

Isabelle Johansson

Swedish Anti-Trafficking Policy: Official Framework and Local Practices

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Abstract

This study sets out to explore Swedish anti-trafficking policy, both how it is defined in official policy-documents as well as on a local level. A brief overview of the history of anti-trafficking policy and contemporary international measures relating to Swedish legislation on trafficking provides a glimpse into the contested meanings of these measures. This aspect finds foothold in the theoretical framework and is further developed throughout the study. By combining qualitative content analysis and interpretative policy analysis with interviews conducted among practitioners working in this field in a local context, Swedish anti-trafficking policy is explored on different levels. The analysis of the legal Swedish framework and one national anti-trafficking action plan suggests that the Swedish fight against trafficking is strictly interlinked with another fight, one against prostitution. However, there seems to be a discrepancy between the theory and practice of this national policy. In the interviews with the local practitioners it is revealed that what is framed as anti-trafficking policy in official policy-documents is both contested and reconstructed on the local level. Thus, this study argues that Swedish anti-trafficking policy is far from a straightforward matter.

Keywords: anti-trafficking, anti-policy, policy, prostitution, Sweden.

Bio note

Isabelle Johansson finished her master's degree in International Migration and Ethnic Relations at Malmö University in 2014. She is currently a Ph.D. student in social anthropology at Lund University, involved in the interdisciplinary research project *DemandAT*. The project aims at understanding the role of demand in trafficking in human beings, and is funded by the EU Seventh Framework Programme. In the project Isabelle will be looking at how demand is tackled in different policy models addressing prostitution. Isabelle is also a member of the research network *Comparing European Prostitution Policies: Understanding Scales and Cultures of Governance*¹.

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1 Introduction

Over the past years an increasing amount of attention has been dedicated to trafficking in human beings as a public issue that needs to be fought. Human trafficking² is often framed as a highly prioritised topic on the political agenda and this has given rise to the development of a specific policy field under the label of ‘anti-trafficking policy’. This category encompasses all those initiatives that have been launched on every possible level in the name of combatting or countering trafficking, ranging from the biggest inter-governmental collaborations to government strategies to the smallest community projects.

Anti-trafficking policies are often spoken about in terms of the three ‘Ps’: Protection of ‘victims of trafficking’; Prosecution of ‘traffickers’; and Prevention of the crime of human trafficking. Sometimes a fourth ‘P’ is added for Partnership, as in partnership between states, agencies and organisations. Most countries have their own anti-trafficking policies. The European Union (EU) has even declared a day of every year as the *EU Anti-Trafficking Day*³, and in 2010, the U.S. President declared the month of January as *National Slavery and Human Trafficking Prevention Month*.⁴ But what actually is anti-trafficking policy? The term indicates some sort of policy opposing trafficking, but reveals rather little about what this actually means. As Walters (2008:279) notes, what is framed as anti-trafficking policies can vary widely from country to country, depending on the geographical and political setting. The various efforts, measures and strategies that are placed under the term can be very different from one another, ranging from campaigns for raising awareness about trafficking to the implementation of specific laws to prosecute ‘traffickers’ or to provide support to identified ‘victims of trafficking’, from border controls to the criminalisation of the purchase of sexual services, to just name a few.

The variation of meaning could be said to be inherent to policy in general, and can also differ within one setting, such as a country. Also, the meaning(s) of policy will most

² Hereon ‘trafficking in human beings/human trafficking/trafficking in persons’ will mainly be referred to as ‘trafficking’.

³ Since 2007, the EU Anti-Trafficking Day takes place on the 18th October of every year. For more information see European Commission, Home Affairs (2013): http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/organized-crime-and-human-trafficking/trafficking-in-human-beings/index_en.htm

⁴ The White House Office of the Press Secretary (2010): <http://www.whitehouse.gov/the-press-office/presidential-proclamation-national-slavery-and-human-trafficking-prevention-month>

likely vary depending on who is asked to define it. Thus, to make sense of policy it is necessary to move analytically across different levels and explore the correlation or potential discrepancy between them (Shore and Wright 1997:14). It also requires taking into account the perspectives of local actors who operate within the realms or in the surroundings of the policy in question (Yanow 2007:410), which is what this study sets out to do.

Until recently, the most commonly identified feature of trafficking in human beings was sexual exploitation⁵ (Aarten, Busschers, Smit and van der Laan 2011:9). In relation to this, the criminalisation of the purchase of sexual services is receiving increasing attention as a legal measure that could potentially reduce the occurrence of this form of trafficking. Sweden was the first country in the world to adopt such a law, criminalising the purchase but not the selling of sexual services. At the time of writing, the Council of Europe (EC) has recently adopted the resolution *Prostitution, trafficking and human slavery in Europe* which encourages EU-member states to: “consider criminalising the purchase of sexual services, based on the Swedish model, as the most effective tool for preventing and combating trafficking in human beings” (Provisional version of Resolution 1983 2014:2). A few countries have already adopted similar laws.

Over the past fifteen years, Sweden has received quite the attention for having turned the purchase of sexual services into a criminal offence (often referred to as the Sex Purchase Act). Although it does not explicitly address trafficking, it appears to have turned into a prominent part of contemporary Swedish anti-trafficking policy. Sweden has also actively promoted it in such terms (see e.g. Ask 2011; Ekberg and Wahlberg 2011). However, ‘trafficking’ as defined by Swedish legislation as well as international policy-documents goes beyond the exploitation of prostitution. In relations to trafficking therefore, why is it that so much attention is given to this part but so little to other aspects of Sweden’s legal framework? What forms Swedish anti-trafficking policy, other than the criminalisation of the purchase of sexual services⁶? This study turns the

⁵ Hereinafter ‘trafficking for the purpose of sexual exploitation’ will mainly be referred to as sex trafficking.

⁶ When searching for ‘Swedish law on trafficking’/‘Swedish law+trafficking’/‘Swedish trafficking law’ on Google, the majority of the results are about this law, the criminalisation of clients, sex trafficking and prostitution. There is very little about any other form of trafficking or any other Swedish law. The following search results are from April 24, 2014.

https://www.google.se/?gws_rd=cr&ei=nh9ZU9jiEqMygOHjoCwCg#q=Swedish+law+on+trafficking

https://www.google.se/?gws_rd=cr&ei=nh9ZU9jiEqMygOHjoCwCg#q=Swedish+law%2Btrafficking

https://www.google.se/?gws_rd=cr&ei=nh9ZU9jiEqMygOHjoCwCg#q=sweden%20trafficking%20law

analytic gaze towards Sweden, beyond the Sex Purchase Act, in an attempt to understand its anti-trafficking policy, both on a national as well as on a local level.

1.1 Purpose & research questions

The purpose of this study is to explore Swedish anti-trafficking policy and shed light on how anti-trafficking policy is constructed in official Swedish policy-documents and how it is translated into the local context. The following questions will guide this research:

How is anti-trafficking policy defined in contemporary national policy in Sweden?

How is anti-trafficking policy understood and carried out by actors dealing with the question of trafficking in local practices?

1.2 Structure

In the upcoming chapter (2) a brief overview of the history of anti-trafficking policy along with two contemporary anti-trafficking measures will be provided. These have been included since they relate to the Swedish legislation on trafficking. In chapter 3, the reader will be introduced to relevant research. Two research bodies have been identified and will be briefly presented to provide the reader with an idea of the current state of research with regards to these topics. In chapter 4, the theoretical framework of this study is presented. Thereafter follows a presentation of the methods that have been used, along with a discussion on methodology and ethical considerations (5). In chapters 6 and 7, the empirical findings are presented and discussed. In chapter 6, Swedish legislation on trafficking and other relevant parts of the legal framework are presented and discussed. Following this, the Swedish government's *Action Plan against Prostitution and Human Trafficking for Sexual Purposes* is presented. In chapter 7, there will be a thematic presentation of the interviews conducted within the frame of this study. Thereafter, in chapter 8, a concluding discussion will be provided.

2 Anti-trafficking policy in history and today

2.1 The historical traces of contemporary anti-trafficking policy

In this chapter I present a brief overview of the history of anti-trafficking policy, and in relation to this two important contemporary anti-trafficking measures.

To the novice reader, trafficking might seem like a topic of concern that popped up rather recently, but in fact it can be traced back quite far. How far the ‘history of trafficking’ goes depends to a large extent on the way trafficking is defined. Today trafficking is often referred to as the ‘modern day slavery’ or the ‘slavery of our time’ (e.g. Kara 2009).⁷ On the basis of such a definition the historical links that are made can go way back to ancient times.⁸ According to Rodríguez García (2010:101) “[t]he campaign against human trafficking can be traced back to the second half of the nineteenth century.”

Links are often made to what could be defined as the first international anti-trafficking measure from 1904⁹. The *International Convention for the Suppression of the White Slave Traffic* sought to repress the ‘white slave traffic’ by criminalising intermediaries of prostitution who by fraud, violence, threat, abuse of authority or compulsion procured, enticed or led away white women or girls for ‘immoral purposes’. These purposes are defined by the Convention as engaging in commercial sex. After World War I, when the League of Nations was formed with the mission to focus on international issues and to maintain world peace, the ‘issue of the white slave traffic’ ended up on their plate. In the early 1920s, as a result of the work of the League, some alterations were made to 1904 Convention, e.g. the definition of ‘white slave traffic’ was modified to the less racialised ‘traffic in women and children’. Also the League’s Advisory Committee on the Traffic in Women and Children was set up in this period (Rodríguez García 2010).

⁷ See also: Anti-Slavery International

http://www.antislavery.org/english/slavery_today/what_is_modern_slavery.aspx, Soroptimism

<https://www.soroptimist.org/trafficking/faq.html>, Not for sale campaign

<http://www.notforsalecampaign.org/about/slavery/>, U.S. Department of State <http://www.state.gov/j/tip/what/>

⁸ Rutgers University Campus Coalition Against Trafficking (2011) *Timeline of Human Trafficking*:

<http://www.eden.rutgers.edu/~yongpatr/425/final/timeline.htm>

⁹ University of Minnesota Human Rights Library

<http://www1.umn.edu/humanrts/instree/whiteslavetraffic1910.html>

However, not all agree that what is placed under the label of 'trafficking' today or that the 'white slave traffic' should be defined in terms of 'slavery'. Doezema (1999; 2010) argues, like others have too, that the 'white slavery panic' was actually about something else: about seeking to counter the involvement of white women and girls in prostitution. According to Doezema (1999:24):

The myths around "white slavery" were grounded in the perceived need to regulate female sexuality under the guise of protecting women. They were indicative of deeper fears and uncertainties concerning national identity, women's increasing desire for autonomy, foreigners, immigrants and colonial peoples. To a certain extent, these fears and anxieties are mirrored in contemporary accounts of "trafficking in women."

Similarly, in an analysis of the debates by the Advisory Committee on the Traffic in Women and Children regarding the recruitment of females for commercial sex and policies to combat this, Rodríguez García (2010:99) argues that the Committee was involved in a so called 'moral recruitment of women'. This concept builds on Becker's concept of 'moral entrepreneurs' as well as Nadelmann's 'transnational moral entrepreneurs' and refers to "those who 'operate with an absolute ethic' in seeking to create new rules to do away with a perceived great evil" (Becker 1963:148 in Rodríguez García 2010:99). As Rodríguez García (2010:100) sees it, the purpose of the moral recruitment of women was twofold: "to rescue females from "social evils connected with prostitution", and to repress intermediaries of prostitution by means of law enforcement principles".

Rodríguez García (2010:127) argues that it is inherently difficult to assess whether or not the Committee was successful in achieving what it set out to do, since it is difficult to measure the actual impact policies have. What can be said about the work of the Committee is that it "contributed to the strengthening of a global prohibition regime against the recruitment of women for prostitution". The Committee bolstered anti-trafficking initiatives to protect and rehabilitate females in prostitution and the societal order, but in this process the consent of women was disregarded, which can be seen both in the *Convention for the Suppression of International Traffic of Consenting Adult Women* from 1933, as well as the draft convention against the national and international procurement of consenting adults from 1937.

The abovementioned measure later came to form the basis of the forthcoming United Nations *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* from 1949, and subsequently also the contemporary anti-trafficking measure of today, which I will proceed to discuss in the following section.

2.2 Contemporary anti-trafficking policy

In this section, two contemporary anti-trafficking measures that affect Swedish law will be presented.

During a large part of the 1990s, terms such as ‘trafficking’, ‘illegal migration’ and ‘human smuggling’ tended to be spoken about interchangeably (Kraler and Rogoz 2011). Although more frequently problematized, this tendency remains to this day. It is important to note that although these concepts can be nested they should not be considered as such *a priori*. They are different conceptual categories that have different consequences, both politically and legally. Although the legal definition of ‘trafficking’ as defined today does not include migration from one place to another as a defining element, trafficking continues to be spoken about in relation to migration. If mainly discussed in terms of internal or cross-border migration depends on the context under discussion. For example, in India it is estimated that majority of cases that occur within the Indian states concern internal migration (Garofalo Geymonat 2014). In many European countries on the other hand, trafficking is often spoken about in terms of cross-border migration, both from within as well as from outside member states of the European Union (EU).

Although the legal definition of trafficking as it is framed according to the UN and the EU today includes the ‘transportation’ and ‘transfer’ of individuals as defining elements of trafficking, the definition is not dependent on the presence of elements of cross-border movement. There is also ‘recruitment’, ‘harbouring’ or ‘receipt’ of individuals. Thus, it is possible to speak about trafficking of citizens or inhabitants within the borders of one single country. Another difference between trafficking and smuggling is that smuggling involves cross-border movement as a defining element. Notably, the Protocol against the Smuggling of Migrants that like the UN Trafficking Protocol is part of the UN Convention against Transnational Organized Crime declares the state

parties' conviction to provide "migrants with humane treatment and full protection of their rights" (2000:53)¹⁰. The Trafficking Protocol does not mention migration at all. The link between these categories is thus not migration, but they come together under the label of 'organised crime'. However, the pairing up with migration is there, also on the UN level: there the link is made both in the Convention and on the website of the United Nations Office on Drugs and Crime.¹¹ There are many reasons why trafficking is easily linked to migration although the definition of it does not necessarily include the term migration, and I will discuss some of them in this study as this tells us something about the way the topic of trafficking is approached and treated. Consequently, they are important for the understanding of anti-trafficking policies.

The UN Protocol and the EU Directive on trafficking

In 2003, the United Nations (UN) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* entered into force, thereby replacing the former version from 1949 that focused exclusively on prostitution. This UN Protocol can be defined as the most well recognised contemporary international anti-trafficking measure. Before the adoption of the UN Protocol the meaning of trafficking was not clear, and neither was the distinction between trafficking and other relatable terms such as exploitation, forced labour, slavery and human smuggling. The UN Protocol can be seen as the measure that attempts to define this distinction.

In Article 3, paragraph (a), the UN Protocol defines 'trafficking in persons' as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of 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 or 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

¹⁰ *The UN Convention against Transnational Organized Crime*, full text: <http://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf>

¹¹ UNODC (2014) *Human trafficking and migrant smuggling*: <http://www.unodc.org/unodc/en/human-trafficking/index.html?ref=menuaside>

The Protocol approaches trafficking from the perspective of organised crime (Andrijašević 2010:7). States are encouraged to adopt the broad definition of the UN Protocol into national legislation, or to insert a similar legislative definition that recognises that trafficking can occur across borders and within a country, for a range of exploitative purposes and that it takes place with or without the involvement of organised crime groups. The UN Protocol leaves room for states to distinguish between ‘voluntary’ and ‘forced’ prostitution, which some countries have done and others have not. The United Nations Office on Drugs and Crime (UNODC) has been assigned as the guardian of the Convention with the mission to assist states in their implementation of the Protocol. The UNODC’s prime task is to combat organised crime. In the absence of a universal anti-trafficking instrument addressing all aspects of trafficking, the Protocol seeks to be the first international instrument for preventing, suppressing and punishing trafficking.

In a legal sense, trafficking is considered to be a crime against the human rights of a person. It is a crime involving at least two actors – one who commits the crime, generally referred to as the ‘trafficker’ and one whom the crime is committed against for the purpose of exploitation of that person, generally referred to as the ‘victim of trafficking’. In this sense, ‘victims of trafficking’ are considered crime victims. Whether for the purpose of exploiting an individual for e.g. sexual purposes, military service or forced labour the crime of trafficking is the same – a crime against the human rights of an individual. However, it should be noted that the UN Protocol is not a human rights instrument. Human smuggling on the other hand is considered a crime against the state, involving the violation of immigration laws and public order and does not, by definition, involve the violation of the rights of the smuggled individual.¹²

As seen above, until recently the most commonly acknowledged feature of trafficking in human beings was sexual exploitation¹³ (Aarten, Busschers, Smit and van der Laan 2011). Throughout the twenty-first century, the focus has mainly been on women and children and links to prostitution have often been made. To a large extent, the focus of many contemporary anti-trafficking efforts seems to rest on such links to this day.

¹² International Centre for Migration Policy Development, *Difference between Smuggling and Trafficking*: <http://www.anti-trafficking.net/differencebetweensmugglingand.html>

¹³ Hereinafter ‘trafficking for the purpose of sexual exploitation’ will mainly be referred to as sex trafficking.

The UN Protocol plays an important part on the international anti-trafficking scene. Its definition of trafficking is also the most referenced one, also in scholarly work. However, there are several measures that the international community has adopted to counter trafficking. Another important measure on the anti-trafficking scene, especially in relation to Sweden, is the EU Directive on preventing and combatting trafficking in human beings. According to the Directive “combating trafficking in human beings is a priority for the Union and the Member States” (2011/36/EU).¹⁴ The Directive calls upon member states to integrate “the following intentional acts as punishable” into national legislation:

The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of 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 or 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

As seen above, the definitions of the UN and the EU are quite similar. Trafficking is defined according to three constituting elements: the act, the means and the purpose, or in other words what is done, how it is done and why it is done. In relation to national anti-trafficking policies, the two measures are important to take into account, but as Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012:173) observe: neither the UN Protocols “nor subsequent EU actions have mandated the precise manner for states to implement anti-trafficking measures. The EU only has a certain degree of influence in this area. The EU can draft directives and give funding to certain programs, but how member states deal with trafficking is up to each country and depends on its political tradition. Indeed, [...] considerable discretion still exists for states” despite efforts of the EU to harmonise the implementation of anti-trafficking initiatives among member states.

As the brief overview of the development of anti-trafficking policy has shown, what is defined as trafficking has changed over time, starting with the ‘slave traffic’ of white women and girls from 1904 to e.g. the UN Trafficking Protocol, as we know it today.

¹⁴ The Directive (2011/36/EU) replaced Council Framework Decision 2002/629/JHA.

Another thing that has come forth is that this in turn has given rise to some critical voices opposing both the frames and underlying assumptions of such efforts.

3 Counting versus critiquing – different research approaches to trafficking & anti-trafficking

The following chapter features some of the previous research that has been made on trafficking and anti-trafficking policy. Like the previous chapter has indicated, when it comes to trafficking and the different initiatives that set out to counter this phenomenon, it is possible to distinguish between some quite distinct perspectives that have emerged as a response to this.

In relation to the increasing research on trafficking and anti-trafficking policy, it is possible to observe two bodies of research.¹⁵ First, there is the one occupied with understanding what Walters (2008:271) calls “the actual incidence of things labelled [...] ‘human trafficking’, and the effectiveness of measures targeted at these issues”. Then, there is a second body of scholarship that approaches the study of trafficking by questioning and critiquing it as a category in itself as well as what is actually situated within the frames of this concept. Lindquist (2013) refers to this second one as the ‘anti-anti-trafficking’ approach.

What is observable in the first body of research is a concern with finding numbers, as in numbers of ‘victims of trafficking’, numbers of convicted ‘traffickers’ and amounts of money involved. Finding numbers has however proved challenging, and although serious efforts have been invested in quantifying the phenomenon in the form of major research projects and databases, the numbers at hand are at best disputed estimates. In a report by the International Organization for Migration (2000:30 in Doezema 2010) examining the issues regarding the lack of statistical evidence on trafficking, it is stated: “It is almost axiomatic for papers reviewing trafficking to lament the huge lack of statistics and to call for research to fill the many *lacunae*”.

In turning their attention towards trafficking scholars face several challenges. As noted by Cho, Dreher and Neumayer (2014), one is the lack of reliable data, especially when it comes to policies enacted to counter trafficking,¹⁶ and when comparing these over

¹⁵ As the reader will see, this division is a simplification of the existing research on trafficking which is complex and by now quite vast. The two research bodies that I have identified are not two entirely separate entities, they do at times intersect with each other. The distinction made is of course open for contestation.

¹⁶ See for example: Akee et al. 2010; Auriol and Mesnard 2010; Avdeyeva 2010; Bartilow 2010; Cho and Vadlamannati 2011; Di Tommaso et al. 2009; Friebel and Guriev 2006; Mahmouda and Trebesch 2009; Simons and Lloyd 2010.

time and between countries. One attempt to do so is the *3P-Anti-trafficking Policy Index*¹⁷ based on a study by the same scholars who can be identified as part of the first research body (Cho, Dreher and Neumayer 2014). The index consists of a yearly ranking of up to 184 countries. In the index, Sweden is identified as one of the highest-ranking countries in three out of three policy areas ‘prevention’, ‘prosecution’ and ‘protection’ for the year 2011 and 2012. For the year 2011, Sweden shares the same scores and the position as the highest-ranking country with Italy and the Netherlands. In the 2012 ranking, Sweden is the sole country to hold a full score of 15/15, followed by a number of countries with a score of 14/15.¹⁸ The score is based on the presence of certain policies and laws on paper, but does not reveal much with regards to Swedish anti-trafficking policy in practice.

According to Doezenia (2010:5) who can be situated within the second research body, it is surprising that the difficulty in finding reliable data does not seem to result in caution. Rather it instigates the reproduction of under-referenced, unreliable and poorly defined estimates. It also triggers a tendency to assume that trafficking is a ‘hidden phenomenon’ and “that estimates of trafficking are too low, rather than too high”.¹⁹

Another concern, taken up by governments as well as in research (mainly by the first scholarly body) has been to find the best policy response to combat trafficking. With respect to the increasing demand for evaluating and assessing the various anti-trafficking initiatives and measures that have been launched, Andrijasevic writes (2010:7):

a large body of scholarship on ‘sex trafficking’ [...] approaches the issue from the perspective of organised crime. Much of this scholarship is policy oriented and attempts to answer such questions as how criminal organisations operate, what are their type, size, and structure, and what governments ought to do in order to combat criminal networks.

¹⁷ Cho, Dreher and Neumayer, The Determinants of Anti-trafficking Policies - Evidence from a New Index, *Scandinavian Journal of Economics*, 2014: <http://www.uni-heidelberg.de/fakultaeten/wiso/awi/humantrafficking/antitrafficking.html>

¹⁸ The countries ranked as second, holding a score of 14/15 in the 2012 ranking are: Armenia, Australia, Austria, Belgium, Canada, Chile, Cyprus, Italy, Moldova, the Netherlands and the Republic of Korea.

¹⁹ To assess the effectiveness of trafficking policies is a complex task where one has to take into account that there are, apart from conceptual issues concerning the definition of trafficking and anti-trafficking policies, numerous factors influencing both the outcome and impact of a policy. Specific policy targets are not only influenced by the policies that explicitly address them but also by other policies.

With regards to research on policymaking, comparatively little attention has been paid to study anti-trafficking policy as “an important object of study in its own right” (Hindess 2004:3 in Walters 2008). Closer to approaching anti-trafficking policy in this way is the second body of scholarship that has emerged, the one that Lindquist (2013) refers to as the anti-anti-trafficking approach. This scholarly body challenges both ‘trafficking’ as a category and the way it is being approached; in politics, in the media as well as in academia, to instead approach it from perspectives such as mobility, labour and migration.²⁰ These scholars argue that it is not enough to view ‘trafficking’ as a descriptive category and ‘anti-trafficking policy’ as the mere response to it; as defining the actions of criminals geared towards the exploitation of individuals. From this perspective, rather than describing an unbiased reality it is argued that ‘trafficking’ should be considered as a political category that can be used by e.g. governments to pursue their political agendas.

The focus of analysis of this second critical research body can be said to be on a different level where the main preoccupation is not about counting ‘victims of trafficking’ or identifying the routes of ‘traffickers’, but rather on what these categories ‘say’ and ‘do’, as well as on the silences surrounding them (Rabo 1997 in Shore and Wright 1997). Such scholars have also examined, for example, how trafficking is represented in the media and in anti-trafficking campaigns, and are critical of how trafficking is being portrayed. The researchers argue that many representations of ‘trafficking’ and the ‘victim of trafficking’ build on and reinforce stereotypes about gender roles as well as ‘the Other’.

The theoretical entry point of this study is based on this second body of research, which could be defined as a critical theory of trafficking. This approach will be discussed more thoroughly in the following chapter.

²⁰ See for example: Andrijasevic 2010; Brown 1995; Doezenia 2001; Giordano 2006; O’Connell Davidson 2010; O’Connell Davidson 2013; Skilbrei 2013.

4 Constructing a theoretical framework

4.1 Swedish security concerns in anti-trafficking policy

In a recent study on the Swedish legislation addressing trafficking, Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012) explore the notions that have come to shape Swedish anti-trafficking policy. As noted by scholars before them, ideas of national security and gender equality have come to shape anti-trafficking policy elsewhere. According to Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012), EU anti-trafficking policy has been heavily shaped by a security frame, focusing on the strengthening of border controls and increased police action against organised crime. This, they claim, has resulted in that ‘victims of trafficking’ are seen as irregular immigrants and sent back to their country of origin. The authors argue much to their surprise that this framing has been taken up by Sweden. While notions of gender inequality have come to strongly influence other legislative processes, such as the adoption of the law criminalising the purchase of sexual services, ideas of gender inequality have been less influential on Swedish initiatives to combat trafficking. Anti-trafficking policy in Sweden has rather followed a securitisation path, the authors argue, with concerns about national security as the most influential.

Without doubt, the provision discussed by Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012) is an important part of Swedish anti-trafficking policy. However, taking into account the attention that the criminalisation of the purchase of sexual services has had as “a viable and effective tool to prevent prostitution and trafficking of human beings” (Ekberg and Wahlberg 2011), Swedish anti-trafficking policy could be defined as including more than the provision explicitly addressing trafficking. On the basis of the conclusion by Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012) one might assume that such concerns would permeate also a wider definition of Swedish anti-trafficking policy as well as related policy practices. However, if the definition of Swedish anti-trafficking policy can be said to go beyond the single provision discussed by Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012), a question that arises is if concerns about national security really have been more influential than notions regarding gender inequality.

4.2 Swedish social engineering

With regards to the criminalisation of the purchase of sexual services, Jordan (2012) argues that the Swedish example is one of failed social engineering. Jordan writes that since its introduction, the government has not been able to provide evidence supporting the fact that the criminalisation has resulted in a decrease in neither the buying nor the selling of sexual services, or stopped trafficking. As Jordan sees it, what it has done is made the situation for street-based sex workers, a great proportion of them immigrants, more dangerous. In reviewing the official evaluation of the provision ordered by the government²¹, Jordan (2012:8) argues:

The government concedes that a greater proportion of the women on the streets are now immigrants. [...] the law has not stopped migrant sex workers from coming to Sweden. Presumably, those women are in the country without visas and so now work in an environment that leaves them more exposed to abuse and exploitation by third parties.

Also, there is a lack of knowledge on exploitation among sex workers from the part of the Swedish government, especially when it comes to migrant sex workers. Jordan (2012:10) argues that the current situation in Sweden, where clients of sex workers are criminalised and thus “less likely to report cases of abuse or possible trafficking of sex workers to the police” could in fact increase the “vulnerability of migrants to abuse”.

4.3 The anti-anti-trafficking approach

Agustìn (2006) argues that the ‘moral panic’ on ‘trafficking’ along with the conflation between this concept and ‘prostitution’ explains why migrant women selling sex are often neglected by migration studies. This results in a lack of knowledge about the migrations of these women, and ultimately the neglect or disappearing of a migrant category. In relations to this, critical trafficking theory calls for the recognition of women as active subjects in their own migratory projects as well as an acknowledgement of the different realities behind trafficking (Giordano 2006). However, rather than finding space within the field of migration studies, the study of ‘trafficking’ seems to have developed into a field of study which is more easily taken up in criminology, “where it can be compared with other kinds of illicit trade” (Agustìn 2006:29).

²¹ See Skarhed 2010

Critical trafficking theory recognises that migrant women selling sex can doubtlessly be subjected to both abuse and exploitation as a consequence of the nature of many informal work arrangements. However, negative outcomes also relate to:

the struggles and efforts migrant women put into realizing those desires and in dealing with hindrances of their mobility whether imposed through border control and visa or residency requirements or through third party control of their labor in prostitution (Andrijasevic 2010:17).

What is being called for is the recognition of how the common focus on narratives about victims in slave-like situations and criminal organisations has a tendency to situate the image of trafficking within the frames of:

a simplistic and stereotyped binary of duped/innocent victim (foreign women) and evil traffickers (usually foreign men). Trafficking appears as an activity that takes place outside any social framework: it is criminal individuals that are responsible. (Anderson & Andrijasevic 2008:137)

In turn this conceals the underlying structural factors of the problems that are placed under the trafficking label such as “a gendered and sexually coded distribution of labour mobility” (Andrijasevic 2010:11). Consequently, this prevents effective actions from being taken. The framing of trafficking as an issue of organised crime or forced labour makes trafficking appear as a national security threat, which can justify governments’ actions such as the strengthening of borders or the criminalisation of prostitution related activities.

According to Lindquist (2013:321) “critical trafficking scholars are able to express with some precision what is lacking from the anti-trafficking perspective. For instance, that prostitution should not be conflated with trafficking.” Lindquist points out that when this conflation is made, “anti-trafficking policy may be doing more harm than good to the populations it aims to assist”. Similarly Wijers (1998:26) writes:

given the history of the use of anti-trafficking measures to police and punish female migrants and female sex workers and to restrict their freedom of movement rather than to protect them from violence and abuse, serious doubts are raised as to appropriateness of the existing anti-trafficking framework.

Taking inspiration from Agustín's observation about migrant sex workers as a neglected migration category and the critique of the anti-trafficking frame as expressed by the anti-anti-trafficking approach, what can be said to have emerged instead is another category, namely 'the victim of trafficking'. However, this is not seen as an active subject whose migration is informed by autonomous decisions or desires for social or economic mobility, but as someone governed by the choices of others, a subject who seeks protection rather than power.

4.4 Anti-trafficking common sense

It can be said that the anti-anti-trafficking approach provides a different reading of trafficking, which encourages us to go beyond e.g. axiomatic attempts to provide figures on the size of the phenomenon or assume that it must be hidden when such figures cannot be found, or rather when they are even constructed on false grounds (Weitzer 2007). However, this form of critique can be difficult to acknowledge, especially when considering that the concern with trafficking as a public issue and problem to fight seems to have become part of common sense (Lindquist 2013:321). Similar to Lindquist, Anderson and Andrijasevic (2008:138) point to a consensus regarding the trafficking fight. According to them:

Everyone agrees that trafficking and (sexual) exploitation is wrong, in spite of the problem about what these words actually mean. This helps to create a humane consensus outside political debate - no one can doubt that 'trafficking' must be stamped out.

In this respect, an anthropological approach to anti-trafficking policy is fruitful as it allows for an examination of concepts that can appear axiomatic and unproblematic, or even 'commonsensical', to uncover their different meanings and how they function as an organising principle of society.

During the past two decades there has been a notorious increase in the attention this topic has received as a public concern. The same can be said about anti-trafficking policy, but what actually are anti-trafficking policies? Well to start with, the term itself seems to imply a policy opposing trafficking, but what this means is not clear in itself since there are several ways in which this could be done. As the brief historical overview has shown, what is defined as 'trafficking' has changed over history. Finding a simple way to describe what the term stands for is by no means an easy task. Anti-

trafficking policies are neither straightforward nor top-down (Lindquist 2013; Musto 2013; Snajdr 2013). This has to do with the fact that the definition of anti-trafficking policy depends on how the terms ‘trafficking’ and ‘policy’ are defined. Here, the task becomes even more complex since these concepts are not clear-cut. On the contrary, they are highly contested as well as contextually shaped. As noted by Lindquist (2013:322): “trafficking is difficult to define. Indeed, its global reach depends precisely on the ease by which it is translated across cultural boundaries.” For example, some define all forms of prostitution as trafficking on the assumption that such an activity can never be voluntary, while others accurately make a distinction. In this respect Walters (2008:269) encourages us to:

Consider the way in which a series of public concerns with forced migration, forced labour, sexual exploitation and organized crime have become condensed and articulated through highly visible and sometimes controversial campaigns and policies conducted in the name of anti-trafficking

Still, when adopting the same terminology there is a tendency to assume that the different approaches are referring to same phenomenon. Following Walters’ (2008) line, consider the vast variety of initiatives that could be placed under this label along with the differences between these initiatives and the complexity of their common denominator - communities of Catholic nuns running shelters for ‘victims of trafficking’ to the International Rescue Committee to the United Nations Protocol on trafficking. The question arises then, if it is possible to simply define anti-trafficking policies as a mere opposition to trafficking. According to Walters (2008:279), what is framed in these terms varies in relation to space and time and the geographical and political setting of a particular context. What an analysis of anti-trafficking should address then is how/what it counters in a specific context in a specific time, but before doing this there is a need to turn to the three terms that constitute this elusive concept: ‘trafficking’, ‘policy’, and ‘anti (policy)’. This will be done in the following part of this chapter.

4.5 Concept one – ‘trafficking’

In relation to international measures such as the UN Protocol and national laws, trafficking should be considered as a legal category. However, according to the scholars of the anti-anti-trafficking approach, trafficking should also be seen as a political category. Similarly, Brubaker and Cooper (2000) suggest that trafficking is a category of so-

cial and political practice but that it has also extended into a category of analysis. Andrijašević (2010:16) argues that the ‘victim of trafficking’ should be seen as a ‘governmental category’ that legally and discursively narrows the political agency of certain subjects along with their capacity to act or make autonomous choices.

What it comes down to is that the category of ‘trafficking’ should be seen as a social construct that exist in relation to human observation, space and time. In relations to this its meaning is constructed and hence needs inquiry, but like with all constructs of the social language it ought not to be considered as an unbiased reflection of the social realities it refers to. Weitzer (2007:448) writes that social conditions can also be translated into ‘problems’ as the result of the claim-making by interested parties, and that these claims may or may not reflect actual social arrangements. However, the constructivist nature of concepts does not make their existence less relevant. On the contrary, trafficking is also, as Lindquist (2013:322) observes: “a phenomenon that points towards public debates, policy interventions and specific problems and processes”. On the basis of this Lindquist suggests that “one might approach trafficking in ethnographic terms. People are convinced, and we need to find a way to consider and conceptualize this conviction”. One way to do so is to “focus on anti-trafficking organizations” to reach “a deeper understanding of the individuals, institutions, and networks that engage with anti-trafficking, and of the world they inhabit”. Empirically grounded constructionist research that builds on the critical perspectives of the anti-anti-trafficking approach can provide the appropriate tools for reaching an understanding of these concepts and this social world in a particular context. Such an approach should take into consideration the conviction and claims of those engaging in anti-trafficking without discarding them as irrelevant, while at the same time critiquing “in the interest of progressive social change” (Gubrium and Holstein 2008:14). This can contribute with a nuanced reading of how different actors come together in the local fight against trafficking and how their practices construct and reconstruct what can be defined as anti-trafficking policy.

4.6 Concept two – ‘policy’

What is policy and how should it be approached? An instrumental perspective is one way of approaching it, according to which policy is perceived as a tool with which it is possible to control a population from above through the use of rewards and sanctions.

In this respect, policy is seen as a technical, rational and action-oriented instrument that decision makers use to solve problems and change society (Shore and Wright 1997). The policy process is from this approach often depicted as linear, but according to Shore and Wright (2011:5) this is a misleading conceptualisation of policy. Similarly, Rabo (in Shore and Wright 1997:108) argues that policy both ‘does’ and ‘says’ things that cannot be evaluated instrumentally. From Rabo’s perspective, the understanding and analysis of policy needs to go beyond the goals set up by policy-makers. This view is shared by Shore and Wright (1997; 2011) who further argue that policy should be conceived as processual and as embedded with agency. This latter approach can be defined as an interpretative approach to the analysis of policy (Shore and Wright 2011:8).

Shore and Wright (1997) write that policy codifies social norms and values and that it articulates a community's most fundamental organising principles and contains implicit or explicit social models. As they see it, the analysis of policy can make cultural systems evident. Policy can also be understood as a cultural text or as a classification device containing different meanings. It can be seen as a symbol that serves to justify or condemn the present, or as a rhetorical slogan and discursive formation that empowers some while and silencing others (Shore and Wright 1997:7). On the basis of this, and for the purpose of this study, policy will be treated as a social symbol: a complex phenomenon that is not only used for control (direct or indirect) but also as a cultural text in which visions of society are formulated. According to Shore and Wright, policy is both a concept and a tool used to organise contemporary societies that have received increased scope and importance. As Shore and Wright (1997:14) see it, with regards to policy analysis, it is about analysing the correlation between the different levels and forms of social processes and documents and to explore how these processes work on local, national and global levels.

Also Yanow’s (2000; 2007) approach to policy takes into consideration the importance of the local level. According to Yanow policy does not make sense on its own. To be able to make sense of policy there is a need to speak to people to access what Yanow defines as ‘local knowledge’. Local knowledge is that of ‘policy-relevant’ actors (Yanow 2000). This is understood as the knowledge of actors who operate within the realms of or in the surroundings of policy. Policy-relevant actors can be but are not

limited to ‘elites’ such as e.g. legislators. Non-elite actors also shape policy as Yanow (2007:410) writes: “especially in rejecting top-down acts such as policy implementation.”

I interpret the consensus that Anderson and Andrijasevic (2008) speak of and the commonsensical that Lindquist (2013) touches upon as the kind of knowledge that is framed as axiomatic in policy-documents, but also in the public debate and media, e.g. *trafficking is wrong or should be fought*. With regards to policy Yanow (1996) refers to such ‘commonsense assumptions’, i.e. meanings that are accepted and embedded or unspoken in policy issue categories, and these assumptions should be the object of inquiry. Going back to Shore and Wright (1997) this relates to scrutinising the correlation between different levels such as the national and local, or even to explore the potential discrepancy between them. What appears as axiomatic, rational and action-oriented instruments to decision makers on one level is not necessarily treated as such on the other. On the contrary, what some actors might regard as a problem-solving catalyst can in fact generate problems for others.

4.7 Concept three – ‘anti-policy’

As shown in the previous chapter, anti-trafficking policy can be traced back in history. Nonetheless, it does appear as if this practice has become more pronounced today. Walters (2008:268) suggests that this is not only the case with anti-*trafficking* policy but also something that could be said about a “diverse and heterogeneous assortment of programmes and schemes” which can be labelled within the analytical frame of ‘anti-policy’. This concept extends beyond anti-trafficking and comprises “the various political projects which declare ‘war’ on things”: anti-corruption, anti-racism, anti-terrorism, the war on drugs, on crime and so on.

Commonly, “the ‘anti’ is treated as though it is to be explained by the thing which is being opposed” (2008:727). With the anti-policy frame, Walters coins a concept which allows for a discussion that stretches beyond that which is (framed as) needed to be repressed to instead focus on “the class of phenomena that finds itself prefixed by the ‘anti’ or the ‘counter’ [...] as a domain of institutions, agendas and effects in its own right”. This shift is fruitful since it allows for the emergence of alternative perspectives to anti-policy.

Similarly Anderson and Andrijasevic (2008:138) argue for a shift in focus. According to them, the definitional un-clarity regarding the term ‘trafficking’ results in a slippage between concepts such as ‘illegal immigration’; ‘forced prostitution’ and ‘trafficking’.

The slippage serves to de-politicize anti-trafficking interventions, and avert attention from the role of the state in creating the conditions in which exploitation occurs. Our argument is that this de-politicization is actually a form of ‘anti-politics’: it smuggles politics in under a ‘humanitarian agenda’ seemingly geared towards the assistance and protection of victims.

Anderson and Andrijasevic argue that by shifting focus away from trafficking onto anti-interventions, the productivity of anti-trafficking policy emerges. As they see it, rather than being apolitical the victim of trafficking is a ‘political figure’, one taken up by the state. Their argument is in line with Walters’ view of anti-policy. As Walters (2008:274) sees it anti-policy is not merely a reaction, it is also a provocation of other forms of politics. Walters calls this the *productivity of anti-policy*. Walters mentions Foucault’s argument and rejection of the ‘repressive hypothesis’ in *The History of Sexuality*²² as an example of the productivity of anti-policy. The repressive hypothesis suggests that 17th century European bourgeois society marked the beginning of an era of sexual repression through practices of e.g. prohibition and censorship, but Foucault sees it differently. Rather than repressing sexuality, Foucault suggests that although there certainly were attempts to repress sexuality by situating it within negative tactics, sexuality would actually come to multiply in this period.

According to Foucault, through attempts to repress and intervene sexuality was constructed, given meaning and shape, and hence proliferated. Foucault’s argument is similar to the way trafficking is approached within the frames of the critical trafficking theory. This is only one example of how “anti-policy entails the production, multiplication and transformation of a complex network of objects, concepts, experts, practices and identities” (Walters 2008:275). Another example of the productivity of anti-policy can be made in connection to Agustìn’s (2006) point mentioned above. According to Agustìn, the trafficking frame has resulted in the neglect of the migrant who sells sex as a ‘migrant category’. However from the perspective of anti-policy productivity, rather

²² Foucault 1990 [1978] in Walters 2008:274.

than repressing this subject it could be said that it has given rise to the production of a different category – the ‘victim of trafficking’.

This study approaches anti-trafficking policy by building on Lindquist’s (2013) idea of cultural boundaries with regards to the transformation of the meaning of trafficking and Walters’ (2008) concept of anti-policy. From both these perspectives anti-trafficking policy is considered as contextually shaped. Walters (2008:275) argues that anti-policy does not have an “obvious political or institutional centre”. The task then becomes to make sense of anti-trafficking policy as “a form of governance that seems to function through dispersal” (2008:275) to generate knowledge about its variation and diversity. As Walters (2008:277) notes, anti-policy is more about creating a binary relationship between ‘us’ and ‘them’, and about “the attribution of political responsibility”.

To understand anti-trafficking policy there is thus a need to understand how the meanings of trafficking and anti-trafficking policy are constructed contextually. In relations to this, this study seeks to understand how anti-trafficking policy is constructed in official Swedish policy-documents and how it is translated into the local context, i.e. how the local is constructed in relations to the national, and if/how anti-trafficking policy finds new meaning(s) there. How this has been done will be discussed in the following chapter.

5 Methods

In this chapter the methods that have been employed and an account of the choices that have been made throughout the research process will be presented.

There are several reasons for limiting the focus to one specific local context in Sweden. Apart from the fact that there have been limitations to consider in the making of this study, both in terms of time and space, a narrow focus is fruitful since it allows for a ‘microlevel’ analysis of anti-trafficking policy that takes into account site-specific contextual logics as well as the perspectives of local actors. The concept comes from Weitzer (2014:6) who advocates:

carefully conducted microlevel research on trafficking [...] which has advantages over grand, macrolevel claims—advantages that are both quantitative (i.e. identifying the magnitude of trafficking within a measurable context) and qualitative (i.e., documenting complexities in lived experiences) — and is better suited to formulating contextually appropriate policy and enforcement responses.

This study takes inspiration from the sort of qualitative microanalysis that Weitzer (2014) is advocating. The empirical research focus of this study has been placed on one Swedish city and some of the local practices that address the topic of trafficking there. This specific city has been chosen since it is one of the cities in Sweden where there is most activity in terms of working with questions regarding trafficking.

Yanow (2000) suggests that the term ‘data’, often used to refer to what is gathered in the field in all sorts of scientific settings (the social sciences included), as somewhat out of context with regards to qualitative data gathering. Yanow (2000:27) argues that the term “implies that the data are or can be separated from their sources” and that it is more appropriate to speak about accessing local knowledge. What is accessed is however not the ‘brute data’, but rather the observations and interpretations that the analyst makes of the “words, symbolic objects, and acts of policy-relevant actors” (Yanow 2000:27).

5.1 Policy-documents

For the purpose of defining Swedish anti-trafficking policy, I reviewed official policy-documents and the focus has been placed on a number of identified key documents.

This has served to identify Swedish anti-trafficking policy as it is defined in written text. Due to limitations in terms of space and time, all parts of e.g. the Swedish legal framework that could be interpreted as part of its anti-trafficking policy have for obvious reasons not been included, but the focus has been situated on the parts which appear most relevant. The reader should take this into account. The policy-documents include provisions of the legal Swedish framework and one national action plan addressing trafficking for sexual purposes and prostitution.²³ The reason for selecting these documents specifically is threefold. First, these documents address trafficking explicitly. Secondly, they are the main official anti-trafficking measures available, and they have also been mentioned several times by the practitioners whom I have interviewed.

5.2 Local knowledge

To answer my second question - how anti-trafficking policy is understood and carried out in local practices - I have conducted interviews with local practitioners whose explicit work tasks concern questions regarding trafficking or who in their work deal with this topic.

The empirical material or the local knowledge as Yanow (2000) calls it has been accessed through interviews with five policy-relevant actors, i.e. practitioners working in the local context. The practitioners I have interviewed are the following:

One social worker working as a regional coordinator against trafficking
(*länssamordnare mot människohandel*)

One social worker (*socialsekreterare*) working in the same organisation as the regional coordinator

One coordinator (*samordnare*) at the County Administrative Board who is part of the regional joint action group against human trafficking, led by the same organisation

One intelligence officer (*underrättelsehandläggare*) working for the County Police coordinating a group of five police officers investigating, among other things, trafficking crimes

²³ No similar documents addressing other forms of trafficking have been found.

One prosecutor (*åklagare*) from the International Public Prosecution Office who works specifically with trafficking cases

These actors represent the commonly identified fields of anti-trafficking policy, the three 'Ps': prevention, prosecution and protection. They also cooperate in the local context, hence also representing the forth 'P' as in partnership.

The regional coordinator against trafficking and the other social worker provide support efforts to potential or identified victims of trafficking, informing them about their rights and duties in contact with authorities such as the Migration Board, the police and the social services. When cases of potential trafficking are identified in the region the regional coordinator is generally involved. Another task of the regional coordinator is to facilitate the coordination between authorities, informing and advising on services and procedures, and to provide contacts to other practitioners. The organisation where the two work also coordinates assistance efforts of e.g. healthcare and housing. In cases where the potential or identified victims are migrants they are involved in the planning of return. The organisation where they are based also deals with advice and support for individuals selling, buying, trading, or consuming sexual services in different ways by offering them counselling. The regional coordinator is part of the joint action group against prostitution and trafficking, led by the County Administrative Board. The coordinator at the County Administrative Board mainly works with other questions not directly linked to either prostitution or trafficking but have come to deal with the coordination of the group. Members of the group coordinated by the intelligence officer are also part of it. The prosecutor is also part of this group and is one of the few prosecutors working specifically with trafficking cases in the region.

The reason for choosing such different actors, instead of focusing on e.g. only social workers, is to add some nuances to the material. It is obviously possible to find this when focusing on one single group, however, because of their very different work positions and tasks this focus does add ulterior nuances to the findings. Another reason is that there are not that many practitioners who explicitly work with questions regarding trafficking in the local context. Hence, this choice also facilitated the research process. The interviews with them serve to understand how Swedish anti-trafficking policy is defined from the point of view of local practitioners as well as to understand the practice of it, and the concept of anti-trafficking policy will be explored through their per-

spectives. The reader should note that the opinions of these five practitioners do not represent the perspectives of others holding the same or similar positions.

5.3 Interviews

All the interviews conducted for this study have been recorded, apart from one. The intelligence officer did not want to be recorded so notes were taken instead. After the interview I recorded a summary of it, reading my notes and adding some information that was missing but still fresh in my memory. The time of the interviews range from one to three hours, the longer interviews have been with the regional coordinator against trafficking whom I have identified as my key-informant. We have met over a period of two years, the first interview taking place in the beginning of 2012. This has resulted in four interviews. The four interviews conducted with my key-informant have been of a rather unstructured nature, in the sense that they were more like conversations without an interview guide at hand. During our fourth interview in 2014, the social worker colleague of the regional coordinator also participated.

The knowledge that I have gained through our meetings has been helpful for this study. It has helped me to manoeuvre the field, facilitating the process of moving forward and gaining ulterior access to others informants. With the other informants I only met once. Although I did have more specific questions regarding the topic, also these interviews were rather unstructured. Obviously, no interview or conversation situation is totally unstructured, be it made with or without questions written down on a paper. Nonetheless, an unstructured way of interviewing has several benefits, not least in the preparation phase of a research project, as it can guide the researcher to specific topics that might be unknown before entering the field. Unstructured interviews are also a fruitful way of producing knowledge interactively. Since the researcher is not tied to an interview guide the interview can take unexpected turns in interaction between researcher and informant. In a discussion on the starting of a research, Burgess (1984:31) writes that since social research is a social process, “interaction between researcher and researched will directly influence the course which a research programme takes [...] the project, and the methodology, is continually defined and redefined by the researcher and in some cases by those researched”. From this perspective, interviewing can be seen as a fruitful way to gain and produce knowledge together with research participants.

The research approach of this study can thus be defined as inductive, in the sense that the material collected, e.g. through interviews, has formed the basis for analysis and choice of theory (6 and Bellamy 2012:76, 77). A theoretical framework has been applied in order to make sense of the material (Suter 2012). The interviews conducted for this study, or rather parts of them, will be presented in the following chapter. The parts that I have chosen to include have been transcribed and translated from Swedish to English, as they were all conducted in Swedish. The full interviews do however constitute the basis of this research in the sense that the choice of theory has been based on my interpretation of what they say in their completeness.

5.4 Qualitative content analysis

The material gathered has been analysed using qualitative content analysis. This method “starts with the idea of process, or social context, and views the author as a self-conscious actor addressing an audience under particular circumstances [...] the text is approached through understanding the context of the production by the analysts themselves” (May 2011:211). I found this approach to be best suited for analysing the gathered material since it involves taking into account the context of texts. Although the empirical material that has been analysed within the frame of this study differs in form – official documents and interviews - what binds it together is that it is, whether initially written or spoken, different forms of texts. According to May (2011:211) this approach “enables the researcher to consider not only the ways in which meaning is constructed, but also the ways in which new meanings are developed and employed.”

5.5 Interpretative policy analysis

The analysis has also been inspired by interpretative policy analysis as defined by Yanow (2007). This approach deals with analysing the meaning/s conveyed in relation to a specific policy issue expressed in policy-relevant events and documents. Often, the focus of interpretative policy analysis is placed on language, how it is used in policy debates and how it carries and conveys policy meanings. Questions are asked regarding what these meanings are, who is making them, where and how they are being communicated. The aim is to capture the contextual and site-specific rather than the general. In terms of epistemology and ontology, this approach builds on ideas from the inter-

pretative philosophies.²⁴ Hence, it focuses on individual actors and their meanings, situating the analytical focus on human agency. An important aspect of this approach is to pose questions about what is meaningful for policy-relevant actors in specific situations, as well as about the researcher's own process of meaning making in relation to what/who is being studied. Yanow (2007) refers to this as the 'positionality' of the researcher. This implies taking into account factors that affect a researcher's access to certain contexts, situations and actors. It also implies a certain degree of transparency from the part of the researcher, accounting for the methods that have been used as well as the positionality of the researcher in affecting the findings (Yanow 2007).

A combination of these two approaches is useful for this study since it is concerned with understanding the ways in which policy meanings are constructed in written text, but also the ways in which meanings are contextual and site-specific, i.e. how the meanings of official Swedish policy-relevant documents are translated into, developed and employed in the local context, if/how anti-trafficking policy finds different meanings there.

According to Yanow (2000) policy does not make sense on its own, without the encounter with local knowledge. Arguably, taking into account how easy it is to access various sources of information today, policy-relevant actors holding local knowledge as Yanow (2000) defines them, could also be accessed without actually ever encountering a single individual. From this perspective, policy could actually seem to make sense on its own, especially for researchers dealing with the analysis of policy as written text. Then, what can the actual encounter with local actors add to a research project? Well, written texts do not speak back, and if they do it is easier to dismiss what they say. In making a case for it, individuals can be said to be a source of human agency to a far greater extent than written texts, hence providing the researcher with the opportunity to triangulate interpretations, pose questions regarding ambiguities and also converse about contrasting understandings. Here, or rather in the presentation of the empirical material, the positionality of the researcher can be revealed to the reader, in the way answers are presented and interpreted. Obviously, this is done in the form of written

²⁴ These philosophies include phenomenology, hermeneutics, and parts of critical theory from Continental Europe as well as ethnomethodology, symbolic interactionism and pragmatism from the US, developed towards the end of the 19th century and the early 20th century (Yanow 2007).

text, but the texts analysed and produced are at least the product of a human encounter.

As a way of assessing the trustworthiness of qualitative research, the notion of ‘credibility’ has emerged as an alternative to other terms such as ‘validity’, ‘reliability’ and ‘objectivity’, more often associated with quantitative research approaches. Credibility refers to questions regarding how credible or ‘true’ the findings of a research are and intersects with both the purpose of research as well as its philosophical underpinnings (The Sage Encyclopedia of Qualitative Research Methods 2008). In relation to this specific study, with the purpose to explore the construction of Swedish anti-trafficking in official policy-documents and by actors in a specific local context, credibility can be claimed in different ways. With regards to the official documents that have been analysed, the reading of these can easily be checked since they are accessible to anyone. Consequently the interpretation of them is open to verification as well as contestation. However, when it comes to the interviews this is not possible to the same extent for several reasons. I have tried to redeem for this by providing information about the questions leading to specific answers, and by presenting as much of the informants’ accounts as possible within the space limitations of this study.

It is important to underline that when it comes to the presentation of the material gathered, the researcher is the one who holds the ultimate power to decide how it is to be presented, what to include as well as what to exclude. With this said, the researcher also holds the ultimate responsibility for the interpretation of the material and of how it is represented in the study. Obviously, my interpretations can be contested and I welcome alternative readings.

5.6 Ethical considerations

The individuals who have participated in this study have done so in their roles as practitioners. For the purpose of keeping their anonymity no specific names or places have been mentioned.²⁵ They have not been given any pseudonyms but will be referred to according to work positions.

Another aspect to discuss is the concern with the moral panic that has been taken up as a critique against the anti-trafficking approach. In setting out to study these matters,

²⁵ Complete anonymity cannot be guaranteed, but has neither been requested by any of the informants.

albeit critically, it could be argued that the researcher like any other actor of this field is part of the reproduction of such a panic. At the same time I believe we should be careful in our critique against these actors and the moral panic about anti-trafficking, as to not reproduce the same tendencies that we are criticising. Although I believe that there is a lot lacking from the anti-trafficking perspective, such as a focus on the political issues regarding labour and mobility rights, and align myself with approaches that advocate putting emphasis on aspects like these, I want to dissociate from fundamentalist thinking that discards everything there is about anti-trafficking as naïve convictions and opt for an approach that goes beyond polarisation and takes into account the complexities of this field.

6 Identifying the official framework of Swedish anti-trafficking policy

The first part of this chapter includes a presentation of Swedish legislation on trafficking as well as other relevant parts that are important to consider in relation to Swedish anti-trafficking policy.

6.1 Swedish legislation on trafficking

Like some other 150 other countries around the world, Sweden has ratified the United Nations (UN) *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*,²⁶ and adapted its legislation according to this treaty. It was signed by Sweden in 2000 and ratified in 2004. In 2002, ‘trafficking for sexual purposes’ (*människohandel för sexuella ändamål*) was introduced as a criminal offence in the Swedish Penal Code (SFS 2002:436).

1 a § A person that, in other cases than what is intended in §1, through use of unlawful coercion, misleading, or some other unlawful means induces someone to go to or be transported to another country in order to there subject this person to crime under chap 6, § 1, 2, 3 or 4, exploit that person for casual sexual relations or in some other way exploit that person for sexual purposes, will be convicted of trafficking in human beings for sexual purposes and sentenced to imprisonment for a minimum of two years and a maximum of ten years

In 2004, the same year as the UN Protocol was ratified, the penalty area was extended through an amendment to include trafficking for other forms of exploitation than for sexual purposes. In addition, ‘exploiting someone’s position of vulnerability’ was added. With the alteration, inducing ‘someone to go to or be transported to another country’ was removed (SFS 2004:406). As seen above, the version from 2002 only dealt with cross-border trafficking for ‘sexual purposes’, and did not mention any other form of trafficking. The changes were prompted by Sweden's ties to the UN Protocol and the EU Framework Decision (2002/629/JHA) on combating trafficking in human beings. Another amendment was made in 2010, when ‘take control over the person’ was removed from the definition (SFS 2010:371). This was done with the argument that the

²⁶ Hereinafter, depending on the surrounding text, it will be referred to as the ‘UN/Trafficking Protocol’/‘the Protocol’. In the literature, it is also referred to as the ‘Trafficking in Persons Protocol’, the ‘Palermo Protocol’ and the ‘Trafficking Protocol’.

previous version was difficult to implement. In order to obtain a conviction, prosecutors had to be able to show that the accused perpetrator had control over the supposed victim, which was challenging and few convictions had been made. Consequently, this requirement was removed. Another part that has been removed is ‘cross-border trafficking’. Although it is not synonymous to, the current version is based both on the UN Protocol and EU measures, and large parts draws from them as can be seen below.

1 a § Whoever, [...], by unlawful coercion, misrepresentation, exploiting someone's position of vulnerability or with other such improper means recruits, transports, transfers, houses or receives a person for the purpose that he or she is to be exploited for sexual purposes, removal of organs, military service, forced labour or other activities in a situation involving distress for the victim, is convicted of trafficking²⁷ in persons to imprisonment for a minimum of two and a maximum of ten years.²⁸

It should be noted that exploitation does not need to actually take place. The purpose to exploit an individual is enough for the definition of the crime of trafficking. Also the consent of the victim is seen as irrelevant, at least in theory.

6.2 Residence permits for victims of trafficking

Since 2004, foreigners who participate in preliminary investigations or main hearings as ‘evidence-persons’²⁹ can be granted temporary residence permits according to the Aliens Act (2005:716, 5 chap. 15 §). Since 2007, foreigners who are identified as ‘victims of trafficking’ by the police can be granted such a permit (TUT³⁰). The duration of the TUT permit amounts to a minimum of six months and can be extended if the judicial proceeding is prolonged. According to the *National Guidelines for the work against prostitution and trafficking for sexual purposes*³¹ a prerequisite for granting a TUT is as a will to cooperate with the law enforcement in the judicial process

²⁷ In Swedish, the crime is referred to as *människohandel*. The direct English translation of the word would be ‘trade with humans’. Both *människohandel* and the English version *trafficking* are used in the Swedish context, often interchangeably.

²⁸ ”Den som, [...], genom olaga tvång, vilseledande, utnyttjande av någons utsatta belägenhet eller med annat sådant otillbörligt medel rekryterar, transporterar, överför, inhyser eller tar emot en person i syfte att han eller hon ska exploateras för sexuella ändamål, avlägsnande av organ, krigstjänst, tvångsarbete eller annan verksamhet i en situation som innebär nödläge för den utsatte, döms för människohandel till fängelse i lägst två och högst tio år” (Swedish Penal Code SFS 2010:371)

²⁹ An ‘evidence person’ (*bevisperson*) is a person who acts as witness in a criminal investigation.

³⁰ ‘TUT’ stands for *tillfälligt uppehållstillstånd*.

³¹ Länsstyrelsen Stockholm and Nationellt Metodstödteam mot Prostitution och Människohandel (2011): <http://www.lansstyrelsen.se/stockholm/Sv/publikationer/2011/Pages/nationella-riktlinjer-mot-prostitution-och-manniskohandel.aspx?keyword=m%C3%A4nniskohandel>

(Cederlöf, Stenberg Ribeiro and Lyckner 2011). The TUT is to be applied for also when it comes to EU citizens, even though they may have the right to stay in Sweden (Cederlöf, Stenberg Ribeiro and Lyckner 2011:26). An application for a TUT is made by the inquiry leader, i.e. the prosecutor. This is in line with the changes that were made in the Swedish Aliens Act following Council Directive 2004/81/EC concerning residence permits to third-country nationals who are identified as victims of trafficking or who have received help to facilitate irregular immigration, and who cooperate with the authorities. With the amendments the possibility of obtaining a special residence permit of thirty days for reflection was introduced. This 'reflection period' permit is for individuals who want time to reflect on whether or not they want to cooperate with the investigating authorities. In order to obtain such a permit, a request must be made by the inquiry leader. During the negotiations of the directive, emphasis was placed on the fact that the introduction of a reflection permit should in no way prevent the police and prosecutors to go ahead with their criminal investigation activities. Thus, the interrogation of those concerned, along with other investigative measures, can take place during a reflection period. It should be noted that the TUT is only issued to individuals who participate in the judicial process and collaborate with the law enforcement. Thus, the permit is directly linked to this and it cannot be extended after that.

In terms of social assistance, individuals who hold a TUT and those who are Swedish residents have equal rights and should when necessary be provided with assistance to reach a reasonable standard of living. Financial assistance under the Social Services Act may also be paid during the application period for TUT (Cederlöf, Stenberg Ribeiro and Lyckner 2011:26-27).

Some members of parliament and non-governmental organisations (NGOs) have raised questions regarding permanent residence permits for identified victims of trafficking. Such proposals have been turned down with different arguments. In 2005, such a request was submitted to the former government in power. The current Minister for Migration and Asylum Politics took up the question, arguing for permanent residence permits for victims of trafficking.

The motivation [for introducing such a permit] should be based on assumptions regarding the protection needs of for instance a trafficking victim who returns to the country of origin and is likely to encounter an intolerant environment, both in terms of the envi-

ronment in general and those who were responsible [...] Having obtained a temporary residence permit to participate as a plaintiff or witness should be significant for the possibility of obtaining a permanent residence permit. This may in turn act as an incentive to participate in the judicial process. (Billström 2005/06:2)

The same minister who made the request now claims that there is no need for such a thing since victims of trafficking can, like all others in theory, apply for a permanent residence permit on other grounds in line with the Aliens Act, once their temporary permits linked to the participation in the judicial proceedings expire (Billström 2013).

It should be noted that according to Swedish law, exploitation is not a ground for asylum. Other grounds such as e.g. ‘particularly distressing circumstances’³², which is a form of humanitarian protection is only granted for severe health conditions. “In practice, health is the only factor that is taken into account, and to obtain asylum on this basis the health situation must be rather severe” (Johansson 2014:22). When it comes to other perquisites that could lead to a residence permit such as employment or studies, this does not appear to be an alternative that is given much attention. Although individuals holding a TUT to participate in the judicial proceedings are exempted from the requirement to hold a work permit, there are no programmes or initiatives geared towards finding employment for this group available in Sweden.

An argument often used against a permanent residence permit is that it is not given that ‘victims of trafficking’ want to remain in Sweden. This can obviously be the case but does not automatically exclude the fact that some actually might. Yet another argument taken up is that such a permit could affect the credibility of the testimony of the supposed victim, in the sense that it could work as an enticement for testifying. A reward for testifying against an accused perpetrator can give defence attorneys the opportunity to question the witness, and affect the value of the testimony.³³

6.3 Other relevant parts of Swedish law

In 1999 the law that criminalises the purchase of sexual services, the so-called ‘Sex Purchase Act’, went into force. Sweden was the first country in the world to introduce a law that criminalises the purchase but not the selling of sexual services. What it crim-

³² 5 chap. 6 § and 5 chap. 9 § of the Aliens Act 2005: 716.

³³ Dagens Nyheter, 12 Dec 2006: <http://www.dn.se/nyheter/politik/juridiskt-problematiskt-att-ge-traffickingoffer-uppehallstillstand/>

inalises is the obtainment or the attempt to obtain casual sexual services for compensation. The compensation does not necessarily need to come from the person who obtains such services nor does it need to involve money. Also alcohol, drugs, gifts or meals that have been agreed upon in advance are included in the term (Penal Code, chap. 6 § 11 2011:517). The provision has received quite the amount of attention internationally, and is often referred to as the ‘Swedish model’ in the international discourse. It has been claimed to be “a viable and effective tool to prevent prostitution and trafficking of human beings” (Ekberg and Wahlberg 2011). After a recent vote, both the European Parliament and the Council of Europe now recommends it. However, as Dodillet and Östergren (2011:3) note, there is more to this so-called model than the criminalisation of the purchase of sexual services. When unfolding the notion of the ‘Swedish model’ it is possible to see that it also consists of other laws and regulations, i.e. “those addressing pandering, the forfeiture of rental apartments and rooms used for prostitution, and the purchase of sex” but also those regarding foreigners who sell sexual services (Danna 2011).

Also the second section of the procuring law, together with the Land Code (1970:994 chap. 12 § 42.1.9) and the Condominium Act (1991:614, chap. 7 § 18.8 2003:31) are identified by Dodillet and Östergren (2011:4) as important parts of the ‘Swedish model’. These “prevent the use of apartments and rooms for prostitution and pandering [and] also mean that a landlord or tenant is required to terminate the tenancy if premises are used for prostitution and tenant-owners are required to move out of an apartment used for prostitution”. These are also discussed by Danna (2011) in relations to the ‘Swedish model’. Danna, like Dodillet and Östergren, also mentions the Aliens Act (2005:716) according to which it is possible to refuse foreigners entry into the country if it is suspected that they will engage in prostitution in Sweden. This can be done on the basis that they will not “earn a living in a decent way”³⁴. Prostitution charges may also result in a re-entry ban of two years or the withdrawal of residence permits if held for less than three years. According to Danna, Eastern European women have been turned away at the Swedish borders on the mere suspicion that they are entering Sweden to engage in prostitution. On the basis of this, it could be said that the ‘Swedish

³⁴ Chapter 7 § 2.2, 3.2 and 9 § 2.2

model' does not only criminalise the purchase of sexual services but also all third party actions, along with foreigners who are suspected of or who sell sexual services.

Before 2002, the form of exploitation that was to be covered by the upcoming trafficking provision could be included in the one dealing with procuring (Danna 2011) according to which: "Anyone who encourages or improperly economically exploits a person having casual sexual relations in return for payment shall be sentenced for procuring to a term of imprisonment of a maximum of four years" (Penal Code, chap. 6 § 12 2005:90). If the crime is considered as 'aggravated procuring', the sentence imposed is imprisonment of a minimum of two years and a maximum of eight years.³⁵ According to the National Police Board, "because the human trafficking legislation is still complex and difficult to apply" still today "the majority of cases brought to trial result in convictions for procuring/aggravated procuring instead of human trafficking" (Situation Report 13 2012:12³⁶).

So far this chapter has demonstrated how Sweden's national legislation on trafficking relates to contemporary supranational anti-trafficking policy. The reader has also been familiarised with other parts of Sweden's legal framework, which although they do not explicitly address trafficking they could be considered as an extended part of Swedish anti-trafficking policy. At least they appear to be used as such in practice. The reader might have observed that these mainly relate to prostitution in some way. This is due to the fact that in the case of Sweden it appears as the focus of most efforts has been on trafficking for sexual exploitation. In fact, it seems like there is a tendency to lump trafficking for sexual purposes and prostitution together, making them appear as synonymous or at least intrinsically interlinked, as will be seen in the upcoming part of this chapter where this study proceeds to speak about the Swedish government's *Action Plan against Prostitution and Human Trafficking for Sexual Purposes*.

³⁵ In cases of *aggravated procuring*, "special consideration shall be given to whether the crime has concerned a large-scale activity, brought significant financial gain or involved ruthless exploitation of another person" (Penal Code chapter 6 § 12 2005:90).

³⁶ Also see: Situation Report 12 2011:8, Situation Report 13 2012:7.

<http://polisen.se/en/Languages/Service/Publications/Trafficking-/Dokument/Trafficking-in-human-beings-20121/>

6.4 The Action Plan against Prostitution and Human Trafficking for Sexual Purposes

In 2008, the Swedish government presented its *Action Plan against Prostitution and Human Trafficking for Sexual Purposes* (Skr. 2007/08:167 p. 3).³⁷ The government has framed the plan as “a vital step, one that intensifies the work against human trafficking and prostitution” (Claude 2010:49). Initially, it was announced that some 203 million SEK would be invested in a number of ‘action plan measures’ assigned to various government agencies and organisations. According to later sources, about 215 million SEK were set aside for the work with the plan.³⁸ The action plan lasted for two years, but some initiatives continued after its end-date. The overall aim of the plan was to combat prostitution and sex trafficking, which were framed as representing “a serious obstacle to social equality, gender equality and the enjoyment of human rights” (Skr. 2007/08:167 p. 3).

The action plan targeted five ‘priority areas’ in which thirty-six different measures were outlined: 1, greater protection and support for those at risk, 2, more emphasis on preventive work, 3, higher standards and greater efficiency in the justice system, 4, increased national and international cooperation, and 5, greater knowledge and awareness.³⁹

Under the priority area concerning higher standards and greater efficiency in the justice system, the action plan states:

Trafficking is a grave offence that usually involves people – often women or children – being recruited or transported for the purpose of exploitation of one kind or another. The fight against trafficking is a key component in the government’s long-term strategy for combating serious organised crime. In particular, the aims and objectives of this strategy must be reflected in the Swedish justice system. [...] To raise standards and increase efficiency in the justice system, training and education focusing on prostitution and trafficking will need to be augmented and improved. [...] Another important aspect

³⁷ Hereinafter: ‘the action plan’ or ‘the plan’.

³⁸ Government Offices of Sweden (2009, revised 2014) *Combatting prostitution and human trafficking for sexual purposes*: <http://www.government.se/sb/d/4096/a/121029>

³⁹ For more information about the Action Plan measures see appendix 1, *Action Plan Info Sheet* (Ministry of Integration and Gender Equality) or [http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/Sweden/Infosheet National Action Plan Against Human Trafficking en.pdf](http://www.ungift.org/doc/knowledgehub/resource-centre/Governments/Sweden/Infosheet%20National%20Action%20Plan%20Against%20Human%20Trafficking.en.pdf)

is the need for effective and appropriate legislation for combating prostitution and trafficking.⁴⁰

In the action plan, the government outlines its view on how prostitution and human trafficking for sexual purposes should be dealt with, framing these as intrinsically inter-linked. Efforts targeting the demand side are framed as “crucial to deal with the problems [of prostitution and sex trafficking]” (Skr. 2007/08:167 p.1).⁴¹ Emphasis was put on countering the demand for the purchase of sexual services regarding it as what “primary sustains human trafficking and prostitution”. A focus on the individual needs of those exposed is framed as what should be the starting point for all measures and as something that should permeate the work of authorities. Everyone should have access to equal protection and assistance based on their particular needs, and the state and municipalities are responsible to meet these needs. Enhanced cooperation between agencies is mentioned as crucial in order to effectively combat prostitution and trafficking in human beings for sexual purposes (Skr. 2007/08:167 p.3). Sweden is considered to be affected as a country of destination and must therefore focus on combatting the demand.

Human trafficking is often transnational and includes countries of origin, transit and destination countries. Except for prostitution and other forms of sexual exploitation, people are exploited also for other forms of trafficking, such as forced labour and organ trafficking. Also multiple exploitation occurs, i.e. women and girls exploited in the workplace also exploited sexually. It is difficult to obtain exact figures on the extent of human trafficking when the number of unreported cases is high. (Skr. 2007/08: 167 p.4-5)

No reason is given why other forms of trafficking are not addressed by the action plan. According to the plan, a move towards a stronger connection between prostitution and cross-border crime is observable in recent times. The plan explains the advancement of globalisation and the development of Internet as contributing factors to why individuals “end up in prostitution in Sweden”. An increasing number of those who are exploited in prostitution in Sweden are said to come from poor regions in Europe and other parts of the world. These factors also make it possible for those “who deal in human beings for sexual purposes to have operations in multiple countries without

⁴⁰ See appendix 1, *Action Plan Info Sheet*.

⁴¹ The action plan states that according to studies, men are those who predominately purchase sexual services. However, no reference to support this statement is provided.

actually being there”. Traffickers’ cynical exploitation of human beings for sexual exploitation, alongside the trade in arms, alcohol and drugs, is seen as part of the activity that constitutes this serious organised crime, and as reducing human value into a market value. Women and girls are identified as those who are primarily exploited in prostitution and trafficking for sexual purposes. “Poverty, lack of equality and respect for human rights, low education and unemployment [...] other social problems, substance abuse and health problems” are mentioned as the factors that facilitate the exploitation of humans for trafficking and as what makes people “end up in prostitution in Sweden” (ibid p.3). Choice or a will to migrate are not mentioned as part of the reasons. Neither are regulations on labour or migration in destination countries.

The reasons mentioned are seen as a combination of unfortunate situations in countries of origin and the cynicism of organised criminals, and while the plan states that it recognises the fact that prostitution is not a homogenous phenomenon and that there are many reasons why individuals engage in prostitution, it seems to regard exploitation as something inherent to prostitution. The action plan speaks of prostitution and sex trafficking as both part of the ‘sex trade’ (*sexhandel*) and at times it is difficult to understand when they are spoken about separately or as synonymous to one another, but considering the aim of the plan (to combat prostitution and sex trafficking together) this might be intentional or at least not considered a problem. The action plan views sex trafficking as linked to or rooted in prostitution but prostitution as not necessarily linked to trafficking. The connection between the two is explained as following: “There is a clear link between prostitution and trafficking for sexual purposes. Prostitution, however, also has other root causes and is not always linked to human trafficking” (Skr. 2007/08:167 p.3).⁴²

The action plan can be seen as a fundamental part of Swedish anti-trafficking policy since it gave rise to the development of a number of projects and practices that are still running. Through the action plan, e.g. the County Administrative Board of Stockholm (*Länsstyrelsen*) was given a mandate to work with the national coordination between the different efforts to combat prostitution and human trafficking for sexual purposes

⁴² To the reader, it might not be completely clear what this means. It does not matter! For the purpose of this study, what is important is not to understand the link between trafficking and prostitution but rather the fact that there is an ambiguity here and that the so-called ‘clear link’ can be contested. There is a lack of empirical data that can prove this correlation (Dodillet & Östergren 2013). Obviously, there are potential links between them like there is between e.g. agricultural work and trafficking for the purpose of labour exploitation.

conducted by government agencies, but also between these and NGOs around Sweden, a mandate that continued after its termination. Among the other initiatives funded, the Swedish Institute, a public agency promoting interest in Sweden abroad was given funding as part of the priority area of increased national and international cooperation. The agency developed a programme for foreign key-actors, wanting to learn about how Sweden works on preventing and combating human trafficking for sexual purposes and prostitution. In 2010, the Swedish Institute launched a brochure entitled *Targeting the Sex Buyer - The Swedish Example: Stopping Prostitution and Human Trafficking Where It All Begins*.⁴³ According to the brochure: “In the Swedish view, prostitution and human trafficking are linked by the sex buyers, whose money finances organized crime” (Claude 2010:6).

6.5 The Official Evaluation of the Action Plan

The Swedish National Council for Crime Prevention (Brå) was assigned with the task of doing a follow-up evaluation of the action plan and in 2011 the final report was published (Holmberg, Hols Salén, Lennartsson Hartman and Netscher 2011:18).⁴⁴ The evaluation report concludes that it is not possible to assess whether prostitution and trafficking has decreased in Sweden as a result of the action plan, since there is no information that would allow for such an assessment to be made. To do this, information about the extent of prostitution and human trafficking is needed, both directly before as well after the plan. Since this does not exist it is impossible to judge whether the objectives of the plan have been reached (2011:18 p.21).

In contrast to what is stated in the action plan (Skr. 2007/08:167 p. 5, 6) the evaluation sees no indication of big groups of organised crime and no reason to believe there is a large number of unreported cases in addition to the reported ones.⁴⁵ The cases reviewed in the report provide no support for the assumptions that trafficking for sexual purposes in Sweden is often linked to serious organised crime. The most common cases

⁴³*Targeting the Sex Buyer - The Swedish Example: Stopping Prostitution and Human Trafficking Where It All Begins* (Claude 2010, revised in 2011).

⁴⁴ The report evaluates how the work with the action plan has been conducted. It also includes a summary of the debriefings which all the authorities involved in the work with the action plan had handed over to the government. Brå also gathered and mapped all police reports⁴⁴ on grave procurement and trafficking for sexual purposes regarding ‘non-Swedish subjects’. In the report, Brå discusses the effects of the action plan, i.e. if it has reduced the occurrence of prostitution and trafficking and if it has led to an improvement of the support to those exposed.

⁴⁵ However, the report states, it can be difficult to comment on unreported cases with regards to smaller serious crime with a limited clientele.

including only two individuals: one ‘perpetrator’ and one exposed (Holmberg, Hols Salén, Lennartsson Hartman and Netscher 2011:18 p. 21).⁴⁶

On the basis of what could be said to be an overall intention of the action plan – to frame prostitution and human trafficking as something unacceptable in the Swedish society – the report concludes that the government has been successful. The overall assessment is that the action plan has been influential in its attempt to raise awareness of the existence of these phenomena and to place them on the agenda among relevant actors. The evaluation also concludes that there have been problems in the work with the action plan among governmental agencies. The main difficulty as the evaluation sees it is that the knowledge on the nature and extent of trafficking and prostitution is incomplete. Prostitution as a phenomenon is unexplored since there are relatively few people engaged in prostitution who on their own initiative seek help to get out of unwanted situations, particularly so when it comes to trafficking. This results in that the knowledge of the needs for assistance is flawed, especially with regards to assistance and support measures for those exposed which are scientifically anchored (Holmberg, Hols Salén, Lennartsson Hartman and Netscher 2011:18 p.7)⁴⁷.

6.6 Discussion

As seen in the overview of the Swedish legislation, the entry-point of Swedish anti-trafficking policy has been through a frame of sexual exploitation, with the 2002 version addressing solely ‘trafficking for sexual purposes’. One explanation to this might be found in history, in the sense that this form of exploitation has been the most acknowledged under the trafficking label, also internationally – consider for example the fact that the definition of the first international anti-trafficking measure from 1904 and the following measures until the UN Trafficking Protocol from 2003 only referred to sexual exploitation or the exploitation of prostitution as ‘traffic’/‘trafficking’.

⁴⁶ The report points to the difficulties in getting those involved convicted. There were no convictions on human trafficking during the period reviewed in which an adult woman was the injured party. There were five sentences involving minors as plaintiffs. Almost none of the most serious cases resulted in a conviction (Holmberg, Hols Salén, Lennartsson Hartman and Netscher 2011:18 p. 21).

⁴⁷ According to Brå, very serious cases of human trafficking for sexual purposes do occur in Sweden, but the number of such cases as far as known is low (amounting to about seven cases per year during the investigated period 2008-2010). In their report, Brå defines human trafficking for sexual exploitation and aggravated procuring of foreign citizens as a ‘metropolitan phenomenon’. Three quarters of the 103 police reports reviewed come from the counties in which Sweden’s three big cities are located - Stockholm, Skåne and Västra Götaland (Holmberg, Hols Salén, Lennartsson Hartman and Netscher 2011:18 p.19-21).

Bearing in mind the attention that the criminalisation of the purchase of sexual services has received as an anti-trafficking measure, the other parts of Swedish legislation regulating activities related to the selling of sexual services mentioned above are important to take into account for the understanding of Swedish anti-trafficking policy. As mentioned above, most cases brought to court as ‘trafficking’ actually result as procuring. However, unlike trafficking that is considered a crime against *the person*, the others concern crimes against *the state*.

It could be argued that when a case results as procuring instead of trafficking, it can no longer be defined as ‘trafficking’, at least not in a legal sense. This relates to claims about trafficking as a ‘hidden phenomenon’, which can actually be contested. In the absence of a court conviction or in the presence of alternative convictions (such as procuring) it is possible to argue whether a situation can be defined as ‘trafficking’.⁴⁸ In the case where a court conviction is present then it is possible to speak about trafficking in the legal sense of the term. Thus, on one hand, it is debatable whether other parts of Swedish legislation can be seen as an axiomatic part of Swedish anti-trafficking policy. On the other, with regards to the action plan, a case could be made for including e.g. the law against procuring in the definition of Swedish anti-trafficking policy.

With regards to the action plan, it might not come as a grand surprise that it did not combat neither trafficking nor prostitution, despite the fact that this was stated as its overall aim. Despite the proclaimed intention, the idea of reaching such a result over a two-year period is obviously not feasible. It would take a lot more than an action plan and thirty-six action plan measures to do so. In fact, this is even announced quite explicitly on the government’s website where it is stated that: “Efforts to combat prostitution and human trafficking for sexual purposes continue to be important and will continue through various measures and initiatives even after the period for the action plan has ended.”⁴⁹ What did the action plan actually set out to do then? In this light it becomes clear that the action plan cannot be approached from a mere instrumental approach - as a technical, rational and action-oriented instrument. On the contrary, to

⁴⁸ This does not exclude the fact that individuals can have been exploited, can identify as ‘victims of trafficking’ or be regarded as such by others.

⁴⁹ Government Offices of Sweden (2009, revised 2014) *Combatting prostitution and human trafficking for sexual purposes*: <http://www.government.se/sb/d/4096/a/121029>

understand the action plan there is a need to approach it from a different angle. The analysis of the action plan must move beyond its explicit goals.

As Rabo (in Shore and Wright 1997) sees it, policy both ‘does’ and ‘says’ things that cannot be evaluated instrumentally. What does the action plan do and say then? Well, it constructs a link between trafficking and prostitution that makes it appear almost commonsensical that these two are comparable ‘problems’, can be lumped up and should be fought together (Lindquist 2013). At times these are discussed so closely that it becomes difficult to distinguish between them. As mentioned previously, an explanation to this can be traced back in history. However, history alone does not explain the reason for why Sweden has continued on this track even after having broadened the definition of trafficking in its legislation. Another explanation might be found when considering initiatives such as the one by the Swedish Institute launched within the frames of the action plan, where it appears as if concerns about promoting political interest in the Swedish legislation abroad is also embedded in the Swedish policy.

According to Shore and Wright (1997) policy codifies social norms and values. Which are then the norms and values codified by the plan? Well, in raising awareness of trafficking and prostitution as public issues to combat, the action plan can be said to be a symbol condemning the present (Shore and Wright 1997). Trafficking and prostitution are seen as representing a ‘serious obstacle’ since they do not conform with the norms and values embedded in the Swedish project of creating a society of social and gender equality and human rights. However, the Swedish fight against trafficking is not only one against prostitution; it also intersects with another fight – as a part of the government’s strategy against serious organised crime.

Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012) argue that concerns of security have been most influential on Swedish anti-trafficking policy. This is probably the case with regards to the law against trafficking, but the authors do not include other parts of the legal framework in their analysis of Sweden’s anti-trafficking policy. When reading the action plan concerns with criminality do come up, as do also other concerns such as concerns with prostitution and the demand for sexual services in general. These are seen as related to issues with crime but also as questions relating to social and gender inequality and human rights.

The reasons why mainly women and girls from the poor corners of the world end up being exploited while selling sex in Sweden is explained as part of the activity of serious organised criminality. Despite this, the official evaluation of the action plan could not find anything supporting such a claim. Why is it then that an assumption like this can be made without providing the facts that support it? Yanow (1996) would most likely identify such a claim as a commonsense assumption, an accepted and embedded meaning in a policy category. Could it be that trafficking and serious organised crime simply go well together? As noted by Anderson & Andrijasevic (2008:137), the common focus on criminality makes trafficking appear as an activity that take place outside the social framework - it is criminal individuals who are responsible. Their reading seems to fit the action plan. But, it is not only serious organised crime that is to be combatted in the case of Sweden. The responsibility for this unequal societal order is also appointed to those who pay for sex. As stated in the brochure *Targeting the Sex Buyer - The Swedish Example: Stopping Prostitution and Human Trafficking Where It All Begins* about the criminalisation of the purchase of sex: “the sex buyers make human trafficking both possible and lucrative” (Claude 2010:6). In the Swedish view, the demand for sexual services is seen as what primary sustains trafficking and prostitution. Based on this, the Swedish policy could be said to be one that seeks to counter criminality (in terms of serious organised crime) by criminalising the individual who pays for sexual services.

Rather than repressing the targeted phenomena, the action plan can be seen as an example of the productivity of anti-policy, which Walters (2008) speaks of. The action plan produced an idea of prostitution and human trafficking as unacceptable in Swedish society and a series of ‘knowledges’ regarding these phenomena. In fact, most action plan measures targeted different ‘knowledge and awareness’ initiatives (see appendix 1). It also produced a series of job opportunities, as well as political interest through the initiatives launched by e.g. the Swedish Institute. This is in line with the way Shore and Wright (1997) see policy, as an empowering discursive formation, at least for some. At the same time, this discursive formation can have the power to silence others. Embedded in the action plan are also silences. As an example, the ‘clear’ link that is made between trafficking and prostitution produces a series of silences. Since the action plan targets prostitution and trafficking for sexual purposes, an emphasis can be put on the demand for sexual services as an influential reason for traf-

ficking, and other reasons explaining why individuals end up being exploited, such as restrictive immigration and labour regulations can be avoided. It might not therefore be surprising that the only action-plan measures relating to immigration were training for employees at the Migration Board along with a measure on stronger preventive focus in processing residence permit and visa applications.

When it comes to ‘victims of trafficking’, it seems as if this category is one that is prescribed a series of rights, such as protection and support in terms of social services, but only the right to temporary residence when needed in the judicial proceedings. Here, traces of the security frame as discussed by Bucken-Knapp, Karlsson Schaffer and Persson Strömbäck (2012) become visible. This, as well as the discussion regarding whether or not the right to permanent residence permit should be assigned to this category illustrates how interests other than the mere protection of ‘victims’ are embedded in a ‘humanitarian agenda’, “geared towards the assistance and protection of victims” (Anderson and Andrijasevic 2008:138). In Sweden, a residence permit is offered as a form of conditional support, in exchange for something else. Seemingly, the right to a residence permit is not primarily for the protection of the victim but mainly serves to motivate individuals to participate as ‘evidence persons’ in judicial processes. From this perspective, the ‘victim of trafficking’ is no longer merely a category seeking protection but rather reconstructed as something else: someone that could play a role in combating crime, and consequently calm concerns about national security. At the same time, the political agency that is assigned to this category is dependent on the recognition of others (Andrijasevic 2010:16). The only choice available to this subject is to cooperate in the judicial proceedings or not. Presumably, one would assume that even those individuals who have experiences of exploitation and who do not want to collaborate with the law enforcement could be in equal need of protection or want to stay in the country, but this does not appear to be a primary concern in Sweden, at least not when examining its policy.

Questions now arise whether the framing and meanings conveyed in the action plan have been taken up at a local level. This will be discussed in the following chapter.

7 Swedish anti-trafficking policy in the local context

In this chapter selected parts of the interviews that have been made within the frames of this study will be presented according to themes. The themes take inspiration from the five priority areas of the action plan discussed in the previous chapter.

7.1 Cooperation

In the priority area ‘Increased national and international cooperation’, three of the action plan measures are ‘intensified cooperation’: international, national and regional cooperation. Even before the action plan came into existence, there was a regional joint action group addressing the same questions in the place where the interviews for this study were carried out. The group still exists today and is comprised by several authorities: the County Administrative Board, the Police, the Migration Board, the Prosecution Authority and a social service organisation. It came about through a national partnership initiative on ‘cooperation against trafficking’ formed within the frames of a programme launched by the European Social Fund in 2005. The aim of the programme was to increase authority collaboration, knowledge building and the sharing of experiences to reduce trafficking. Another aim of the programme was to improve the return of victims to their home countries. It also called for cooperation plans to be developed for authorities. The coordinator at the Country Administrative Board interviewed for this study is in charge of the group that was formed through this initiative.

At the time when the action plan came about, the coordinator had just started working there. The activity of the joint action group has varied over the years; it has been on and off, depending both on money and on who has been working. In speaking about their local work, the coordinator says:

it's been like that a bit different how much we've been able to work with it, because we didn't directly have any money, but right at the beginning when the action plan came we got, we had well clean money, but not so much out in the counties, but at least in the metropolitan counties [...] we had campaigns but otherwise we didn't have any clean means, only that we should coordinate efforts, cooperation and so on, it's more cooperative things we're doing [at the County Admin. Board], but as I said we have this group [...] in the middle of 2000 they worked a bit more and then it was down [...] it is also a

matter of how you form in the workplace so to speak. With the action plan we got a clearer mission with all our questions, maybe not more staff but anyway more clear

In speaking about the difference between how the County Administrative Boards in the metropolitan areas and in smaller areas can work with these questions the coordinator says:

many smaller county boards only have one person who can work with prostitution and human trafficking, men's violence against women in general and honour and that whole bit and then they sometimes work as drug coordinator and gender expert too

Unlike what the action plan might appear to be aiming for the coordinator describes how their work with questions regarding prostitution and trafficking is actually “pretty low-intensive”, in comparison to how they work with other matters at the local County Administrative Board. It also differs in terms of clarity:

the other areas [the ones mentioned in the previous quote] are more clearly specified somehow, clearer in how we're supposed to do things, [...] also quite clear how we should work with these [other] issues and we get money specifically for these other things

But when it comes to trafficking and prostitution,

it's the least in demand, the least defined and the least in money, while the others are quite clear so of course it's not the most prioritised for our work [at the County Admin. Board] either [...] the government has given priority to other questions

And with respect to the difference between the County Administrative Board and other governmental agencies the coordinator says:

other government agencies have been given more [funding], the police has received, the prosecutor's office has received a lot of training, their own training programs and penitentiary personnel have received some to work on programs for sex offenders and such things, so it might be that other agencies have received the money bag and “now you do this and this”, a clearer mission. We've been given a coordination mission and maybe not the clearest so to speak [...] if the government wants people to work more clearly with the question then there must also be clearer special directives [...] it can't just be that you generally, then it [the money] goes to those who show better statistics of convictions and longer prison sentences

In the action plan it is said that the structures for both cooperation and the coordination of efforts in this field must be strengthened. Taken from what the coordinator

speaks about, it appears as if there has been an attempt to transfer this objective into the various County Administrative Boards around Sweden through appointed coordination missions, but it does not seem to be entirely clear what this means. Also, there seems to be a major difference between the different boards. The coordinator also points out that the way they work in the local context is quite different from how they work in other places in the country:

we have a bit more unconventional methods maybe the rest of the country thinks, on how to reach different audiences and in [the other metropolitan areas] they follow a bit more how it really was intended from the beginning, but I think the way that you work operationally here is the way you need to work because the situation is completely different

The unconventional methods referred to do not concern the County Administrative Board as much as the practitioners who work more operationally, says the coordinator. This is especially the case of the organisation where the regional coordinator against trafficking and the other social worker work.

7.2 Protection and support

In 2011, the regional coordinator had just started working with trafficking and told me that enormous efforts had been invested in the issue, resulting among other things in the regional coordinator's specific position. Through the action plan, a number of regional coordinators had been appointed in Sweden's largest cities. This can be seen as another example of the productivity of anti-policy (Walters 2008).

Before 2014, the regional coordinator's official title was 'regional coordinator against prostitution and trafficking' and only officially targeted prostitution and trafficking for sexual purposes, but this changed on the request of the regional coordinator. Now the title is 'regional coordinator against trafficking'. However, these alterations have not changed the practice of the work since the services they can offer under the Social Services Act are not linked to any specific form of trafficking. In fact, they are not linked to trafficking at all, but to what crime victims are entitled. In offering their services, the regional coordinator is not dependent on a legislative process to define someone as a 'victim of trafficking': "if it is determined purely legal or if it's just one sentence from one person, from our part it is uninteresting", the regional coordinator says.

In the action plan, under the heading concerned with improving protection and support, it is stated that “measures targeting those exposed to prostitution or trafficking for sexual purposes are limited. [...] Professional groups working with people in prostitution and trafficking victims need more knowledge and training.”⁵⁰ During the interview conducted together with the regional coordinator and the social worker, the action plan is brought up for discussion when speaking about what the organisation where they work can actually offer. The regional coordinator says that when it comes to the action plan there is a notable difference between theory and practice. The regional coordinator explains that the action plan in theory is:

quite clear and provides a large space for us to be helpful, that is we have quite a large space to somewhere use the efforts, and those efforts are rather many after all and fairly well thought through actually, but it is in practice where there are difficulties

According to the regional coordinator this is due to:

a lack of structure, I do not know what to blame, because it's a new crime or a new legislation or you don't have clear routines or knowledge

To illustrate the difference between theory and practice, the regional coordinator depicts a hypothetical example:

a person who's saying "I'm a victim of trafficking", then if you look at the action programs and legislation and such, what interventions⁵¹ do we have? I couldn't say that I can complain about it [...] we get to judge what accommodation is appropriate, not based on what it costs but what is appropriate, all interventions that these people may be in need of, we have the opportunity to ask the question "do you want these interventions?" and they're many and yes the reflection period is short, but at least you have these 30 days [...] many such things where you in a way could deduce that you have a rather large preparedness in Sweden to take care of this but it isn't like that in practice, so that's partly why I blame us working with it instead of how it looks in theory

The colleague adds:

it also varies within the country [...] but then I'm thinking that the knowledge well that comes when we work purely practical, when we get to work, it's so easy to sit and read

⁵⁰ See appendix 1, Action Plan Info Sheet.

⁵¹ The term used by the regional coordinator is *insatser*.

like this and this is what it looks like [...] only when a person is lacking underwear, hygiene items can become such a big thing for us

According to them both, the theory and the practice of the action plan do not coincide. This is explained as caused by a lack of structure and routine by the regional coordinator, while the colleague explains it as due to the difference between what is written and what goes on in practice when they actually work. Whether it is the one or the other or a combination of the two there appears to be a discrepancy between the policy as written text and the way it takes shape in practice.

7.3 The justice system

In the info sheet to the action plan⁵² it is stated that in order to raise standards in the justice system and to make it more efficient there is a need for more training and education focused on prostitution and trafficking. Effective and appropriate legislation for combating prostitution and trafficking is also stated to be an important aspect in this respect. In the interviews with the local practitioners these aspects come up several times. The prosecutor and the intelligence service officer both speak about how time consuming the cases they work with are and how they struggle when working with these matters. An illustrative example that they both bring up is how much easier it is to work with cases of drug smuggling than with cases of trafficking, since they require less effort and give more in terms of convictions.

The intelligence officer gives an example of how long a case can take: the last case they worked on which resulted as trafficking took one and a half year and four officers working more or less full-time to finish. It also cost about half a million SEK just in interpretation costs. When I ask whether they consider trafficking to be a prioritised matter they both answer that they do not. The intelligence officer tells me that if it were, they would not be so few working on these cases. Before there was a special unit, financed through the action plan, working specifically with trafficking there. Now, in their group they work both with trafficking and human smuggling, although they have divided who works on what since they are such different fields. In other cities it is completely different, there they can have one division on just trafficking, the intelligence officer says.

⁵² See appendix 1, *Action Plan Info Sheet*.

Also the prosecutor tells me that in the local context there are just a couple of prosecutors working with these questions. “It’s mainly just me, there’s one new guy hired now”, the prosecutor says. The intelligence officer mentions that the management at the police do not share their view with regards to how much effort should be invested in working with this area. Also the coordinator at the County Administrative Board mentions this:

in the police force [...]they feel that everything else [is given priority], but that’s the thing, it’s a difficult question, it costs so awful lot of money [...]when the police a little higher up looks at it "oh well, it has costs so and so much in surveillance and interpretation [...] then you have other things that are not as costly and leads to much longer prison sentences [like drug cases] then of course it appears so much more efficient

As mentioned previously, although there have been amendments aimed at facilitating the application of trafficking legislation, it is still considered difficult to implement and most cases still result as procuring instead of trafficking (Situation Report 13 2012:12⁵³). When I ask the prosecutor what makes it difficult, the prosecutor answers that it is due to it coming from an international document:

I believe an underlying problem is that this is a definition that builds on a definition from an international document. Otherwise, when we look at Swedish legislation it is usually something worked through. From the parliament it will go on through ministries and there a provision is constructed defining specific characteristics. I don’t want to say been forced, but here it’s been dictated from elsewhere, and then an attempt to translate it into Swedish, but it’s not easy, and other countries as well face the same problems. It’s simply a difficult definition, difficult to apply.

The international document referred to is the UN Trafficking Protocol. What the prosecutor says about it captures several aspects discussed earlier, both with regards to how difficult it can be to translate policy meanings constructed in one context to another. The definition of trafficking is also seen as difficult in the prosecutor’s view.

Also the coordinator at the County Administrative Board brings up a similar aspect in explaining why so few cases result as trafficking. International influence is in both these accounts seen as causing difficulties in the Swedish context.

⁵³ Also see: Situation Report 12 2011:8, Situation Report 13 2012:7.
<http://polisen.se/en/Languages/Service/Publications/Trafficking-/Dokument/Trafficking-in-human-beings-20121/>

some of these cases, you think it is so very obvious, yet [it still does not result as trafficking], also that you cannot eavesdrop that way, I think it takes a little extra burden of proof and they [judges] often go the careful way, there's the benefit of the doubt after all [...] the EU puts a spanner in the wheel, think we have too tough surveillances, similarly when you get married with immigration of family members and so, before we had more clear, we had more control of their relatives in the past, one could ask completely different questions but now we are not allowed to because of the EU and from a human or from an individual perspective it can seem very positive

When asking about whether it makes a difference if a case results as procuring or trafficking, the intelligence officer tells me that it does not change much really, but underlines that it is good if it results as trafficking since it justifies the work against it. On the contrary, the prosecutor says that it does. It affects both the penal value and compensation to victims. What also changes is the way these individuals are seen by the law. Historically, procuring is not considered a crime against another person but a crime against the state. It is one against order and custom. Thus, the 'prostitute' is not considered to be a crime victim in cases of procuring, at least not as a rule. Since trafficking is seen as a crime against peace and freedom and as an offence against the person, depriving them from their human integrity, it is reflected in the verdict and also results in a higher amount of financial compensation for the injured party. Their cooperation as 'evidence persons' is of importance for the verdict to result as trafficking and not procuring, the prosecutor says.

7.4 Preventive work

Prevention is something that has come up as an issue in the interviews with almost all the local practitioners. Both the prosecutor and the intelligence officer underline that in their work they do not come anywhere near dealing with prevention. In relation to this the intelligence officer says that they have difficulty to even keep up as it is, that is without working preventative. Most cases that end up on their desks do not even make it past the first threshold. If there is one on-going case the rest is put on hold. Also, both their jobs are by nature quite far from being of a preventative nature. In fact, almost all of these practitioners, apart from the coordinator at the Country Administrative Board, come in once something has already happened. As the prosecutor says, with regards to prevention "prosecution is of course far away". On the one hand, it is pos-

sible to say that by working with these matters one also works against it. On the other, also the opposite can be claimed, it could be argued that the expressions produced by the anti-policy actually feed off the very thing they oppose, hence in a way reproducing it.

7.5 Knowledge and awareness

“Proper knowledge and expertise are essential if prostitution and trafficking for sexual purposes are to be successfully combated. Research and other studies are required to ensure that official bodies [...] have more in-depth grasp of the issues”,⁵⁴ the action plan says.

With regards to knowledge, the knowledge among judges is an aspect that has come up in almost all of the interviews. The coordinator at the County Administrative Board mentions judges’ lack of expertise knowledge as a way to explain why trafficking legislation is rarely applied.

it is not the legislation really that is wrong, it's pretty clear: it's just that one wishes that they could judge by the legislation sometimes, and that's where the judiciary, it's always there it ends up and you wonder why, but yes they have to, well they do their judging somehow, but it is, and they've also been given a lot of training regarding this [...] it's the neutrality issue, that they do not really, they do not want to have in-depth knowledge [...] they should have a very general knowledge of everything and be able to see it in large, but it's really hard ... you have to have special skills [...] it's also very difficult if you don't understand the mechanism and the whole thing then it's also difficult to judge

Also the prosecutor mentions judges when dwelling on why trafficking legislation is rarely applied in what appears to be a discrepancy between national legislation and practitioners.⁵⁵

but it is also difficult for the judges to embrace, or well I feel that their evidentiary requirements are very high, especially when it comes to partly improper means and partly to the underlying requirement that a power relationship is to arise

⁵⁴ See appendix 1, *Action Plan Info Sheet*.

⁵⁵ With regards to this aspect, the prosecutor also mentions the amendment that was made in 2010 when ‘take control over the person’ was removed from the provision on trafficking to make it more easily applicable. According to the prosecutor these amendments have not changed anything in practice.

The lack of knowledge and routine in the court system is also mentioned by the intelligence officer, who underlines that when it comes to trafficking, which is such a subtle thing, for the court to get routine and understand it more trafficking cases are actually needed. Currently, an understanding of this is lacking, the intelligence officer says. With regards to this the intelligence officer mentions that maybe someone has seen the film *Lilya 4-ever* and inaccurately bases the image of trafficking on this. This results in a discrepancy between the idea of trafficking and the practice of it. The prosecutor mentions a similar commonsense assumption with regards to criminality. As discussed in the previous chapter, the action plan explains that individuals end up being exploited in prostitution in Sweden because of serious organised crime. This claim is problematized in the official evaluation of the plan. According to the prosecutor this claim is based on “some kind of general misconception, I’m not saying that it doesn’t exist, it probably does, but the cases I’ve encountered have not been to that extent at all.”

Also the coordinator at the County Administrative Board regards the knowledge on trafficking in Sweden as incomplete and says that there is a need to expand the understanding of trafficking in the Swedish context, but that it is to a large extent a matter of categories. With regards to this, something that is not spoken about in official documents has come up during several interviews. Several of the practitioners have mentioned the Roma. For example, the intelligence officer mentions that all the cases dealt with by them since 2010 have been Roma, but that this is not mentioned in writing because it is a sensitive issue, unlike citizenship that is generally mentioned in published official material about trafficking in the Swedish context. This, the intelligence officer explains, is because it is seen as delicate to speak about ethnicity. The intelligence officer claims that it is the same individuals who have been involved in criminal activities since 2010, and describes it as something that occurs within the ‘own circle’ of the Roma. Also the coordinator at the Country Administrative Board says that mentioning the Roma “is quite taboo [...] it's a very difficult question” and “it's also an us and them”, and explains that rather than talking about this in terms of ‘trafficking’ it has come to be taken up within the discourse of ‘honour’, something which the coordinator works with as well.

7.6 What is Swedish anti-trafficking policy?

When looking at the action plan, the fight against trafficking seems to be strictly inter-linked with the fight against prostitution in an axiomatic way. Among the local practitioners however there were some quite different perspectives with regards to this. This was also the case with regards to their definitions of Swedish anti-trafficking policy.

The coordinator at the County Administrative Board explains it in the following way:

as they developed an action plan for trafficking [for sexual purposes] and prostitution they were lumped together pretty much after all, you would surely need one perhaps more on trafficking, but of course they wanted to get prostitution in there so as to not to forgot about it so to say. I still feel that trafficking, the trafficking issue is the large one so to speak, the other is the little one [prostitution], that is how I experience that it is with us, that is anyway how we work, we work with trafficking [...] in our context there has been a lot about it [trafficking for sexual purposes] but yes exactly, perhaps on the trafficking part of it and that's why it has become a migration [matter], because it is easier to see that it is clear that there is more trafficking [in relation to migration] the other maybe one didn't want to care so clearly about [...] I feel that they are different things [prostitution and trafficking] that obviously intertwine sometimes but they are still two different things, that's how we've worked here

The coordinator underlines that the focus of their work at the Country Administrative Board has primarily been on trafficking for sexual purposes and not on prostitution – the trafficking issue is seen as the ‘large’ one and prostitution as the ‘little’. Unlike the weight prostitution seems to be given in the action plan, the coordinator sees prostitution as something that was put in there as to not forget about it. In asking the coordinator if it is possible to speak about a Swedish anti-trafficking policy or if it is rather something they define locally, the coordinator says that it is definitely a national policy on how to work against trafficking: an overall important strategy and that there is a consensus regarding what this strategy is. However, the coordinator finds it difficult to define what it is. I say that anti-trafficking policy seems like an elusive concept. The coordinator agrees with me and continues:

it's also the case when you look at the verdicts, there are very few convictions regarding trafficking, most of them do not reach up, even if all who have worked on the matter are like “that's what it's about”, but it almost always results as procuring and from that perspective [those working in other cities] maybe think that they are woven together [traf-

ficking and prostitution] but there we've still thought that it's been important to work with well trafficking

On the one hand, the coordinator at the Country Administrative Board says that anti-trafficking policy is something defined nationally, but on the other implies that anti-trafficking policy actually takes shape locally: others might weave trafficking and prostitution together but they do not in their work against trafficking.

When I ask the regional coordinator to define Swedish anti-trafficking policy, I am told that a simple answer to that question would be the provision criminalising the purchase of sexual services and that also the action plan can be seen as part of it in the regional coordinator's view. This is confirmed by the colleague. However, as they put it, due to the differences between the theory and practice of it, this is far from an easy question. When I ask for their opinion on the phrasing *against* trafficking *and* prostitution used in the action plan, the regional coordinator says:

it is often discussed [among the few working with this in Sweden] how we express ourselves and what, is prostitution and trafficking suddenly the same thing? Or what are we talking about? Then there was also a discussion on, well isn't it against the purchase of sex, or? Isn't it, the law works like that, it's against buying sex, then why do we say against prostitution? Many such discussions, but I think it shifts over time how you reason about it. Is my title supposed to be regional coordinator against prostitution and trafficking? [...] since the turn of the year when I got other purposes then it's against trafficking and no more, which is quite nice since then you avoid having to say "I work against prostitution" because we don't work against prostitution

Here, the regional coordinator explains that the reasoning around this changes over time. In the following quote it also comes out that it seems to change depending on place, or at least depending on views:

it's an on-going discussion and it's precisely because you often equate prostitution with trafficking based on the assumptions that selling sex is not voluntary, not a free choice [...] this is probably how many think, that prostitution and trafficking can be equated with each other [...] but what I do is completely different from what my colleague does who works with prostitution, so we have somehow made a big difference between trafficking and prostitution but not everyone does that, and then one has to remember that in general if one is a migrant or comes from another country and sells sex then "oh, traf-

ficking!" [...] but they're two very different things [...] but I also have little direction from above and by that I say yes "I work with victims", but then it's crime victims and they are in a pure legal sense victims of a fairly serious offense and that makes it easier for me to say that yes okay I work with victims or victims of trafficking but I have no desire to speak to a woman who comes from Brazil to Sweden to sell sex and make money, now I took Brazil [because we talked about it previously] "no but you are a victim" [...] to avoid going into any political discussion [...] trafficking is a crime, buying sex is a crime and that's what we are working against, yes, but then isn't this how we should express ourselves?

From this account it can be deduced that there seem to be various ideas among those who work with these questions in Sweden. Also mentioned is the fact that there is direction from above encouraging the regional coordinator towards the usage of the term 'victim'. But unlike in the action plan where no distinction appears to be made between migrants selling sexual services and the exploitation of someone who sells sexual services, the regional coordinator underlines that the victim category, when used, should be used to refer to victims of (trafficking) crimes, and not to every migrant who engages in selling sexual services.

While the regional coordinator puts emphasis on crime as what should be the focus of the Swedish policy, the prosecutor puts emphasis on demand when defining anti-trafficking policy.

Sweden shouldn't be a destination country. From our side we should counter all form of demand for these sorts of services on Swedish ground [demand for sexual services and exploitable labour]

The prosecutor moves beyond prostitution of trafficking for sexual purposes and takes in exploitative labour as a whole. When I ask for the prosecutor's perspective on the fact that there continues to be quite a persistent focus on trafficking for sexual purposes together with prostitution, the prosecutor answers:

well, my view is that we will to a large extent have to focus on trafficking where labour is exploited, because it is a growing problem not only in Sweden, in the whole of Europe. I believe, I can almost say that I think that this is a bigger problem than prostitution, but we do not see it [...] I think this is a huge problem that needs to be recognised as soon as possible [...] but I do not know how aware you generally are of how big this is, I do not

know how politicians look at it [...] It feels like you can lift the lid off to and you'll have a lot. [...] The problem is that we see it differently. Prostitution is an illegal activity that stands out more, but here we have people who work in so to speak legal conditions in pizzerias or like you said nail salons or kiosks, picking vegetables.

Here, the prosecutor brings up a crucial aspect with regards to the difference between how prostitution is seen in comparison to other types of labour and how this affects the way it is easier to conceptualise as 'trafficking' in difference to more recognised forms of labour.

The social worker colleague adds to the discussion regarding different points of view,

you can sit and think that it's not a free choice to sell sex but at the same time, there are people who say "yes but I like to live this life" [...] and I'm thinking it's completely irrelevant what we think and feel about prostitution and trafficking, how we define it in relation to our work, in the practical work with our clients

Notably, when it comes to providing their services, as mentioned in the beginning of this chapter, the regional coordinator and the colleague are not dependent on defining someone as a 'victim of trafficking'. This also relates to the statistics kept by the organisation where they work, and the regional coordinator actually does keep statistics on the potential or identified victims of trafficking that they come into contact with. As the regional coordinator says:

if comparing the statistics of the police [in the local context] with mine they would be very different, on the basis that when, let's say I meet a person, "Hey I'm a victim of trafficking" well then we work or yes then I try to help with what I can while the police hears that person [to judge] if they can go further in the investigation, regardless of whether they feel that this is something, that it can definitely be the case or that there is something wrong and they get a sense that this is perhaps about trafficking but will not be able to pursue an investigation, then there is nothing in the statistics because it would supposedly look pretty bad too, I can imagine, if they have a stick for trafficking but never go any further in the investigation or even start up an inquiry

When I later meet with the intelligence officer to see if they keep statistics that could be compared with the statistics kept by the regional coordinator I am told that they do not do this. The intelligence officer says that if they were to keep statistics it would defi-

nitely be very different since their missions are inherently different. From their side, the intelligence officer says, there is a need to question the potential 'victim' since they need to assess whether it would be possible to proceed with an investigation. The intelligence officer also says that it would not make sense to keep statistics, as it would require constant coding and recoding of cases that are coded accurately or inaccurately as procuring. This goes to show that attempts to quantify these phenomena are extremely difficult, even on a small-scale level. When it comes to trafficking, this should be kept in mind and alert us to think twice before accepting estimates of 'victims of trafficking' as axiomatic facts.

8 Conclusion

If anti-trafficking policy does not combat the phenomenon it seeks to target, why is it that we keep on insisting on this term? When looking to the history of anti-trafficking policy it is possible to see that the understanding of trafficking, what it is and who should be targeted, changes over time. When looking at what is framed as anti-trafficking policy in official documents such as the action plan, one sees that these understandings also have political connotations – to target prostitution as an issue to deal with together with trafficking. When turning to the local context, this appears to change. The focus of what is framed as Swedish anti-trafficking policy in official policy-documents differs from the local level. The conflation between trafficking and prostitution that is made in the action plan is not reflected in the interviews with the local practitioners. What on one level comes off as an important part of Swedish anti-trafficking policy is reframed on another.

The way anti-trafficking policy is defined among the local practitioners is very different. To a certain extent this can have to do with the fact that their work missions are inherently different, but can also be explained as due to anti-trafficking being a rather elusive term. Among them there are similarities linking the different perspective together, for example when it comes to trafficking and prostitution all the actors made a difference between them. This is very different from how they are constructed in the action plan and thus quite notable since this is a measure that they all come into contact with in their practices. These local practices should be seen as an example of the productivity of anti-policy as discussed by Walters (2008). Most of their positions are the direct result of the acknowledgement of trafficking as an issue to be dealt with, and some of them even got their positions within the frames of the action plan. At the same time they express the difficulty in pinning down and identifying anti-trafficking policy in simple terms, and illustrate that anti-trafficking policy is neither a straightforward or top-down matter (Lindquist 2013; Musto 2013; Snajdr 2013). Obviously parts of it can be pinned down and identified, such as the legislation or practical efforts addressing trafficking explicitly, but to some extent it seems to be constructed on the basis of local or even subjective interpretation.

As noted and critiqued by Walters (2008), a common assumption is that anti-policy can be explained by the very thing it opposes. In the case of anti-trafficking policy, the

accounts of the local actors seem to highlight particularly well that this is simply not the case. In the quotes above, the regional coordinator stresses that it is not against prostitution that they work but against crime. In stressing that they do not work against prostitution the regional coordinator actually denounces what could be said to define the official Swedish policy – the conflation between the fight against prostitution and trafficking. This is also done to a certain extent by the coordinator at the County Administrative Board as well as the other social worker. In different ways they identify the local context as different to other contexts in Sweden, especially with regards to how they view prostitution, and consequently also anti-trafficking policy. These practitioners can thus be identified as a manifestation of how non-elite actors have the potential to reshape top-down meanings regarding policy implementation, and consequently also the policy in itself (Yanow 2007:410). The question then arises again: is it possible to define anti-trafficking policy as the mere opposition to trafficking? This study seems to indicate that it is not.

The purpose of this study was to explore the concept of anti-trafficking policy in Sweden: both how it is defined in official policy-documents as well as in a local context. The study also sought to understand how anti-trafficking is carried out by practitioners working on a local level, in an attempt to generate knowledge about the different challenges, meanings and variations of anti-trafficking policy (Walters 2008). This study thus contributes with a nuanced reading of how the different actors that come together interpret their actions as parts of a process of meaning-making that define and redefine what anti-trafficking policy is and should be.

The empirical material gathered indicate that there is a discrepancy between the way anti-trafficking policy is framed in official policy-documents and the way it is framed among local practitioners. This also highlights how the meaning of anti-policy can be reshaped. In the local practice, a both elusive and nuanced construction comes forth, pointing to the complexity of lived experiences in this field (Walters 2008). At the local level the difference between the theory of the policy and its practice is mentioned several times by the practitioners, emphasising the nuances that local knowledge can bring to the study of policy (Yanow 2000). This discrepancy implies that the anti-trafficking approach faces numerous challenges. This becomes especially evident when turning to the Swedish government's action plan, situating its declared aim alongside the local

practitioners' accounts. On the basis of this, this study cannot but confirm what many scholars of the anti-anti-trafficking approach argue, that there are several limitations to the anti-trafficking framework.

It should of course be noted that the nuances that come forth in this study might differ from those that would come forth if the study had been conducted by someone else, or in another Swedish context. More research is needed to assess this. Another aspect that has come up in this study that would require further inquiry is how Swedish anti-trafficking policy would be defined if one were to move beyond the realm of trafficking for sexual exploitation and prostitution, where the main focus has currently been situated. This has not been possible within the frames of this study due to limitations in terms of both space and time but also due to the fact that to this day, in Sweden, the attention that is given to trafficking for sexual purposes seems to outweigh that which is given to other forms. As indicated in two of the interviews presented above, this has to do with the way certain phenomena are currently categorised. This might very well come to change and is something for future research to explore.

By shedding light on the discrepancy between the official framework and the practice of Swedish anti-trafficking policy as well as on the complexities of anti-trafficking policy as a practice through the local practitioners' experience of it, this study also adds some nuance to the critical literature on anti-trafficking, showing that this field is far from straightforward.

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Appendix: Swedish action plan against prostitution and human trafficking for sexual purposes

ACTION PLAN AGAINST PROSTITUTION AND HUMAN TRAFFICKING FOR SEXUAL PURPOSES

On 10 July 2008, the Government adopted an action plan for combating prostitution and human trafficking for sexual purposes. The plan covers five priority areas: greater protection and support for people at risk, more emphasis on preventive work, higher standards and greater efficiency in the justice system, increased national and international cooperation, and a higher level of knowledge and awareness. Altogether, the Government will be investing SEK 213 million in 36 measures up to the year 2010.

Prostitution and trafficking for sexual purposes represent a serious obstacle to social equality, gender equality and the enjoyment of human rights. Most of the victims are women and children, but men and boys are also being exploited. Studies show that the great majority of sexual services are purchased by men.

Efforts to combat prostitution and trafficking must proceed from a judicial, social and gender equality perspective and be based on the human rights principle. Sweden's commitments in the EU, the Council of Europe and the UN serve as a basis for government policy in this sphere.

The Action Plan focuses specifically on the protection and support needs of individuals at risk, and states that such a perspective is to be integrated in all government work. Special measures are to be taken on behalf of children and young people. A comprehensive follow-up of the Action Plan will be undertaken in 2011 and presented to the Riksdag (Swedish parliament).

GREATER PROTECTION AND SUPPORT FOR PEOPLE AT RISK

At present, measures targeting those exposed to prostitution or trafficking for sexual purposes are limited. The Action Plan aims to intensify outreach activities and give greater priority to sheltered housing, treatment centres and other forms of support and protection. Establishing contact with children and young people who are exposed to – or risk being exposed to – sexual exploitation is particularly difficult.

Professional groups working with people in prostitution and trafficking victims need more knowledge and training. This is particularly true where the rights and needs of children are involved. Here, special courses will be required.

ACTION PLAN MEASURES:

- Greater protection and support for children and young people at risk
- Training for staff working with health care, the social services, youth clinics and sheltered housing
- Inventory of sheltered housing
- Rehabilitation for the victims of trafficking for sexual purposes
- Intensified efforts in the substance abuse and addiction care service
- Additional support for the National Board of Institutional Care
- A safer return for the victims of trafficking for sexual purposes

MORE EMPHASIS ON PREVENTIVE WORK

An important part of preventive work is to heighten people's awareness and help them rethink their attitudes to those exposed to prostitution and trafficking. Here, education and information are vital ingredients. Among both official bodies and voluntary organisations, ethical guidelines and codes of conduct are an important aspect of preventive work. Measures to help victims find alternative means of support are also needed. Special priority is to be attached to information targeting children and young people.

ACTION PLAN MEASURES:

- Evaluation and enhancement of measures directed at purchasers of sexual services
- Greater focus on preventive work among young people
- Methodological material for activities targeting young people
- Further training for staff in compulsory and upper secondary schools
- Evaluation and enhancement of efforts on behalf of people in prostitution
- Training for staff working with young people
- Measures on behalf of women in penal care
- Ethical guidelines in public administration
- Support for the activities of NGOs

HIGHER STANDARDS AND GREATER EFFICIENCY IN THE JUSTICE SYSTEM

Trafficking is a grave offence that usually involves people – often women or children – being recruited or transported for the purpose of exploitation of one kind or another. The fight against trafficking is a key component in the Government's long-term strategy for combating serious organised crime. In particular, the aims and objectives of this strategy must be reflected in the Swedish justice system.

In recent years, efforts have been made to equip police and prosecutors with more effective means for dealing with serious organised crime. Under a new law, for instance, secret eavesdropping (bugging) can now be used in connection with preliminary criminal investigations aimed at preventing particularly serious offences. The Government has also appointed an inquiry to determine the extent to which police may be allowed to use provocative measures in the fight against serious crime. As of 1 July 2008, new rules apply concerning the confiscation of the proceeds of criminal activity, which will make it easier for police to confiscate property or other unlawful gains. Another important tool for police fighting serious organised crime is the power to process personal data in an appropriate manner. A draft bill is being prepared in this respect.

To raise standards and increase efficiency in the justice system, training and education focusing on prostitution and trafficking will need to be augmented and improved. Young victims are to be a special focus of attention. Another important aspect is the need for effective and appropriate legislation for combating prostitution and trafficking.

ACTION PLAN MEASURES:

- Special funding for action against prostitution and trafficking for sexual purposes
- National rapporteur for human trafficking
- Training for the judiciary, the police and public prosecutors, and for employees of the Swedish Migration Board
- Evaluation of the ban on the purchase of sexual services
- Guidelines for cooperation over investigations focusing on children
- Broadening of the penal provision on human trafficking
- Evaluation of the compensation for criminal injury
- Stronger preventive focus in connection with the processing of visa and residence applications

INCREASED NATIONAL AND INTERNATIONAL COOPERATION

Global and inter-regional cooperation is crucial to the task of combating trafficking for sexual purposes, as is a cross-sectoral approach uniting government agencies, NGOs, researchers and the general public. The structures for both cooperation and the coordination of efforts in this field need to be strengthened.

Steps must be taken to ensure that international cooperation continues to develop, both regionally in the Nordic area and the Baltic Sea region and in the EU and the broader international arena. In the international crime-fighting field, there are opportunities for cooperating with bodies such as Eurojust, Europol and Interpol.

ACTION PLAN MEASURES:

- Intensified regional cooperation
- Intensified national cooperation
- Intensified international cooperation over the situation of children
- Support for cooperation in the Baltic Sea region
- A more explicit focus on human trafficking in Sweden's development cooperation programme
- Further development of the Swedish Institute's information work

A HIGHER LEVEL OF KNOWLEDGE AND AWARENESS

Proper knowledge and expertise are essential if prostitution and trafficking for sexual purposes are to be successfully combated. Research and other studies are required to ensure that official bodies and NGOs have a better, more in-depth grasp of the issues. Both quantitative and qualitative studies will be needed. Experience from other countries must also be put to good use, and may provide a basis for international cooperation.

ACTION PLAN MEASURES:

- Special funding for enhanced knowledge and awareness
- Research into the situation of homosexual, bisexual and transgender (LGBT) persons
- Study of young people's experience of and attitudes towards sexual exploitation and exposure
- Greater insight into the sexual exploitation of girls and boys
- Study of attitudes to the purchase of sexual services