



**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP(2014)12
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Sweden**

*adopted at the 14th meeting of the Committee of the Parties
on 7 July 2014*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as “the Convention”), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Sweden on 31 May 2010;

Having examined the Report concerning the implementation of the Convention by Sweden, adopted by GRETA at its 19th meeting (17-21 March 2014) in the framework of the first evaluation round;

Having examined the comments of the Swedish Government on GRETA’s report, submitted on 16 May 2014;

Welcoming the measures to combat trafficking in human beings taken by the Swedish authorities, and in particular:

- the setting up of an institutional and policy framework to combat trafficking for the purpose of sexual exploitation and the recent broadening of their scope to cover other forms of exploitation;
- the steps taken to prevent trafficking for the purpose of sexual exploitation through awareness-raising campaigns and measures to discourage demand for sexual services;
- the possibility of issuing residence permits to victims of trafficking both on the basis of their personal situation and when co-operating with the investigation authorities;
- the steps taken to make compensation available to victims of trafficking, including through granting of state compensation;

- the efforts to promote international co-operation through the financing of anti-trafficking projects worldwide;

Taking note of the areas where further action is required in order to improve the implementation of the Convention by Sweden, in particular:

- adopting a comprehensive action plan addressing trafficking for all forms of exploitation, including labour exploitation, forced begging and forced criminality, and ensuring the involvement of NGOs, trade unions and other civil society actors in the planning, co-ordination and implementation of anti-trafficking policy;
- setting up a formalised national referral mechanism for the identification and assistance of victims of trafficking, which involves in addition to the police other frontline actors such as NGOs, labour inspectors, social workers and officials dealing with migration and asylum seekers;
- ensuring that all victims of trafficking are offered a recovery and reflection period and are provided with assistance according to their needs, regardless of their co-operation in the investigation and criminal proceedings;
- improving the identification and referral to assistance of child victims of trafficking and addressing the problem of unaccompanied minors going missing, including through the provision of appropriate accommodation, specialised support services and access to education;
- strengthening efforts to discourage demand for the services of victims of trafficking for all forms of exploitation, in partnership with the private sector and civil society;
- ensuring that victims of trafficking are not punished for their involvement in unlawful activities, including immigration-related offences, to the extent that they have been compelled to do so;
- strengthening the effectiveness of investigations and prosecutions with a view to securing more convictions for trafficking offences, including through the provision of training to judges, prosecutors and other relevant professionals.

1. Recommends that the Government of Sweden implement the proposals of GRETA listed in Appendix I to the Report concerning the implementation of the Convention by Sweden (see addendum);

2. Requests the Government of Sweden to inform the Committee of the Parties of the measures taken to comply with this recommendation by 7 July 2016;

3. Invites the Government of Sweden to continue the ongoing dialogue and co-operation with GRETA and to keep GRETA informed of the measures taken in response to its proposals.

Addendum

List of GRETA's proposals concerning the implementation of the Convention by Sweden

Definition of "trafficking in human beings"

1. GRETA invites the Swedish authorities to include abduction as one of the means for committing trafficking in human beings.
2. GRETA invites the Swedish authorities to explicitly include slavery and practices similar to slavery and servitude in the forms of exploitation resulting from human trafficking.
3. GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions.

Comprehensive approach and co-ordination

4. GRETA urges the Swedish authorities to take further steps to ensure that national action to combat THB is comprehensive, by paying increased attention to human trafficking for the purpose of labour exploitation as well as trafficking for forced begging and forced criminality, including trafficking within Sweden and re-trafficking from other EU member states. This should involve the adoption without further delay of an action plan addressing THB for all types of exploitation.
5. GRETA considers that the Swedish authorities should strengthen co-ordination between governmental bodies, municipal bodies and NGOs engaged in anti-trafficking action, and to ensure that NGOs are involved in the planning, co-ordination and implementation of national policy, in particular any future action plan on combating THB. The conclusion of formal Memoranda of Understanding between public bodies and competent NGOs should be encouraged.
6. GRETA considers that these developments should be accompanied by the provision of adequate human and financial resources to the National Task Force against Prostitution and Trafficking and to the National Co-ordinator, so as to enable them to effectively carry out their new expanded mandate. In this context, GRETA invites the Swedish authorities to give a more explicit national role to the office of the National Co-ordinator, which is currently placed within the County Administrative Board of Stockholm.
7. GRETA invites the Swedish authorities to establish the National Rapporteur as a *de jure* independent post with a mandate to monitor the anti-trafficking activities of state institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) as well as to provide the National Rapporteur with adequate resources to carry out this mandate.

Training of relevant professionals

8. GRETA urges the Swedish authorities to take further steps to provide regular training on THB for all types of exploitation to all relevant professionals (in particular, judges, prosecutors, police, Migration Board staff, social workers, labour inspectors, lawyers, Trade Unions officials, NGOs contracted as service providers). Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals, which enable them to identify victims of trafficking for all forms of exploitation and assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers involved in all forms of THB.

Data collection and research

9. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Swedish authorities should further develop a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, including prosecutors, courts, the Crime Victim Compensation and Support Authority and NGOs, providing assistance to victims of THB, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

10. GRETA considers that the Swedish authorities should conduct and support research on trafficking-related issues as an important source of information for future policy measures. Areas where research is particularly needed at present to shed more light on the extent and nature of the problem include trafficking for non-sexual types of exploitation, trafficking in children and among vulnerable groups, such as the Roma, and trafficking within Sweden.

International co-operation

11. GRETA invites the Swedish authorities to continue developing international co-operation with a view to preventing THB, assisting victims of trafficking and prosecuting offenders, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit.

Measures to raise awareness

12. GRETA welcomes the initiatives of the Swedish authorities to alert the general public and key stakeholders to the risks of THB for sexual exploitation and considers that the authorities should strengthen their awareness-raising efforts as regards THB for the purposes of all types of exploitation and not just sexual exploitation.

Measures to discourage demand

13. GRETA considers that the Swedish authorities should make further efforts to discourage demand for the services of trafficked persons for all types of exploitation, in partnership with the private sector and civil society, including trade unions and employers. In this context, GRETA invites the Swedish authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

Identification of victims of trafficking in human beings

14. GRETA urges the Swedish authorities to set up a formalised national referral mechanism defining clear procedures and roles of all frontline actors who may come into contact with victims of trafficking. In this context, the Swedish authorities should:

- strengthen the multi-agency involvement in the decision-making process leading to the identification of victims of trafficking, by giving a formal role in the identification process to frontline actors such as NGOs, labour inspectors, social workers and officials dealing with irregular migrants and asylum seekers;
- provide all frontline staff with operational indicators, guidance and toolkits for the identification of victims of trafficking subjected to different forms of exploitation and train them to use those identification tools;
- ensure that the police, social services, labour inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking, in particular as regards forms of exploitation other than sexual (labour exploitation, forced begging, forced criminality, etc.);

- ensure that the identification of victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings or the initiation of criminal proceedings;
- improve the identification of victims of trafficking among irregular migrants and asylum seekers, including through training of immigration police officers;
- address the problem of unaccompanied minors going missing, by providing suitable safe accommodation and adequately trained supervisors or foster parents, and ensure the timely identification of victims of trafficking among such children.

Assistance to victims

15. GRETA urges the Swedish authorities to strengthen their efforts to provide assistance to victims of trafficking, and in particular to:

- ensure that, in practice, access to assistance for victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings;
- provide safe and suitable accommodation to victims of trafficking for all types of exploitation, depending on their needs;
- ensure that suitable accommodation is provided to male victims of trafficking and that they have effective access to the assistance measures provided for in law;
- ensure that all children victims of trafficking benefit from the assistance measures provided for under the Convention, including appropriate accommodation, specialised support services and access to education.

16. In addition, GRETA considers that the Swedish authorities should introduce a set of common quality standards for assistance provided to victims of trafficking by all service providers and ensure an effective supervision of their observance in all municipalities.

Recovery and reflection period

17. GRETA urges the Swedish authorities to ensure that a recovery and reflection period is provided to all persons in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking. It should be made clear that the granting of the recovery and reflection period is not subject to co-operation with the law enforcement authorities in criminal proceedings.

18. Further, GRETA considers that victims of THB should be allowed to apply for the recovery and reflection period in person or through the social services and NGOs that have detected them. All victims of trafficking should be systematically informed of the possibility of benefitting from a recovery and reflection period and should be effectively granted such a period.

Residence permits

19. GRETA considers that the Swedish authorities should ensure that victims of trafficking, regardless of the form of exploitation, can fully benefit in practice from the right, provided under Swedish law, to obtain a renewable residence permit when a victim is unable to co-operate with the authorities. Further, GRETA considers that the Swedish authorities should take steps to raise awareness of this possibility among relevant professionals and victims.

Compensation and legal redress

20. GRETA considers that the Swedish authorities should strengthen their efforts to facilitate and guarantee access to compensation for all victims of trafficking, in particular by:

- ensuring that victims of trafficking are systematically informed, in a language that they can understand, of the right to seek compensation and the procedures to be followed;
- enabling victims of trafficking to exercise their right to compensation from the perpetrator or from the state, by ensuring their effective access to legal aid and by allowing them to stay in the country for the duration of the proceedings.

Repatriation and return of victims

21. GRETA considers that the Swedish authorities should take further steps to ensure compliance with *non-refoulement* obligations (as per Article 40(4) of the Convention). GRETA also considers that steps should be taken to strengthen co-operation with countries of origin of victims of trafficking in order to ensure safe and preferably voluntary return as well as effective reintegration of victims. The return of victims of THB from different municipalities should be carried out in a co-ordinated manner that ensures compliance with the State's obligations.

Substantive criminal law

22. GRETA considers that the Swedish authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account.

Non-punishment of victims of trafficking in human beings

23. GRETA urges the Swedish authorities to strengthen their efforts to ensure that victims of trafficking are not punished for offences related to THB, including immigration-related offences, in compliance with the non-punishment clause contained in Article 26 of the Convention. The authorities should consider issuing guidance to public prosecutors, advising them of the steps to be taken when prosecuting suspects who might be victims of trafficking.

Investigation, prosecution and procedural law

24. GRETA urges the Swedish authorities to take steps to identify gaps in the investigation procedure and the presentation to cases in courts, *inter alia*, with a view to ensuring that human trafficking offences for all types of exploitation are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions.

Protection of victims and witnesses

25. GRETA considers that the Swedish authorities should strengthen the training provided to judges, prosecutors and other relevant professionals on the issue of THB and the relevant criminal law provisions with a view to ensuring practical application of these provisions so that victims of trafficking, including children, subjected to different types of exploitation, are adequately informed, protected and assisted during the pre-trial and court proceedings.