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The Relationship between Prostitution and Sex Trafficking

The Case of Sweden and Denmark

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Abstract

This thesis aims to explore the relationship between sex trafficking and prostitution. The research question is “**How prostitution law of country’s influence sex trafficking?**”. The argument formulated through the radical feminist and sexual liberalist/ essentialist point of view. The discourse of criminalization and decriminalization of prostitute and its impact on sex trafficking is also presented. The study used comparative research method that focus on the cases of Sweden and Denmark prostitution policies. Finally, it concluded that sex trafficking has strong relationship with prostitution. Decriminalizing /legalizing prostitution create a favorable condition for the pimps and trafficker to do their business freely. Whereas criminalizing such an act (Prostitution) hold back the trafficker to carry out their business in secured environment which also reduce the number of trafficked people involved in sex industry.

Keywords: *prostitution, criminalization and decriminalization of prostitution, sex trafficking.*

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1. Introduction

Human trafficking is the recruitment, transportation, transfer, harboring or receipt of persons, by means or other forms of coercion (UN 2001: A/RES/55/25). It is one of the 3rd most profitable businesses next to drug and armed selling (EU 2010:B7-0029). Globalization and neo-liberalism, the increasing demand of personal services in the developed world, and the rapid and unregulated enticement and movement of human capital via the internet are major factors accelerating human trafficking (Chuag 2006:138-5). Women and children are the most common victims of traffickers whereby they are taken for the purpose of sexual and labor exploitations. They are being traded as commodities without enough legal and humanitarian protection. Most scholars describe this phenomenon as “commodification of persons”, in which women and children served as the cheap commodities in global market (Feiniman, 1992:74).

Human trafficking is one of illegal phenomenon that all countries agreed to abolish. It is mostly related with sexual and labor exploitation. As the US department victims of trafficking (2004) statistic indicated, from the total no of trafficked people 80% engaged to sex trafficking where as 19% engaged to labor trafficking. This data indicate that the relationship of trafficking with the sex industry is very high. In a countries where the act of prostitution is acknowledged the flow of sex trafficking in that region also increase, in other words, in a country that criminalized such an act, the result will be the opposite.

However, there are many controversial issues related with legalization or criminalization of prostitution when it comes to sex trafficking. Some argued that criminalization of prostitution have increased sex worker’s risk to dangers of trafficking, exposed prostitutes to more dangerous clients and less safe-sex practices. Instead legalizing prostitution gives chances for trafficked people to testify against the smuggler and build confidence to ask legal protection. The other dimension also pointed out that criminalization of prostitution discourages trafficking if the law is effectively implemented. It gives slight chance for the pimps and traffickers to exercise their work and discourage potential perpetrators due to the fear of taking risk against the law.

This thesis tries to discuss the relationship between sex trafficking and prostitution. It mainly focuses to show how prostitution law of a country plays a key role to influence sex trafficking, the research question is “**How prostitution law of a country influence sex trafficking?**” To answer the question, I employ the sexual essentialists and radical feminists’ theories. I believe these theories have direct and indirect relation with the countries prostitution policies. The sexual

liberalist/essentialists view on “just sex” rhetoric has a normalizing tendency as far as the legality of prostitution. They consider sexual activity as biological driven and prostitution could be ended on women’s enthusiasm to serve men’s sexual interest. Radical feminist believe that sexual feeling is not natural rather it is socially constructed. They consider buying sex as one of the expression of men dominance character and condemned prostitution is important to keep the gender balance of the county’s. These theoretical perspectives have impact for countries to plan their prostitution policy, to criminalized or decriminalized. As we see earlier, prostitution by itself is highly related with sex trafficking and also countries law on prostitution have a determinant factor to accelerate sex trafficking. This means when countries prepare prostitution law they have to consider its effect on trafficking as well.

To illustrate my argument more, I use the case of Denmark and Sweden prostitution laws and how it relate with sex trafficking. Denmark adopts a policy which legalizes prostitution and gives the sex workers the right to get all legal protection that is given for other jobs. Whereas, in Sweden prostitution is officially acknowledged as a form of male sexual violence against women and children and the law strictly prohibits the purchase of sexual services. The two countries’ experience has its own impact on the global fight to stop sex trafficking. Therefore, in the subsequent sections I will develop my argument by comparing these two countries’ prostitution policies and its relationship with sex trafficking.

1.2.Methodology

A comparative research method is the most appropriate research method for my study. Ragin (2009) described comparative study, can be used to find simple ways of representing the patterns of diversity that exist among the cases. It is useful to identify similarities within subsets of cases that distinguish them from other subsets and cases that have different outcomes (Ragin 2009:56). Based on this point, my comparison lies on the cases of Sweden and Denmark’s prostitution policies. I select these countries because they have similar developmental stage; both are categorized as developed countries. Geographically they share the same boarder and found as part of Scandinavian countries. Their political culture also have similarity, they are part of great welfare system. However, unlike their similarities the difference they have on their prostitution law drawn my attention. My focus is on their divergent point of handling sex trafficking related with their prostitution policies. As I mentioned earlier, Denmark is in favor of legalization

of prostitution as a means to protect the right of victims from dangers of trafficking. Whereas, Sweden has declined to legalize prostitution believing that condemned prostitution reduces number of trafficked persons.

This paper mainly depends on secondary data, books, and articles, journals, used as literature review. The Swedish Law that Prohibits the Purchase of Sexual Services which came into force on January 1, 1999 and the Danish law which allows prostitution are presented to discuss the analysis. As a constraint, I found that getting accurate statistical information is often problematic. Sex trafficking by nature is illegal phenomena hence, knowing the exact number of victims is problematic. I can also mention language as a problem to get more statistics because most of the data's published by Swedish and Danish national website written by the countries' national language, Swedish and Danish. However, I used some statistical information published on credible sources such as International organization (UN, ILO, IOM, and UNICIFE) and some from official website of Sweden and Denmark government.

2. The Concept of Sex Trafficking

Sex trafficking which is associated with exploitation comes in many forms, including forcing victims into prostitution, subjecting victims to slavery or involuntary servitude, compelling victims to commit sex acts for the purpose of pornography, and misleading victims in to debt bondage (EU 2011:7860/11). Victims will inevitably come from countries and regions that are subjected to economic hardship and other contributory factors which the traffickers will target.

Sex trafficking is a modern day form of slavery in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act is under the age of 18 years (UN 2001:A/RES/55/25). As the U.N trafficking victims protection act 2001 define the term commercial sex act “*means any sex act on account of which anything of value is given to or received by any person*”. Evidence showed that legalized sex industries actually result an increased trafficking to meet the demand for women to be used in the legal sex industries (Limoncelli, 2009: 265). Wherever prostitution is legalized, trafficking of sex industry of that region also increase. Hence, many authors believe that sex trafficking is influences by prostitution law of a country and combating prostitution with the force of the law would reduce trafficking.

As the UN(2004) offices on Drugs and Crime reported, eleven countries score very high number as countries of origin for trafficking victim; Belarus, the Republic of Moldova, the Russia federation and Ukraine, Albania, Bulgaria, Lithuania, Romania, china, Thailand, and Nigeria. High demand is registered in Belgium, Germany, Greece, Israel, Italy, Japan, the Netherlands, Thailand, Turkey and United states as destination countries of trafficked persons.

Although available statistics are limited and contested, the existing data has shown that the number of trafficked women and children have taken major ratio from the total trafficked person. The total number of enslaved person worldwide is estimated to be somewhere between 700,000 and four million (U.S 2004). From this number Women and children reach 14,500-17,500. Approximately 80% of trafficking involves sexual exploitation and 19% involves labor exploitation (Ibid).

The common patterns that luring victims into situations of sex trafficking are, a promise of a good job in to other country, a false marriage proposal that turned into a bondage situation, being sold in to the sex trade by parents, husbands, boyfriends, and being kidnapped by traffickers (Poulin 2004). For example, one of trafficked woman in Copenhagen gave her testimony to CNN(2011: march 30th) she said” when I came from my country Nigeria my agent promised to hired me as a house cleaner however, when I arrived in Copenhagen the situation is different. I forced to work as a prostitute”

Traffickers may operate as individuals, families, or more organized groups of criminals, and facilitated by other indirect beneficiaries, such as advertising, distribution, or retail companies and consumers, cyber-link also serves as the main instrument of trafficking (Limoncelli 2009:262-267). Victims of trafficking forced in to various forms of commercial sexual exploitation including prostitution, pornography, stripping, live-sex shows, mail-order brides, military prostitution and sex tourism. Victims trafficked into prostitution and pornography is usually involved in the most exploitive forms of commercial sex operation (Limoncelli 2009:262-267, Buzatu 2010).

In most cases, victims of trafficking are not aware of their right, have shattered confidence and mostly suffer in silence (Finkenauer, 2001:166-186). They are afraid of people in law enforcement. They are also afraid to expose traffickers to concerned body because of the fear for themselves and their family. Besides, they do not have awareness about agencies and

community workers that may advocate and fight for their right (Ibid: 167). The traffickers take advantage of these realities and use the threat of violence, shame, fear of imprisonment or deportation, and control their victims' money and even keep them in isolation (Ibid).

3. Theoretical framework

The theoretical framework aims to explain legalization or criminalization of prostitution and its relation with sex trafficking. At the same, I am convinced that, the concept of legalization or criminalization of prostitution by itself has been emerged from other theoretical perspectives that deal with and analyze the relationship between prostitution and sexuality. Basically, these theoretical perspectives collectively reflect the ideas of sexual liberals (essentialists) and radical feminists (social constructivists). Accordingly, both of these groups believe that “the key to understanding prostitution lies in the theorizing of sexuality” (Jeffreys, 1997; 197). In general such theoretical stances are used by policy makers, human right activists, feminists and other stakeholders as a background in the legalization or criminalization of prostitution in their national laws. Policy actions taken by different countries in the legalization or criminalization of prostitution give the opportunity to assess policy's effect on the global network of human trafficking crime.

Both sexual liberals and radical feminists laid the premises of their argument by agreeing on the fact that “men perform on and in the bodies of prostituted women ‘just sex’” (ibid). The ‘just sex’ rhetoric had been equally convincing for both groups, at least for some time, having in mind the natural essence of sexuality (ibid.) However in the last quarter of the century radical feminists has developed a perspective which casts grave doubts upon the naturalness of male supremacy (ibid.). The critical perspective of radical feminist theorists place the ‘just sex’ rhetoric of prostitution within a broader analysis of the role of sexuality in constructing men's power in the political system of male supremacy (Jeffreys, 1997; 198).

3.1. Sexual liberals (Essentialists)

Sexual liberals have employed an essentialist approach on sexuality; and hence they argue that “men’s imperative sexual urges were biologically inevitable and that women were possessed of little sexual enthusiasm by nature” (Acton, 1987 a, b cited in Jeffreys, 1997: 197). They see prostitution as being a “natural result of men’s lack of alternative outlet caused by late marriage and the expectation of premarital chastity for women “(Jeffreys, 1997; 197). These groups of theorists intend to see men’s sexual activities as biologically driven; and hence they believe that prostitution could be ended on women’s enthusiasm to service men’s sexual interests (Russell, 1972; Comfort, 1979 cited in Jeffreys, 1997; 197). According to these theorists the natural essence of sexuality is given only to men (Jeffreys, 1997; 198). The idea of prostitution is seen as a consequence of men’s natural interest over women and hence would like to insist on their very idea of ‘just sex ‘perspective. This view has a normalizing tendency as far as the legality of prostitution is concerned.

Prostitution’s inevitability as a ‘natural essence’ plus women’s enthusiasm as an effective means to avoid prostitution leads in to a scenario that ‘free’ and ‘forced’ prostitution discourse. Moreover this theory has a tendency of compromising prostitution as part of one’s social life. The ‘natural essence’ perspective, in men’s side, and reactionary power of women are deemed to be the balancing factors which normalize prostitution in society’s life. As a product of ‘sexual liberalists’ this theory could be seen as a premise for countries which legalize prostitution. Those countries in favor of legalization of prostitution have inclination to accept the fact that sexual feeling is a natural essence possessed by both men and women. As a result the society constitutes social life based on such essences, among others, as part of individual’s day to day life.

Therefore, authorities in those countries build a sort of normative framework to deal with prostitution in a legal way. And of course the normative frameworks often designed to govern the interests of both men and women on the business.

3.2. Radical feminists (Social constructivism)

Radical feminists premise their argument by questioning the naturalness of sexual feeling (Jeffreys, 1997; 200). They pointed out that radical social constructivism created a great mystery. Their argument particularly focuses on what forces were at work shaping the social construction of sexuality (Catherine, 1989, 131 cited in Jeffreys, 1997; 197). Feminist theorists sought to understand who and what was constructing sexuality and in whose interests (Jeffreys, 1997; 198).

Radical Feminists suggest that “sexual feelings themselves are not natural but constructed (ibid.); “the very experience of sexual excitement that seems to originate from hidden internal sources is in fact a learned process and it is only our insistence on the myth of naturalness that hides these social components from us “ (Gagnon and Simon cited in Jeffreys , 1997: 198). Such an approach would continuously suggest that men’s use of women in prostitution is not ‘natural’ or just ‘sex’. Without denying the naturalness of some sexual components like coitus, radical feminists need much more explanations on the idea that “how men gain the idea that they may buy and use a strange woman’s body in this way” (Jeffreys, 1997: 200). Unlike male sociologists, feminists ask the question that why sexual script should take the form of imperative male urge and male dominant coitus. The system of power relationships molds the potential for sexual activity into the form considered “normal” under male supremacy (Jeffreys; 1997; 197).

In strict sense of radical feminists, one could understand, in the argument mentioned above, that the ultimate goal is to get rid of male dominance in sexual interaction between men and women. The male dominated relationship has turned through time into abusive and monopolistic control of the social and political system. In a policy context radical feminists’ argument favors the position of those countries which adopt a policy which acknowledge prostitution as a form of male sexual violence against women and children. Furthermore , this kind of radical feminists analysis, which recognizes sexuality as not only socially constructed but constructive of the political system of male supremacy, cannot regard the sex of prostitution as in any way natural or inevitable (Jeffreys, 1997;208). Above all the most important merits of the above theoretical perspectives is that they may be used as principle behind different countries policies and legislations regarding prostitution and trafficking of human beings.

3.3. Legalization or Criminalization of Prostitution and its Effect on Sex Trafficking

Depending on various countries policies and legislations regarding prostitution we can find the acts of prostitutions is legalized, criminalized or decriminalized. It is important to know the legal meaning of an act which is legalized, criminalized or decriminalized. Lenore Kuo explains; “criminalization makes the act or practice illegal and open to legal sanctions. Legalization permits behavior when it complies with specified regulations. Decriminalization reinstates legal silence on activities that were formerly criminalized or legalized. A decriminalized behavior is one that is permissible and unregulated, save for regulations that apply to all business, such as fair hiring practices and sales taxes” (Kuo, 2002; 65-66). For adopting any of these policy actions i.e. for legalization, criminalization or decriminalization of prostitution countries often invoke some justification behind their choice of policy actions towards prostitution.

3.3.1. The argument for criminalization of prostitution

Those who are in favor of criminalizing prostitution often cite two justifications. First –it is due to the belief that by criminalizing prostitution one can eliminate or at least decrease it. The desire to abolish prostitution is generally motivated by humanitarian or moralistic concerns (Kuo, 2002; 124).The second justification for criminalizing prostitution is the view that it is immoral and that society must use the law to take a public stance on its immorality (ibid. 125).

However, scholars pointed out that the argument that prostitution could be eliminated or decreased by criminalizing it has never been and will never be proven. This is because in countries where prostitution is criminalized its growth are relatively unaffected by the adoption of a policy which criminalizes prostitution. Instead the practice of prostitution is seen rising. As a result criminalization of prostitution couldn't be taken as successful tool to eradicate prostitution and related offences (Kuo, 2002; 125).Additionally, criminalization clearly harms prostitutes. Arresting prostitutes often serves only to heighten their isolation and estrangement, not only from friends, family, and community but from the very social services they may need in order to access alternative means of income.

Although it is still possible to mention a number of problems related with the justifications given for criminalization of prostitution, In the case of this study the most important ideas are those which explain the relationship between criminalization of prostitution and trafficking in human beings for sexual purpose. For instance, in the case of Swedish law that prohibits the purchase of sexual service, the feminist activists, who courageously campaigned to ban prostitution , argue that , “when the buyers risk punishment, the number of men who buy prostituted person decrease, and the local prostitution markets become less lucrative; Traffickers will then choose other and more profitable destinations” (Ekberg, 2004: 1187). The above argument presupposes the idea that prostitution is a form of sexual violence against women and children and treats them as victims of male violence. Accordingly, Ekberg writes, it is a wise decision to set legal barriers or penalties against the perpetrators of such violence; otherwise failure to impose legal sanction on these practices helps pimps, traffickers, and prostitution buyers knowingly exploit the vulnerability of the victims caused by poor economic and political conditions (ibid., 1188)

Moreover, the proponents of criminalization of prostitution argue that, prostitution and trafficking in human beings for sexual purposes are seen as issues that cannot, and should not, be separated; both are harmful practices and intrinsically linked. It is understood that the purpose of the recruitment, transport, sale, or purchase of women and girls by traffickers, pimps, and members of organized crime groups within countries or across national borders is, in the overwhelming majority of cases, to sell these female human beings into the prostitution industry (Ekberg, 2004: 1189). Where prostitution is tolerated, there is a greater demand for sex trafficking victims and nearly always an increase in the number of women and children trafficked in to commercial sex slavery. Margaret Weinberg, former deputy prime minister of Sweden declared during a seminar on the effects of legalization of prostitution activates in Stockholm on Nov, 5-6, 2002: also said “I believe that we will never succeed in combating trafficking in women if we do not simultaneously work to abolish prostitution and sexual exploitation of women and children”.

It is an undeniable fact that some women stays in the business of prostitution but majority of them want to leave. However, they might have not any alternative means to generate income as well as a clue to fight for their right and free themselves from pimps and brother owners.

3.3.2. Decriminalization and Legalization of Prostitution

Supporters of legalization of prostitution mention three reasons to justify their argument. These are: to protect public health, to protect public safety, and to protect women (and men) in the business (Kuo, 2002: 129). As Wijers (1998:87) argued in her book on global sex workers rights resistance and redefinition, criminalizing the sex industry creates ideal conditions for rampant exploitation and can only be stopped if the existence of prostitution is recognized and the legal and social right of prostitutes is guaranteed. Prohibited prostitution increases sex worker's risk to dangers of trafficking, exposing to clients that are more dangerous and less safe sex practices. Victims afraid to testify the situation and they might be neglect by the law to get consultation and protection (Ibid)

However, none of these arguments suffices to provide good answers for the prosperity of sex trafficking because of legalized prostitution. On the other hand, some argue that the legalization of prostitution is a gift to pimps, traffickers and the sex industry in general (Raymond, 2003: 1). Janice Raymond argues that legalization amounts to sanctioning all aspects of the sex industry: the women themselves, the so-called clients and the pimps who, under the regime of legalization, are transformed into third party businessmen and legitimate sexual entrepreneurs. Legalization/decriminalization of the sex industry also converts brothels, sex clubs, massage parlors and other sites of prostitution activities into legitimate venues where commercial sexual acts allowed flourishing legally with few restraints (Raymond, 2003: 2).

Some people believe that in calling for legalization or decriminalization of prostitution, they are dignifying and professionalizing the women in prostitution. However, dignifying prostitution as work doesn't dignify the women; it simply dignifies the sex industry. People often don't realize that decriminalization, for example, decriminalization of the whole sex industry not just the women. They haven't thought through the consequences of legalizing pimps as legitimate sex entrepreneurs or third party businessmen, or the fact that men who buy women for sexual activity are now accepted as legitimate consumers of sex (Raymond, 2003:2).

4. The prostitution law of Denmark

The act of prostitution was legalized in Denmark on March 17, 1999, which allowed buying and selling sex. But brothel ownership and pimping prohibited. *“Any person who for the purpose of gain or in frequently repeated cases, promotes sexual immorality by acting as an intermediary, or who derives from the activities of any person engaging in sexual immortality as a profession, shall be liable to imprisonment for any term not exceeding three years”*(The Danish penal Code 1999: 228-233)

According to a survey by the Danish social research news information (2010), there are approximately 3200 prostitutes in Denmark. The prostitutes are divided between different work places: about 1600 prostitutes work at clinics, about 900 women work as escort prostitutes, and around 600 foreign sex workers are working as street prostitutes (SFI 2010). However, there are also escort prostitutes and champagne girls at strip bars, and there is more private /discreet type of prostitution. Migrant prostitutes make up 65% of all prostitutes (SFI2010). It has not been possible to estimate the extent of this type of prostitution, especial in case of street prostitution. It is believed that 90% of all prostitution occurs indoor in brothels, massage parlous, in the escort prostitution sector, etc. while the remaining 10% is street prostitution in Denmark’s three largest cities (ECPAT 2006:6,)

Denmark is primary a transit and destination country for women and girls trafficked from Bulgaria, Romania, Latvia, the Czech Republic, Thailand, Brazil, Nigeria, and other west African countries for the purpose of commercial sexual exploitation (US 2011). From the total number of prostitute women majority of them are victims of trafficker however it hard to get the exact number of trafficked women. According to evaluation of the Danish Action plan for combating of trafficking in human being report officially, between 2007-2010, 111 women were identified as women trafficked for prostitution (COWA 2010:2). Since it is hard to get actual figures, the number is probably even higher.

In Denmark buying sex the most common activities, it is socially acceptable. Danish men never experienced social pressure to buy sex and the idea that visiting a prostitute could be viewed as a public mark of virility or masculinity (Ekberg 2004).

It important to confirm the social standards of heterosexual manliness, they felt that using prostitutes as one of a way in which to publicly demonstrate real manhood (Ibid). The ideology of modern liberal society together with the view of “just sex rhetoric” constructed in the society. Hence, it is not an issue for the client whom going to buy sexual pleasure, asking what kind of women going to buying or in what situation she came through, It just strictly business between brother owners or pimps as a provider and buyer as a client.

Despite the fact that prostitution is decriminalized, Denmark has anti-trafficking policy focused on the prosecution, protection and prevention of trafficking. The prosecution unit encourages strong law enforcement efforts that prohibit trafficking for both sexual exploitation and forced labor. Protection and encouragement are given for victims to testify the trafficker by giving 30 to 90 days of reflection period (US 2011). If the victims are willing to testify against their trafficker they might get the right to stay in Denmark until the duration of criminal proceeding period, even in some cases they could receive asylum to remain in Denmark. However, it is not easy situation for the victims to testify against their trafficker.

As most studies shows, victims of trafficker are not willing to testify their trafficker. They have fear of reprisal or violence from the trafficker, they might have unpaid debt, a lack of other opportunities to support themselves and family members, and the fear of isolation and stigma related to their work as prostitutes (Ehrenreich, 2003: 45-67). Referring to the situation in Denmark, Mildwater founder of anti-human trafficking organization in *Denmark* said, “If the country of origin is known to be corrupt and victims have witnessed against their trafficker it is essential victims receive asylum.” However, as the UNHCR (2010:28-29) report shows, from 127 trafficked people only 2 got asylum; the rest was deported and it is hard to guess the situation that they might have face back to home.

The Danish anti-trafficking action also has relation with the immigration issue of the country. The Danish have strong immigration policy, it hard to get asylum in Denmark in any case. Hence the case of trafficked people also judge by the immigration law of the country which means the victim should have to present strong evinces to testify their smuggler and get protection by the law (US 2011). Otherwise the will face deportation without any preparation or make themselves ready to go home. Denmark's government has been criticized by the UNHCR and many other international organizations, due to its tight measure to discourage migration. Denmark introduced one of Europe's strictest immigration laws in 2002.

In general, the Danish effort for the elimination of trafficking have many criticisms. Mostly this complies related with the legalization of sex market as favorable condition for trafficker and trafficked people affiliation with the sex industry (US 2011)

5. The Prostitution law of Sweden

In 1999, the first sex purchase law came into force which made unlawful to obtain or attempt to obtain casual sexual services for compensation. The 2004 amendment of the law together with trafficking law provides that any person, “*who by means of coercion or other means takes part in the cross/border process of recruitment, transportation, transfer, harboring or reception of a person for the purpose of sexual exploitation, may be sentenced to between two to ten years of imprisonment* (SOU, 2010:49).” The law only targets buyers of persons in prostitution. The persons who are exploited in prostitution, the victims of male violence, are not subject to any kind of criminal or other legal or administrative repercussions. The government also pledged money and assistance to women who are victims of male violence (Ekberg, 2004. 1187-1190).

In Swedish law, prostitution is considered as an aspect of male violence against women and children. It is officially acknowledged as a form of exploitation of women and children and constitutes a significant social problem. Gender equality will remain unattainable so long as men buy sex and exploit women and children by prostituting them. The cornerstones of Sweden policies against prostitution also consider tackling trafficking in human being (SOU2010:49.30-33). Prostitution and trafficking in human beings for sexual purposes are seen as issues that cannot, and should not, be separated; both are harmful practices and intrinsically linked. Because In the overwhelming majority of cases, trafficked female sell into the prostitution industry. (Ekberg, 2004:1187-1192).

The Swedish prostitution law is highly inspired by radical feminist point of view. The radical feminist view of prostitution has existed in the west since the 1970s. But, it has not been applied at a state level before. In Sweden, it was first embraced by the social democratic government in 1998, and later by the liberal alliance government of 2006. The ban of sex purchasing act has inspired many countries and challenged them to review their prostitution policies (Ekberg, 2004:1122-1124, SOU, 2010: 49).

It helps to reduce street prostitution, brothel ownership and pimping activities in Sweden. The law also has a great impact to reducing trafficking for the purpose of sexual service. Studies showed that 50% reduction of prostitution and related activities (SOU, 2010: 49, 37-38).

As I mentioned earlier about radical feminist views, the act of prostitution is socially constructed. Hence to change the attitude of the people towards prostitution and its related activities as well as combating sex trafficking, the Sweden government set aside 213 million kronor for the implementation of the national action plan for over the 2008-2011 (Dadillet, Susanne and Peter 2011:7). The action plan includes greater protection on preventive work, higher standards and greater efficiency in the justice system, increase national and international cooperation and a higher level of knowledge and awareness. According to this action plan report, today, in Sweden, not only reduction of prostitution registered but also the behavior of Swedish men towards prostitution changed, pay for sex is considered a “loser” men behavior who have some problems (SOU2010: 49.31-34).

Before the law introduced there was approximately 2500 street prostitution registered however after the law implemented the number has decreased by at least 30% to 50, almost half. (SOU, 2010: 49, 37-39). This reeducation may be considered to be a direct result of the criminalization of sex purchased act (SOU, 2010:49).

Sweden is a destination, and, to a lesser extent, a transit country for women trafficked from Romania, Russia, Nigeria, Albania, Tanzania, Thailand, and Estonia for the purpose of commercial sexual exploitation. Some of these women after trafficked in to Sweden they transfer to Norway, Denmark, Germany, and the United Kingdom to work as a prostitutes (EU2010:B7-0029/2010). This shows that Sweden served as a transit countries for trafficking women to work in other countries where prostitution law relatively easy and have good currency to pay.

Even if Sweden has model prostitution law together with combating human trafficking there is much criticism on the effort for the elimination of trafficking (US2011). Mostly they argued that the business of prostitution has shifted in to the web. The increasing number of dating and pornography websites could be mentioned as evidence. In the last five years internet prostitution has increased and registered increasing number of dating and pornography websites. This indicates that the ban led to shifting arenas to the internet business (SOU2010: 49.35-36).

In general, the radical feminists inspire view of Swedish prostitution law taken prostitution as a male violence against women and children. The rule fixes penalty on the purchaser due to the presumed fact that the purchaser (male) is in a better economic condition than the seller (woman prostitute). Besides enforcement bodies' strict surveillance, the law also aims to empower those vulnerable groups. Perhaps what is not precedent is that the law's strong contribution to halt sex trafficking crime. However it does not mean that there are no victims of sex trafficking in Sweden. Due to the transnational nature of sex trafficking crime there are many victims of trafficking. Even sometimes due to the illegality of prostitution in Sweden trafficked sex workers suffer a lot and exposed to abuse by traffickers. It seems that the authorities are concerned only with the declining trafficking statistical figures. The law should have protecting mechanisms for victims of trafficking that are behind scene.

6. Comparing the Cases of Sweden and Denmark Prostitution Laws Related with sex Trafficking

6.1 The Radical Feminist and Sexual Essentialists Point of View Related with the Two Countries Prostitution Laws

When we see the two countries prostitution law, it related with the two theoretical points of view, sexual essentialists and radical feminist. Sweden officially accept the radical feminist theoretical perspective as a cornerstone of the country's prostitution policy. Legalizing Prostitution consider as gender issue. The Swedish believe that if the acts of buying sex have recognition or consider as a normal action in the society that means gender equality in the country not solved. As the radical Feminist pointed, experience of sexual excitement come out through learning processed and socially constructed. To construct/establish this though in mind of the Swedish society the government spent a lot of money. Hence according to the national Swedish population samples shows men who have experience of purchasing sex seems to have dropped from 12.7% to 7.6%

from 1996 to 2008 (SOU2010: 49, 37). And also the radical feminist approach could get popular support; statically more than 70% of the Swedish population supports the law (SOU2010: 49,37).

Whereas the prostitution law of Denmark's seems resemble towards sexual essential views. When I say that as far as my knowledge limited and the reading material I used tells, there is no official document that said the Denmark prostitution policy is based on sexual essential. However the situation what we can see resemble this theoretical point of view. As evidence I can monitor the attitude of the Danish men behavior and the society acceptance of the prostitution law. There is no moral or societal obligation that hinders the purchase of prostitution. Danish men never experienced social difficulty to buy sex and the idea of visiting a prostitute could be viewed as a public mark of virility or masculinity. Hence, I could say that the sexual essentialist's point of view "the just sex" rhetoric seems applicable in Denmark society.

6.2. The Relationship between Sex Trafficking and Prostitution

There is high relationship between prostitution and Sexual trafficking. As mentioned on the concept of Sex trafficking, trafficking is done for different purpose especially for labor and sexual exploitation. From total number of trafficking people almost 80% involved for sexual exploitation. This number shows that the involvement of trafficking in sex industry is high. And also the data helps to see the direct relationship of trafficking and prostitution. In Denmark prostitution is legally acceptable; the numbers of trafficked women in to Denmark for sexual exploitation shown increasing rate. However, due to its criminal nature, many victims are constrained from seeking help, making it difficult to know the exact number of victims in Denmark. Statically 60% of Danish prostitute are came from other countries. Even when we walk in Copenhagen Red Light Street we can see many foreigner street prostitutes. However, it hard to differentiate who has legal permit to work or not, some of them might be victims of trafficker.

Whereas the Sweden prostitution law not only criminalized the act of purchasing sex but also focus on tackling human trafficking. The Swedish believe that prohibiting prostitution means in other way round combating sex trafficking. In Sweden case before the ban of prostitution there were around 400- 600 women were trafficked in Sweden but after the ban the number drop down(US 2009, SOU2010: 49.31-34) . But it could not be possible to tell the exact number of

declination. Even some studies shows that trafficker use Sweden as a transit country where prostitution is legal and the demand is high, like Denmark (Ekberg 2004: 1194). This is because hard for them to do their business freely as well as the lack of costumer makes the business unprofitable.

6.3. The pros' and cons' of criminalizing and decriminalizing prostitution law related with sexual trafficking

As I mentioned earlier trafficking and prostitution have direct relation which means that when we apply the law of prostitution the effect also visible on sex trafficking. Denmark and Sweden have different approach to tackle human trafficking; one deem that by criminalized prostitution we can stop trafficking, and the other see decriminalize prostitution help the victim to get legal protection and find out the root causes trafficking and the chain of trafficker. Their justification challenge one other.

The Danish view that criminalizing prostitution expose victims to more danger situation. As michell midwater said to CNN (March 30th, 2011). "If we don't have a law that encourage victim to come and testify the trafficker that means we again lock them in a cage. Hence, decriminalizing prostitution helps victims to get legal protection". However many trafficked people are under the control of pimps and trafficker. It is not common and simple for the victim to testify against their pimps and trafficker.

The Danish law face many criticisms due to the lack of giving enough incentive to victim testify and short reflection period given for them, that is Only 30 to 90 day. The reflection period is not enough for the victims to free themselves from psychological stress and relay on Danish law. As I mentioned on the concept of sex trafficking, most of trafficked people didn't have awareness about human right and they were illiterate. Gitte Nielson who is working on Danish women center, said to CNN (30th march 2011)" trafficked women came in our women center to get social benefit but they didn't want to cooperate with the police for the investigation of trafficker. They disappeared after few days this is because they might too scare or not ready to go to policy".

The other criticism comes due to the overlapping nature of Denmark migration policy with prostitution case. Denmark has very tight immigration policy hence it very tough to get asylum in any case, even the case of trafficking also seen as immigration case. The victim has to show strong evidence against their trafficker to convince the Danish police. As the UNHCR 2011

report shows, from 127 trafficked people only 2 got asylum. Deportation might put the victim to dangers situation, they might have unfinished business with the trafficker, unpaid debt, lack of legal coverage by their country's law, lack of acceptance in their own society. It seems the Danish approach doesn't compromise all this points.

In Sweden case, the ban registered remarkable result on prostitution and related activities, especial in the case of street prostitution. Comparing with Danish the Swedish approach is more successful. Jonnas Trolle, head of investigation unit Stockholm policy, said to CNN (March 30th 2011)“ we can manage reduction of prostitution, for example from 2million in habitant in Stockholm only 130 street prostitution found”.

However still there are some criticisms rises. As I mentioned previously on the criminalization and decriminalization argument, the Sweden approach exposing victim to more danger client and unsafe situation. But if we see the Swedish law it only criminalized purchasing of sex not selling. While the work is legal the sex workers have the right to get legal protection. The other criticism lays on the shifting of prostitution business in to internet. The number of dating and pornography web sites increase after the ban which makes some to believe that the number of prostitute or trafficking is not decrease rather it shift to internet business. This is more dangers situation for victims of trafficker because they might lock in house where they couldn't get any chance to get out or shout for help.

Seeing the facts we can say that Swedish better manage prostitution and trafficking. Lisa Tamm senior prosecutor for trafficking case said to CNN (March 30th 2011)“If there is no demand for sex club activities, could manage trafficking. This is because sex club owners have strong chain with trafficker, the luck of demand paralyze the chain of the business.” However it does not mean that there are no victims of sex trafficking in Sweden. Due to the transnational nature of trafficking crime there could be many victims of sex trafficking. Even sometimes due to the illegality of prostitution in Sweden trafficked sex workers might suffer a lot and exposed to abusive situation. It seems that the authorities are concerned only with the declining sex trafficking figures. The law should have protecting mechanisms for victims of trafficking that are behind scene.

Nevertheless, the two countries prostitution policies have it own pros' and cons' towards sex trafficking. This thesis has shown the Swedish law could register remarkable outcome towards trafficking and related activities. Whereas, the Denmark law helps prostitute get recognition and have sex worker right that is given to other job. But when it comes to sex trafficking it seems unsolved issue.

7. Conclusion

The argument for legalization or criminalization of prostitution has sparked a long time debate between pros and cons prostitution groups. The concern of this study has been to examine the consequences of prostitution on sex trafficking in line with different countries policies. Accordingly, statistical figures as well as case studies revised in this study prove the argument that the rate of sex trafficking is high in countries where prostitution is legalized and vice versa. sex trafficking is a criminal act in many countries; however, enforcement bodies always face challenging conditions in countries where prostitution is legal. Sometimes legalizing prostitution becomes an indirect breach of country's commitment to stop sex trafficking both nationally and internationally. The sex trafficking business usually embraces sexual workers and hence countries with legalized prostitution policies would be ideal destinations of trafficked persons. The profitability of sex trafficking business is also highly dependent on countries' policy towards prostitution.

Countries do not adopt prostitution policies for granted instead they usually listen to the opinions of the society in general as well as particular interest groups. Through time such public opinions grow into theoretical perspectives. Among theoretical perspectives which has direct or in direct connection with prostitution and sex trafficking I chose to employ the assumptions of Sexual Liberals (essentialists) and Radical Feminists (social construction). These theories influence the idea of prostitution indirectly. They primarily deal with 'sexuality' and then move to say something about the morality of prostitution. Accordingly various interest groups and policy makers use the advantage of these ideas and reduce them into normative principles. Normative principles clearly state weather prostitution is legal or criminal in a given country. The Swedish anti-prostitution law reflects radical feminists view toward prostitution. Radical feminists condemn prostitution as a form of male violence against women. Besides its strong contribution to protect vulnerable groups of the society, its strength has been proved effective to combat sex trafficking in the country. Victims of trafficking and traffickers testified that the human trafficking business for sexual purposes is very challenging and non-profitable due to strict anti-prostitution regulations. Besides the costs operating the sex trafficking business, Male clients risk punishment therefore the business is not welcoming for traffickers.

On the other hand the Danish counterpart seems to follow the idea of sexual liberals and hence prostitution is legalized. As a result the rate of sex trafficking is increasing dramatically and hence

Copenhagen became the hub of traffickers and trafficked persons from East European countries and Africa. Therefore, although the Danish authorities regulated the criminality of sex trafficking, their inclination towards legalization of prostitution flourished the sex trafficking business.

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