasing sexual services, and 25 have been convicted or pleaded guilty. Fines totalling SEK 379,000, or approximately US\$53,000, have been imposed. In another case in 2004, 36 men were convicted or pleaded guilty under the Law. The buyers paid a total of SEK458,750, or US\$64,900, in day fines.

The effective enforcement of the Law is ultimately determined by the attitude of the leadership within the local police forces, that of the individual police officer as well as of the prosecutors and judicial authorities. In Sweden as in other countries, the police force is a male, homosocial, and conservative working environment—a police force that is being asked to enforce a law that seriously threatens traditional male values.

Therefore, initially, representatives of the Swedish police were very critical of the law, suggesting that it would be difficult to enforce ("Polisen Kritiserar Nya Sexköpslagen," 2000). For example, in some cases in which men have been apprehended for purchasing sexual services, the police officers involved agreed to send the letter of notification of a crime committed to an address of the offender's choice, rather than to his home address, presumably to protect the offender from scrutiny by his spouse or other family members.

To increase the police officers' competence and knowledge about prostitution and trafficking in human beings, the National Criminal Police in collaboration with the Division for Gender Equality, as well as with several local and regional police forces, have established training and education programs for its personnel on this subject. This has had noticeable and immediate effects. The initial criticism of the law as being difficult to enforce has ceased; for example, Chief Detective Inspector Per-Uno Hågestam, of the Anti-Trafficking Group, Project Europa, of the Stockholm Police District,⁴ was very critical of the Law when it first entered into force. However, today he

emphatically asserts that he was wrong. According to Hågestam, the Law works very well, and makes it difficult for traffickers to establish themselves in Sweden. (Morgonbris, 2004).

One year after the program began in 2003, there was a 300% increase in arrests, believed to be the result of the investigating officers' better understanding of the reasons behind the legislation, their deeper comprehension of the conditions that make women vulnerable to becoming victims of prostitution and trafficking in human beings for sexual purposes, and the development of better and adapted investigation methods.

EFFECTS OF THE LAW ON TRAFFICKING IN HUMAN BEINGS

The National Rapporteur for Trafficking in Human Beings at the National Criminal Investigation Department (NCID), Kajsa Wahlberg, is responsible for the collection of data related to investigations and convictions for trafficking crimes in Sweden and for reporting annually to the Swedish government about the trafficking in human beings to and in Sweden. In her reports published in 2003 and 2004, she noted that there are clear indications that the Law has had direct and positive effects in limiting the trafficking in human beings for sexual purposes to Sweden.

The NCID estimates that between 400 and 600 women are trafficked into Sweden every year, mainly from the Eastern European countries such as Estonia and Lithuania, as well as from Russia. This number has remained fairly constant during the past several years (National Criminal Investigation Department [NCID], 2004). This figure should be compared to the numbers of women who are victims of trafficking for sexual purposes in neighbouring Scandinavian countries, such as Finland, Denmark, and Norway, where the purchase of sexual services is not prohibited. In Denmark, 5,500 to 7,800 women are prostituted every year. It is estimated that 50% or more of these women are victims of trafficking in human beings (Ledberg, 2003; D. Otzen, director for Reden, Copenhagen, Denmark, personal conversation, December 15, 2003).

According to a 2003 report from the Finnish Criminal Intelligence Division of the National Bureau of Investigation, approximately 10,000 to 15,000 women from Estonia, Russia, Latvia and Lithuania are prostituted in Finland every year (Leskinen, 2003). In its report from 2003, the Swedish NCID stated that, despite the increase in information and knowledge of trafficking cases in other countries in the area, there is no equivalent increase in the number of women who are victims of trafficking in human beings to Sweden. (NCID, 2001, 2003).

Before July 1, 2002, when a new law against trafficking in human beings for sexual purposes went into effect, cases of trafficking in human beings in Sweden were prosecuted under the procuring provisions or, depending on the individual case, under the provisions on kidnapping, unlawful deprivation of liberty, placing a person in a distressful situation, coercion, or sexual exploitation.

Between 1999 and 2003, 30 persons were convicted and sentenced to prison for trafficking-related crimes. During 2004, 28 (9 suspects) preliminary

investigations under the same legislation were initiated. Similarly, during 2004, approximately 90 (29 suspects) cases of procuring were investigated. The same year, 20 persons were convicted for procuring or gross procuring in trafficking-related cases.⁷

Since the implementation of the new legislation criminalizing all forms of trafficking in human beings, four individuals have been convicted and sentenced.

The victims of trafficking for sexual purposes came mainly from Eastern Europe, the Baltic countries, and Russia, and most of them were prostituted in apartment brothels in Sweden (Riksrevisionsverket, 2001; Kajsa Wahlberg, National Rapporteur on Trafficking in Women, at the NCID, personal conversation, January 16, 2004⁸). In the trafficking cases, most of the implicated pimps were of foreign heritage but lived in or were citizens of Sweden and had connections with organized crime networks in their countries of origin that supplied the victims. However, this does not give a full picture of trafficking of human beings to Sweden. There are some indications that Swedish and Danish motorcycle gangs are involved in prostitution and trafficking in Sweden, mainly in the south.

The NCID has received signals from Europol and national police forces in other European countries that Sweden no longer is an attractive market for traffickers. Traffickers and pimps are businessmen who calculate profits, marketing factors, and risks of getting caught when they decide in which countries they will sell women into prostitution. In conversations recorded during crime investigations, pimps/procurers and traffickers have expressed frustration about setting up shop in Sweden and attracting customers who are willing to buy these women for prostitution purposes. According to these intercepted telephone conversations, and from additional testimonies given by women who are victims of trafficking, the pimps and traffickers experience the following difficulties:

- Prostituted women must be escorted to the buyers, therefore giving less time to fewer buyers, and gaining less revenue for pimps than if women had been in street prostitution.
- Swedish men who want to buy women for prostitution purposes express serious fear of being arrested and prosecuted under the Law and hence demand absolute discretion from the pimps/traffickers.
- To minimize the possibility of exposure/detection, the pimps/traffickers are forced to operate apartment brothels in more than one location and to change locations regularly. Thus the mode of operation is expensive and requires that the pimp have local contacts.

The necessity of several premises is confirmed in almost all preliminary investigations that have been carried out in 2003 and 2004. According to victim testimonies, pimps and traffickers prefer to market their women in countries such as Denmark, Germany, the Netherlands, and Spain, where the operating conditions are more attractive, where the buyers are not criminalized and where certain prostitution activities are either tolerated or legalized. In addition,

Detective Inspector Kajsa Wahlberg mentioned that the Latvian police have concluded that Latvian traffickers do not sell women in Sweden because of the negative effects of the Law on their potential business.

In its 2004 report, the NCID concluded that the law that prohibits the purchase of sexual services "continues to function as a barrier against the establishment of traffickers in Sweden" (NCID, 2004, p. 35). Clearly, the Law functions as a deterrent. Traffickers are choosing other destination countries where their business is more profitable and not hampered by similar laws (Detective Inspector K. Wahlberg, personal conversations, April 18, 2005).¹

EXTRA-TERRITORIAL JURISDICTION

All Swedish laws are extra-territorial. This means that Swedish citizens can be charged, prosecuted, and convicted under Swedish laws when having committed a crime in another country, if that country has legislation similar to Swedish legislation. It is a well known and increasing problem that men from many Western countries travel to developing countries where women and children are vulnerable because of difficult living conditions, and where the social, political, and economic situation of women and girls is seriously impaired. In countries where prostitution is legalized or tolerated, the idea that women are objects for male sexual pleasure and, therefore, can be sold and bought, is normalized. It is then perfectly acceptable that men visit brothels to buy and sexually exploit women. Obviously, this has an effect on how men in these countries regard all women and girls. The highest numbers of sex tourists (per capita), consequently, come from Australia and the Netherlands. By contrast, since the Law came into force, there is no notable increase in the number of Swedish men who travel to other countries as sex tourists.

APPLICATION TO PEACEKEEPING FORCES

The United Nations Security Council is responsible for maintaining international peace and security according to Article 24 of the United Nations Charter. Included in these duties is the ability to initiate peacekeeping operations. Between 1985 and 1992, the United Nations undertook more than 13 peacekeeping missions to different parts of the world (Peck, 1995). Several more have been initiated since then, such as the Somalia peacekeeping operation and, in recent years, the UN missions to East Timor and Kosovo. Despite the objective of all peacekeeping missions to ease the strain of the conflict and facilitate a peaceful solution, many women and girls in the countries where these troops have been stationed have been excluded from this protection (Peck, 1995). In fact, UN peacekeeping forces have been directly implicated in prostitution and trafficking in women in several places around the world. Sexual access to women and girls on demand is taken for granted by men who serve in the military, or who are fighting in a war or armed conflict. Anywhere there is a military base, pimps, striptease, nightclub, and brothel owners see a potential market.

As an example, the presence of 16,000 United Nations Transitional Authority in Cambodia (UNTAC) soldiers in Cambodia from February 1992 to September 1993 led to an increase from 6,000 to 20,000 women and girls in prostitution in Phnom Penh. The chief commander, Yasushi Akashi, of UNTAC, explained, when he was confronted with complaints about the male peacekeepers' conduct, that "Boys will be boys!" He also suggested that "18-year-old hot-blooded soldiers" have a right "to chase young beautiful beings of the opposite sex." Consequently, he did not do anything to stop their behaviour (Orford, 1996, p. 373). Members of peacekeeping forces in places such as Bosnia-Herzegovina, East Timor, Slovenia, Cambodia, Mozambique, and Kosovo have prostituted and trafficked women and girls who are members of the local population they have been sent to protect.

Despite international attention to the problem, very little or no action has been taken by the political and military leadership of these missions. In fact, the former Danish Minister for Gender Equality, Henriette Kjaer, argued in 2003 against the implementation of ethical rules prohibiting the purchase of sexual services by Danish peacekeeping troops. She based her opinion on the belief that Danish soldiers will be well-behaved while stationed abroad (Danish Women's Council, 2003).

As a direct consequence of alleged sexual exploitation and abuse of women and girls by United Nations peacekeeping troops in the Democratic Republic of Congo, the United Nations Secretary General, Kofi Annan, released a much-awaited strategy to eliminate future sexual exploitation and abuse in United Nations peacekeeping operations in April 2005. In the report, the author recommends that all United Nations personnel should be bound by a code of conduct and required to undergo training to prevent sexual exploitation of women prior to deployment. (Comprehensive Review, 2005).

In contrast to peacekeepers from other countries, Swedish peacekeeping forces stationed abroad are subject to the Law. In 2002, three military officers stationed at the Swedish Kosovo Force (KFOR) battalion in Kosovo were charged and convicted for purchasing sexual services in Macedonia during a furlough (FN-befäl, 2002; Södertälje Tingsrätt, 2001). The soldiers visited brothels where they sexually used women and then stamped the inside of the women's thighs with their official stamps. The officers then took pictures of the women and on their return compared trophies. As a result of the conviction, they are no longer allowed to serve in peacekeeping operations and have been discharged from the military. Also, one of the former officers has been dismissed from his civilian job.⁴

According to Brig. Gen. Flemming Christensen, who was the commanding officer for the first contingent of Swedish peacekeeping troops in Kosovo, the best way to curb the use of women for prostitution purposes by peacekeeping troops is that all countries involved in peacekeeping missions develop ethical rules against the purchase of sexual services or pass legislation similar to the Law. He suggests that the Law is a superior tool to prevent soldiers from purchasing sexual services and that it, in fact, functions as a deterrent. During his command in Kosovo, the rules regarding the purchase of sexual services were strictly enforced. Any soldier who used women in prostitution was immediately discharged and sent back to Sweden to face prosecution under the

Law (Brig. Gen. Fleming Christensen, personal conversation, November 28, 2002).

THE LAW AND COMPLIANCE WITH INTERNATIONAL AGREEMENTS

Article 9 of the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (United Nations, 2000; the Protocol) requires states to implement comprehensive measures to prevent trafficking such as social and economic initiatives, as well as information and mass media campaigns. When implementing these measures they must, when appropriate, collaborate with NGOs and other organizations that have competence in this area. Countries must also strengthen measures to alleviate the factors that make women and children vulnerable to trafficking, such as poverty, underdevelopment, and lack of equal opportunities.

Importantly, the Protocol is the first international instrument that mentions the demand that promotes all forms of exploitation that lead to trafficking. Accordingly, Article 9.5 states, "States Parties shall adopt or strengthen legislative or other measures ...to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking." In its passage of the Law, Sweden complies with the requirements in Article 9.5, in targeting the men who create the demand for prostituted women.

Another measure highlighted in Article 9 of the Protocol recommends national awareness campaigns against trafficking in human beings, especially women and children. In 2002 to 2003, a national Campaign against Prostitution and Trafficking in Women (the Swedish Campaign) was carried out. The Swedish Campaign had as its overall objective to increase awareness and knowledge about prostitution and the global trafficking in women through information to, and education and training of government and other public authorities, NGOs, the media, and the public. Most important, the Swedish Campaign implemented innovative measures directed toward buyers and potential buyers of prostituted women and children in Sweden, as well as toward those men who travel to neighbouring countries and to other countries in Europe, Asia, Latin America, and Africa for the specific purpose of buying and exploiting prostituted women and children. In addition, the Swedish Campaign drew public attention to the conditions of women and children who are victims of prostitution and trafficking. Activities targeting the male demand for prostitution and the sexual exploitation of women and children were undertaken during this period, including a nationwide poster campaign in May 2002. The Law was a central theme in the poster campaign, aimed at increasing public awareness about prostitution and trafficking in women by pinpointing the buyers.

Three posters were displayed in 2,215 public locations around the country, including bus shelters, subway stations, and on streetcars. The posters illustrated several themes and were designed with messages and graphics.

Poster #1 depicts a well-dressed man in a business suit and displays a prominent wedding band on his hand. It asserts: "Time to flush the johns out

of the Baltic." The specific reference is to Swedish men traveling as sex tourists to their favourite prostitution havens in Baltic countries. Poster #2 is a close-up of 11 different men looking directly into the camera, accompanied by the message, "One man in eight has bought sex." Poster #3 states, "More and more Swedish men do their shopping over the Internet." On this poster, a young man is surfing the Net on his computer, supposedly to find pornography and Web sites that direct men to where they can buy prostituted women (posters available at <http://www.sweden.gov.se/sb/d/2192>).

According to a study of the poster campaign conducted by a media analysis company, more than 1 million people noticed the posters during the campaign week (Clear Channel, 2002). The majority of viewers responded positively to the messages of the posters, although more positive reaction came from women than men. Nonetheless, a considerable number of men also appreciated the content of the campaign (Clear Channel, 2002). The poster campaign attracted a great deal of media and public attention inside and outside Sweden mainly because of the subject matter and the unusual fact that buyers of sexual services were depicted on posters intended to combat prostitution and trafficking in human beings.

SUPPORTERS AND DETRACTORS OF THE LAW

Does the Law fulfill its expectations? The Swedish women's movement, women with experience of prostitution, as well as groups that work with prostituted women respond to this question with a firm "yes." They maintain that prostituted women and girls, and a few men in prostitution, contact them in greater numbers to get assistance to leave prostitution. They also report that the existence and the enforcement of the Law deter young women who are not yet in prostitution but who are runaways or soft drug abusers.

Representatives of the Prostitution Unit in Stockholm, a group assisting individuals leaving prostitution, describe the positive effects the Law has had on their clients. Of the 130 persons with whom they had contact during the past 3 years, 60% have left prostitution permanently, and many of these women point to the Law as an incentive in their having sought assistance (Prostitution Centre representatives, Stockholm, personal conversation, August 20, 2001). Most important, groups organized by women who have been in prostitution, as well as women who are attempting to leave prostitution, support the Law for the same reason. They claim that the Law has provided an incentive for women wanting to escape prostitution to seek the assistance that they need. In addition, in some cases, women themselves have brought their buyers to justice, denouncing them to the police who have been able to arrest and bring successful prosecutions against the men not only for the purchase of sexual services but also for other sexual crimes such rape, battering, and child sexual exploitation (Bellas Vänner representatives, a NGO working with young women escaping prostitution and sexual exploitation, personal conversation, June 16, 2002).

The prohibition against the purchase of a sexual service has strong support in Sweden. Several polls conducted in 1999, 2001, and 2002 show that approximately 80% of the Swedish population supports the law and the

principles behind its development. Of the small number of individuals who want to repeal the Law, the majority are men, with only 7% of women interviewed in support of repeal. The latest poll, conducted in November 2002, shows that 8 of 10 persons interviewed in Sweden continue to support the Law (Engström & Olsson, 2001).

Consequently, the issue today is more about how the Law is enforced, than questioning the existence of the Law itself. In fact, former Minister of Gender Equality, Mona Sahlin, noted in a newspaper article in which she discussed the government plan for Gender Equality for the mandate period, that the Law is here to stay, and that the coming National Action Plan will look at how the Law can be strengthened (Jämställdhetsminister Mona Sahlin, 2004).

NORMATIVE EFFECTS OF THE LAW

As with all laws, the Law has a normative function. It is a concrete and tangible expression of the belief that in Sweden women and children are not for sale. It effectively dispels men's self-assumed right to buy women and children for prostitution purposes and questions the idea that men should be able to express their sexuality in any form and at any time.

THE EFFECTS OF THE LAW ON THE PUBLIC DEBATE IN OTHER COUNTRIES

For many countries, the options available for solutions to the problem of prostitution and trafficking in human beings for sexual purposes have been very limited. Some countries, such as Canada and the United States, have opted to criminalize the victims of prostitution—the women and children—as well as the buyers, through solicitation laws. These laws have generally been put in place for reasons of public order and are not based on gender equality or with concern for the well-being of the victims. The effects of such legislation have been that these laws are applied mainly to the victims. Victims have been arrested, fined or imprisoned, and have rarely been given access to adequate services that could assist them to leave prostitution. The buyers usually escape punishment.

Many countries are looking for better and more effective solutions to the problem of prostitution than punishing the victims or, at the other extreme, legalizing or regulating prostitution activities, which, in reality, is capitulation to the prostitution industry. The Law in Sweden is an effective alternative to state-legitimated systems of prostitution. The success of the Law in Sweden, combined with a deeper understanding of the reasons and principles behind it, is having a positive impact on regional and national policy makers in Europe as well as in other countries.

As the second country in the world, the government of South Korea recently enacted a law that prohibits the purchase of sexual services, as part of a comprehensive program of measures to combat prostitution and trafficking in human beings (Act on the Prevention of Sex Trade and Protection of Victims Thereof, 2004).⁷

In Finland and Russia, for example, discussions are under way to enact legislation similar to the Law (Naisjärjestöt Yhteistyössä, 2002).

On July 3, 2003, the Working Group on Trafficking in Human Beings appointed by the Finnish Minister of Justice, Johannes Koskinen, proposed legal measures to combat prostitution and trafficking in human beings, including that the purchase of sexual services would be criminalized in Finland (Ministry of Justice, 2003). In addressing these proposed measures to combat prostitution, trafficking, and the serious problem of organized crime in Finland, Minister Koskinen pointed to the successful experience of the Swedish Law and indicated that he wants to criminalize the purchase of sexual services as one part of this package of measures (Ministry of Justice, 2003; Skogberg, 2003). Accordingly, the Finnish government will propose legislation that prohibits the purchase of sexual services during 2005. (Justitieministeriet, 2004).

In 2003, Russian State Duma Member, Jelena Mizulina, introduced legislation that criminalizes trafficking in human beings into, through, and from Russia. The legislation also includes protection and support measures for victims, measures that criminalize different forms of procuring, as well as a total prohibition on the purchase of sexual services (Deputy Mizulina, personal conversations, May 5 and 15, 2003).

In Denmark, a country where certain prostitution activities are tolerated and where close to 8,000 women are believed to be in prostitution, Mette Fredriksen, a member of the Social Democratic Party, has suggested that Denmark should follow in the footsteps of Sweden by enacting similar legislation (Agence Press France, 2002; Fredriksen, 2002, 2005). Her proposal was met with scorn and contempt from some prominent writers; however, many others wholeheartedly back her initiative, including the Women's Council, the largest coalition of women's organizations in Denmark, who have voted to support criminalization of the buyers (Danish Women's Council, 2002). In a welcomed move in June 2003, Denmark's Confederation of Trade Unions (LO) prohibited its employees and elected leaders from using women/persons for prostitution purposes when traveling abroad on business ("Danish Union Bans Prostitutes," 2003). In addition, in 2003, the Danish Social Democratic Youth Association (DSU) initiated a campaign to criminalize the buyers of prostituted persons and to assist persons in prostitution to leave prostitution (Danish Social Democratic Youth Association, 2003).

In France (Caresche, 2002), Belgium (Dorzée, 2001), and Iceland (Halldorsdottir, 2003), parliamentarians have repeatedly raised the need for legislation that prohibits the purchase of a sexual service.

In Latvia, President Vaira Vike-Freiberga, promised that if re-elected in the presidential elections of June 2003, she would introduce legislation that criminalizes the buyers of women and children for prostitution and sexual exploitation. President Freiberga also pointed out that the trafficking of human beings from the Baltic countries to Western Europe would not exist if there were no demand for these women and children by men in the richer Western countries (Laurén, 2003; Nickström, 2003, personal interview with President Vaira Vike-Freiberga, March 2004). Ms. Freiberga was re-elected in 2003 as the Latvian president. However, according to the president's legal advisor, no

further steps have yet been taken to affect the promise; however, the discussions continue.⁴⁰

In Estonia, Lithuania, Venezuela, South Africa, and several other countries, parliamentarians and organizations are using the Law as an example of best practices and as a tool to oppose moves to legalize different forms of prostitution activities or decriminalize the prostitution industry.

At the Annual General Meeting of the European Women's Lobby (EWL) in September 2001, a resolution was passed requiring its more than 3,500 member organizations to lobby their governments to adopt a similar law while ensuring that it does not criminalize the women and girls in prostitution (European Women's Lobby, 2001).⁴¹

In 2002, at the 54th session of the Nordic Council,⁴ the majority of the Nordic parliamentarians issued a statement saying that future work against prostitution and trafficking in women in the Nordic countries must focus on the root cause, the demand for women and children for prostitution (Uttalande, 2002). At an informal ministerial meeting in Stockholm in April 2003 concluding the Nordic Baltic Campaign against Trafficking in Women, the Nordic and Baltic Ministers for Gender Equality, Justice, and Interior, agreed on a number of concrete measures for the continuing long-term cooperation between the Nordic and Baltic countries to combat trafficking in women and children, including collaboration in developing and implementing measures that discourage the demand (Statement and Recommendations, 2003).

In the Baltic countries, the parliamentarians of Estonia, Latvia, and Lithuania decided to follow suit. At a meeting of the Baltic Assembly (BA) in November 2003, an international organization for cooperation between the parliaments of the Republic of Estonia, the Republic of Latvia, and the Republic of Lithuania, parliamentarians issued a resolution against the trafficking in women and children, calling on members "to draw up harmonized legal acts in all Baltic States, related to combating prostitution, including criminalized purchase of sexual services" (Baltic Assembly Resolution, 2003).

Internationally, the discussions concerning effective remedies to prevent, suppress and combat prostitution and trafficking in human beings for sexual purposes are intensifying. For the first time, a resolution focusing on the elimination of the demand for trafficked women and girls for all forms of exploitation was adopted during the 48 session of the United Nations Commission on the Status of Women ("Beijing +10") in New York in March 2005. The resolution, which was adopted by consensus, points to preventative measures that eliminate the demand as key elements for the successful combating of trafficking in women and girls.⁴

COMMENTARY

The provision prohibiting the purchase of a sexual service was enacted through a joint effort of feminists and dedicated female politicians. These women understood the importance of and fought for the right of all women to have full control of their bodies. They fought against the claim that women exist only to provide sexual pleasure for men, and they recognized that men who buy

women and girls in prostitution are committing a crime of violence and therefore should be punished.

Sweden has its share of pro-prostitution academics and journalists;⁴⁴ however, in general, prostitution is understood as male violence against women and girls. The Law is supported by the majority of the population and is an expression of the current political will in Sweden. Buying women and girls for sexual exploitation and prostitution purposes is seen to be firmly against the basic tenets of Swedish gender equality politics. As Margareta Winberg (2001), former Swedish deputy prime minister with responsibility for issues of gender equality, stated, "In Sweden, women and girls cannot and must not be bought."

It often takes many years after a law is enacted until the norm expressed in that particular law is firmly inscribed in a society. The Law in Sweden has been in effect for 6 years. During that time, street prostitution has declined in all parts of the country, and the majority of the prostitution buyers have disappeared. Service providers, persons with experience of prostitution, and the police maintain that the law also functions as a deterrent for men who use women in apartment brothels, at porn and striptease clubs, and through escort agencies.

The number of women trafficked to Sweden for prostitution purposes have remained relatively stable. The traffickers, who are pragmatic businesspeople, do not want to go through the trouble of setting up activities in Sweden. Instead, they bring women to other countries, such as Holland, Germany, Denmark, and Spain, where the climate is friendlier and where prostitution is tolerated, legalized or regulated, or soon may be. The Law's detractors are inevitably groups and individuals who support prostitution and the prostitution industry in one form or another, as well as men who defend their own and other men's unconstrained right to buy women/ persons in prostitution.

Some have criticized the alleged low number of arrests and convictions obtained under this Law.⁴ It is important to remember that the main purpose of the Law is normative. If we were to base the effectiveness of laws on the number of convictions in relation to the number of crimes committed, then rape laws, laws against other forms of male violence against women, and laws addressing financial crimes would have to be discarded as mostly ineffectual in stopping the flow of criminals and such crimes. Moreover, the specific task of the police in enforcing the Law is to work preventatively and, therefore, to intervene before a potential buyer commits a crime rather than when the crime is a fait accompli.

In March of 1998, Samverkansforum för kvinnor i Sverige, now called the Swedish Women's Lobby, an umbrella organization representing over 50 Swedish women's organizations, had its annual general meeting. The representatives discussed which proposals were to be brought to the General Assembly of the European Women's Lobby later that spring. Ebon Kram, former chairperson of ROKS (the National Organization for Women's Shelters in Sweden), recommended that prostitution be put on the agenda. Her proposal was ignored in favour of other matters perceived to be more important. This angered Marianne Kekonius, member of the battered women's shelter in Enköping, Sweden, who rose to deliver these words, reminding women of the importance of supporting prostituted women: "Remember, all women can become prostituted. What if our country is invaded, do you really think that

the women in Yugoslavia were imagining a future in prostitution before the war started?" After this speech, the proposal passed unanimously.

The ultimate goal of the Law is to protect the women in prostitution by, among other measures, addressing the root cause of prostitution and trafficking: the men who assume the right to purchase female human beings and sexually exploit them. From the Swedish experience, we know that when the buyers risk punishment, the number of men who buy prostituted women decreases, and the local prostitution markets become less lucrative. Traffickers will then choose other and more profitable destinations. The Law That Prohibits the Purchase of a Sexual Service is a law that recognizes the harmful effects of prostitution on the women and girls who are the victims. This law is a fundamental step in abolishing prostitution and trafficking in women and girls for sexual exploitation. If more countries would address the demand for prostituted women, by criminalizing not only the pimps and the traffickers but also the buyers, then the expansion of the global prostitution industry would be seriously threatened.

FOOTNOTES

In the concept of the prostitution industry, I include brothels; sex-, night-, and striptease clubs; street prostitution; escort services; Internet marketers of prostituted women and children; mail-order-bride agencies; phone sex operations; sex tourism agencies, as well as the creators and distributors of pornography. I also include third-party beneficiaries, such as travel agencies, hotels, and air companies that benefit from the prostitution of women and children in the tourism industry.

As I do not subscribe to the idea that prostitution is work that prostituted women and girls are sex workers, or that prostitution is a sex industry, I use the words prostituted woman (or girl) to make clear that prostitution is done by someone (most often a man) to someone else (most often a woman). I also use the word prostitution industry to show that what is done is prostitution of a woman, not sex. Although not all persons exploited in the prostitution industry are women or girls, I use the female gender throughout the article. Prostitution is sex specific, and although some men and boys are prostituted (about 10 % according to several sources; see, e.g., Rosca, 1998), they are not abused because they are men and boys, they are abused because they are less powerful, that is, oppressed because of class and/or race, unlike women and girls who are raped because we are female.

See, for example, the work of the Swedish radical feminist and physician, Alma Sundqvist, and, in particular, the interview with Dr. Sundqvist in the Swedish feminist journal *Tidevarvet*, "Österns kvinnor revoltera mot kvinnohandel – Intervju med Alma Sundqvist" 1932:14, p. 1. Dr. Sundqvist was one of three people (together with the American social worker, Bascom Johnson, and the Polish diplomat, Karl Pindor) appointed to the League of Nations' 1932 Commission of Enquiry into Traffic in Women and Children in the East.

To better understand why prostitution is harmful to those who are prostituted, the following three questions and answers can be of assistance:

Who are the women and girls who are prostituted? We know that a number of oppressive conditions increase the likelihood of women and girls being drawn into prostitution by pimps

and traffickers, such as poverty, homelessness, drug dependency, gender inequality, sex and race discrimination, as well as sexual, physical and psychological violence perpetrated by male relatives, boyfriends, husbands, pimps, and others. In addition, in different studies from around the world, the majority of women and girls involved in prostitution report that they have been victims of male sexual violence in their youth.

What do women in prostitution experience? Pimps, traffickers, and buyers subject women and girls in prostitution to brutal rapes and physical abuse to break down their resistance and to season them into prostitution. A prostituted woman or child is in a position of extreme dependency on the man who buys her and who then sexually uses and abuses her. She must do anything he expects her to do. She has to endure all kinds of bodily violations and invasions, and must service many buyers—anonymous men—every day while pretending that she enjoys these violations.

What are the short- and long-term consequences of having been in prostitution? Women and girls who have escaped prostitution after years of abuse consistently describe lives filled with terror and unimaginable cruelty at the hands of the buyers and the pimps. They have been subjected to sexual torture in the guise of particular sexual practices such as sadomasochism, systematically humiliated, sexually harassed, threatened, raped, beaten, and sometimes kidnapped. In addition, many women and girls have acquired sexually transmitted diseases (STDs), including HIV/AIDS, from the buyers and the pimps. The pimps and buyers often film and photograph the violation, sell the films as pornography, and post the photos on Internet Web sites. The effects on prostituted women's physical, mental, and emotional health are, of course, grave and cause long-term physical and emotional harm. International studies show that prostituted women suffer psychological injuries similar to war veterans and survivors of torture, such as flashbacks, anxiety, depression, sleep disturbances, and stress. Suicide and suicide attempts are also common.

See for example the Ministry of Interior of the Czech Republic legislative proposal, the Czech Plan to Regulate Prostitution ("the Czech Plan") from September 2003. In the Czech Plan, the Ministry of Interior proposes to "regulate the commercial status of self-employed prostitutes and subject them to the Commercial Code" and "maintain records of authorized prostitutes." In the proposal, those buyers who intend to purchase and sexually exploit women in prostitution, are required to request to view a "prostitute's" valid licence and medical opinion, and to ensure that the transaction does not take place in a forbidden area (such as around government buildings, schools, churches, social, charitable or health institutions, cultural or historical monuments, children's playgrounds, train or bus stations, airports, highways and roads, gas stations and off-ramps, apartments not authorized for prostitution (not including customers' own apartments) or apartments where children and youth live.". If a buyer fails to ensure he above, he can be charged with a fine. A similar regulation system was abolished in Sweden in 1918 after a long struggle by feminist groups, parliamentarians and other members of civil society, having been in place since 1848.

In the report and recommendations published by the League of Nations Commission of Enquiry into Traffic in Women and Children in the East, most of which were written by Dr. Sundqvist, the Commission observed that "the principal factor in promoting the international traffic in women in the East is the brothel and the chain of brothels which are at the disposal of the trafficker, particularly the brothel in the place of destination of the victim. The most effective remedy against the evil is, therefore, in the Commission's opinion, the abolition of licensed or recognized brothels in countries concerned" (Commission of Enquiry into Traffic in Women and Children in the East, 1932, C.849.M393.IV).

¹ See Densmore (1973): When men say to us, "But aren't you already liberated?" what they mean is, "We said it was okay to let us fuck you. . . . What more could you want?" The unarticulated assumption behind this misunderstanding is that women are purely sexual beings, bodies and sensuality, fucking machines. Therefore freedom for women can only mean sexual freedom. (p. 111).

✓ This is not a new demand. Already in the beginning of the 20th century, did Swedish feminists argue that those men who purchase and sexually exploit women and girls for prostitution purposes should be made visible and punished for their crime. See for example, Sachs, H. (1912). *Den svarta domen: männens skuld och kvinnornas straff* [The Black Judgment: Men's guilt and the punishment of women].

At the time, approximately 43 % of the parliamentarians were women. As a result of the election in 2002, 45 % of the parliamentarians are now women.

° Kvinnofrid (1998): "Socialstyrelsen har fått i uppdrag att fortlöpande följa och samla kunskap om prostitutionens omfattning och utveckling, sammanställa kunskap om de sociala insatserna som bedrivs på local nivå, samt ge stöd till utveckling och förbättring av insatserna. Socialstyrelsen ska även följa den internationella utvecklingen i frågor som rör prostitution." The first report in connection with the assignment was published in 2000 (*Kännedom om prostitution 1998–1999*). It was followed up with a second report (*Kännedom om prostitution 2003*), which focuses on the extent and development of prostitution since 2000.

See Government Bill: *En ny sexualbrottslagstiftning* (Regeringens proposition 2004/5:45) at 103.

Unofficial translation. The Swedish Penal Code, chapter 6, section 11: "Den som i annat fall än som avses förut i detta kapitel, skaffar sig en tillfällig sexuell förbindelse mot ersättning, döms för köp av sexuell tjänst till böter eller fängelse i högst sex månader. Vad som sägs i första stycket gäller även om ersättningen har utlovats eller getts av någon annan."

The Penal Code chapter 23, section 4: "Punishment as provided for an act in this Code shall be imposed not only on the person who committed the act but also on anyone who furthered it by advice or deed. The same shall also apply to any other act punishable with imprisonment under another Law or statutory instrument. A person who is not regarded as the perpetrator shall, if he induced another to commit the act, be sentenced for instigation of the crime and otherwise for aiding the crime. Each accomplice shall be judged according to the intent or the negligence attributable to him. Punishments defined in law for the act of a manager, debtor or other person in a special position shall also be imposed on anyone who was an accomplice to the act of such person. The provisions of this paragraph do not apply if the law provides otherwise in special cases. (Law 1994:458)."

According to the Penal Code, chapter 25, section 1: "Fines shall be imposed according to the provisions laid down for the crime in question as day fines, summary fines or standardized fines. If a particular form of fine is not prescribed for the crime, fines shall be imposed as day fines or, if the crime is punishable with less than thirty day fines, as summary fines (Law 1993:201)." Day fines are based on the seriousness of the crime and the financial situation of the offender, resulting in that two persons who have committed the same crime can be convicted to pay very different amounts. For example, in a March 2003 trafficking case, one man who was convicted under the Law was sentenced to 50 day fines; in his case SEK 50,000, the equivalent of US\$ 7,000.

Measures include operative assistance to police districts and training of police officers on issues concerning prostitution and trafficking in human beings.

See also many other articles including Otiz (2001), Parkrun (2004), and "Sexköpslagen biter, Prostitutionen minskar i Sverige," (2004).

✓ See e.g. report by National Board of Health and Welfare (2004).

✓ See also interview with Månsson (Edvall, 2003). For more information about how the pornography and prostitution industry successfully uses the Internet for making profit, see also Lane (2001).

For more information about buyers of persons for prostitution purposes, see articles and reports by professor Sven-Axel Månsson at Malmö University.

° 232 of these men were apprehended during the first three months of 2005.

Infra.

Information provided by prosecutor Hans Ihrman, personal conversation April 18, 2005. The case was cross-appealed to Svea Hovrätt (Court of Appeal), Lilius, case number: B 3065-03, where the pimp was convicted and sentenced to 4 years in prison for procuring and subsequent deportation.

The Despina case, in Stockholm 2004.

Project Europa employs 25 police officers working to combat prostitution and trafficking in human beings for sexual purposes.

The Swedish National Rapporteur was appointed by the Swedish government in 1998 following a joint declaration of the European Union (The Hague, 1997). This declaration recommends all member states to appoint "National Rapporteurs who are to report to governments on the scale, the prevention, and combating of trafficking in women"(Article III.1.4).

Reden is a non-governmental social services organization assisting women in prostitution and victims of trafficking in human beings for prostitution purposes. Reden, which is a division of the YWCA, was established in 1983.

! Statistical information provided by the National Council for Crime Prevention (Brottsförebyggande rådet, 2005) and by the National Rapporteur on Trafficking in Human Beings, Kajsa Wahlberg, in a personal conversation on April 18, 2005.

! On July 1, 2002, legislation that imposed criminal liability for the trafficking in human beings for sexual purposes entered into force. The Swedish government submitted a government bill proposing an amendment to the legislation concerning trafficking in human beings for sexual purposes to the Riksdag (the Parliament) in March 2004. The amendment extends criminalization to all forms of trafficking in persons, including trafficking within national borders and trafficking for other forms of exploitation, such as forced labour and slavery or exploitation for the removal of organs. The new legislation entered into force on July 1, 2004.

The legislation includes criminal liability for trafficking in human beings to anyone who through the use of unlawful coercion or deception, by exploiting a person 's vulnerability or by any other similar improper means recruits, transports, harbours, receives or takes other similar actions towards a person and thereby gains control over that person, in order for that person to be

- 1.subjected to certain sexual offences, casual sexual relations or other forms of exploitation for sexual purposes,
- 2.subjected to active service or forced labor or other similar forced conditions,
- 3.exploited for the removal of organs,
- 4.in other ways exploited in ways that cause distress for that person.

Criminal liability for trafficking in human beings also extends to anyone who, for those purposes, takes control over another person or hands control over a person to someone else as well as to anyone who commits the acts mentioned in the first section against a person who has not yet turned 18 years of age, even if no improper means have been used. Under this legislation, a trafficker can be sentenced to a minimum of 2 years and, at the most, 10 years in prison, or in less serious cases, to a maximum of 4 years in prison.

In the case of Volhovitski, Stockholm County Court, B 2698-04, Volhovitski was sentenced for trafficking in human beings for sexual purposes of two girls under 18 years of age to 4 years and 9 months in prison. Verkrand was sentenced, for the same crime, to 4 years and 6 months in prison. In the case of Stojko, Gothenburg Country Court, B 7477-03, Stojko was sentenced for trafficking in human beings for sexual purposes of one girl under 18 years of age to 4 years in prison. Dupski was sentenced for the same crime to 2 years and 3 months in prison. Dupski

appealed to the Court of Appeal, where his sentence was extended to 2 years and 6 months. In both cases the convicted traffickers will be deported after completing their prison sentences.

^o See pp. 86-87 for the numbers from 1998 to 2001.

See also many newspaper articles, for example, Olsson (2001), p. 2.

According to the Penal Code, chapter 2, section 2: "Crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court where the crime has been committed: 1. by a Swedish citizen or an alien domiciled in Sweden; 2. by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the Realm or who is a Danish, Finnish, Icelandic, or Norwegian citizen and is present in the Realm; or 3. by any other alien, who is present in the Realm, and the crime under Swedish Law can result in imprisonment for more than six months.

The first paragraph shall not apply if the act is not subject to criminal responsibility under the law of the place where it was committed or if it was committed within an area not belonging to any state and, under Swedish law, the punishment for the act cannot be more severe than a fine. In cases mentioned in this Section, a sanction may not be imposed which is more severe than the severest punishment provided for the crime under the law in the place where it was committed. (Law 1972:812)."

According to the Penal Code, chapter 2, section 3(2): "Even in cases other than those listed in section 2, crimes committed outside the Realm shall be adjudged according to Swedish law and by a Swedish court: for example, 3. if the crime was committed in the course of duty outside the Realm by a person employed in a foreign contingent of the Swedish armed forces or a foreign contingent of the Swedish police force."

In fact, he has filed a complaint with the European Court of Justice asking the court to rule on whether employers are allowed to dismiss employees on these grounds. See Aschberg (2002).

See also Kvinna till Kvinna (2002), p. 6.

The Swedish Campaign was part of the Nordic Baltic Campaign against Trafficking in Women, coordinated by the author. In 2002, no less than eight campaigns against trafficking in women were conducted in the Nordic and Baltic countries. These campaigns were the out-come of an initiative taken by the Swedish Minister for Gender Equality during the conference, Women and Democracy, in Vilnius, Lithuania, in June 2001. The Ministers for Gender Equality in these eight countries resolved to launch a joint campaign in 2002 as a contribution to international efforts to stop trafficking in human beings. Later in the same year, the Justice Ministers of these eight countries joined the campaign. The campaign was financed and carried out under the auspices of the Nordic Council of Ministers. For more information about the Swedish Campaign, see Ekberg (2003).

ⁱ Under the South Korean law that criminalizes the buyers of sexual services, a person can be sentenced to pay fines up to 3 million won (approximately US\$ 3000) or at the most one year in prison. Persons who have been exploited in prostitution are to be treated as victims and will be eligible for assistance to exit prostitution. See Act on the Punishment of Intermediating in Sex Trade and Associated Acts (2004).

➤ Some cities, such as Stockholm and Gothenburg, have organized so called KAST-groups; groups of social workers assisting buyers of sexual services to refrain from exploiting persons for prostitution purposes. In e.g. San Francisco in the United States and Vancouver in Canada, have organized so-called johns' schools, with the intention of rehabilitating buyers. Whether these johns' schools are effectively deterring male offenders from sexually exploiting women and girls is debated.

Member of Parliament Kolbrún Halldórsdóttir has, no less than four times, submitted a draft bill to the Althing (Icelandic Parliament) to make it a punishable offense to purchase sexual services. In addition, a coalition of 11 women's organizations has put forward a proposal to

prohibit the purchase of sexual services in Iceland. Information available online at www.feministinn.is/english.htm

^o Personal communication, September 2004.

“The Membership of the EWL shall lobby their respective governments to adopt a similar law, one that will make it a crime for men to buy and use women in the context of prostitution. The law shall not in any way criminalize the woman, the victim. On the contrary, the law must be combined with efforts to help the women out from prostitution by providing them with financial assistance, education/job-training, housing and health care. Members should also work for strong policies against pimping. EWL shall lobby the commissioners of the European Parliament to put pressure on their respective governments to make it a crime to buy women in prostitution and to develop strong policies against pimping. EWL shall provide their members with the information they need” (European Women’s Lobby, 2001, n.p.).

A regional body of Parliamentarians from the five Nordic countries (Iceland, Norway, Denmark, Sweden, and Finland).

Eliminating Demand for Trafficked Women and Girls for All Forms of Exploitation. (2005, March 11). Resolution, 48 session of the United Nations Commission on the Status of Women.

Pro-prostitution academics include Östergren, P. (2003). In her paper, *Synden ideologiserad: Modern svensk prostitutionspolicy som identitets- och trygghetsskapare*, Östergren analyzes Swedish prostitution policies using the theories of United States sexual liberals such as Gayle Rubin and Carol Vance. Kulick D. is a social anthropologist, who recently wrote *Sex in the New Europe: The Criminalization of Clients and Swedish Fear of Penetration* (2003), in which he rather remarkably argues that the law is a response to Sweden’s entry into the European Union. He argues that, for a variety of reasons, anxiety about Sweden’s position in the EU is articulated through anxiety about prostitution. “The Swedish case is”, he says, “an important one showing how sexuality is one site where boundaries and roles in the new Europe are being imagined and negotiated”. (p. 211).

Since the coming into force of the legislation, the number of reported buyers under the Law is rapidly approaching 1000 men.

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