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GRETA(2013)17

Reply from Sweden
to the Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the Parties

This reply has been made public at the request of the Swedish authorities

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Preliminary Questions

Question 1

1.a. Please specify which State body/agency was responsible for co-ordinating and collecting the replies to this questionnaire.

The Ministry of Justice (Division for Criminal Law) was responsible for co-ordinating and collecting the replies to the questionnaire.

1.b. Please specify the name and professional title of the person heading this State body/agency.

Name

Ms Beatrice Ask

Professional title

Minister for Justice

1.c. Please indicate if this person is the "contact person" appointed by your country to liaise with GRETA (or a different person).

~~Yes~~ No

Question 2

2. Which State bodies/agencies contributed to responding to this questionnaire? Please indicate the main responsibilities and/or fields of competence of each of these bodies/agencies.

State body/agency contributing to responding

Government Offices, see below.

Main responsibilities and/or fields of competence of this State body/agency

Ministry of Justice is responsible for legislation concerning the constitution and general administrative law, civil law, procedural law and criminal law. The Ministry also handles matters relating to migration and asylum policy. In the international arena, the Ministry takes part in efforts to lay the groundwork for international cooperation against cross-border crime.

Ministry for Foreign Affairs is responsible for among others foreign and security policy as well as international law and human rights.

Ministry of Defence is responsible for defence policy, protection and preparedness against accidents and preparedness for severe peacetime emergencies.

Ministry of Health and Social Affairs is responsible for policy areas such as public health, health and medical care, social issues/insurance, the rights of the child, housing and construction, religious communities, state administration and public procurement.

Ministry of Finance is responsible for matters relating to economic policy, the central government budget and taxes.

Ministry of Education and Research is responsible for issues concerning education and research, gender equality, policy for civil society and youth policy. The department is the coordinating body in relation to the implementation of the Swedish National Action Plan to combat prostitution and human trafficking for sexual purposes.

Ministry of Employment is responsible for areas such as labour market policy, working life, integration and discrimination issues.

State body/agency contributing to responding

Other authorities, see below.

Main responsibilities and/or fields of competence of this State body/agency

The Swedish National Police Board is the central administrative and supervisory authority of the police service. Among other things, the Board is responsible for the development of new work methods and

technological support. It is also - through the National Police Academy - responsible for the training of police officers.

The Prosecution Authority is an independent organisation. The prosecutor conducts both the investigation and brings the case to court. The Office of the Prosecutor-General is the "head office" of the Swedish Prosecution Authority with responsibility for legal development, the operations in the Supreme Court and administrative tasks.

The Swedish National Council for Crime Prevention is a center for research and development within the judicial system. The Council primarily works to reduce crime and improve levels of safety in society by producing data and disseminating knowledge on crime and crime prevention work. The Council also produces Sweden's official crime statistics, evaluates reforms, conducts research to develop new knowledge and provides support to local crime prevention work.

The Swedish Migration Board is an independent government authority. It applies the laws and carries out the activities decided by the Swedish Parliament (Riksdagen) and the Government. The Board answers to the Ministry of Justice and the Ministry of Employment. The main responsibilities are to receive, examine and, as a first instance, decide applications regarding visits to Sweden, asylum, residence permits and citizenship. Other tasks carried out by the Swedish Migration Board are, e.g., offering accommodation and employment to asylum seekers during the period in which their applications are being considered and giving support to asylum seekers whose applications have been refused and who are to return home.

The Swedish Coast Guard is a civilian authority under the jurisdiction of the Ministry of Defence.

The Crime Victim Compensation and Support Authority is among other things responsible for state compensation to victims of crime.

The National Board of Health and Welfare is a government agency under the Ministry of Health and Social Affairs, with a very wide range of activities and many different duties within the fields of social services, health and medical services, environmental health, communicable disease prevention and epidemiology.

The County Administrative Board is the representative of the Government in the region and the coordinating body for State activities in the county. Sweden is divided into 21 counties. Each county has a county administrative board and a county governor. The County Administrative Board of Stockholm has received a commission from the Government to develop and improve the efficiency of national level co-operation in the work against human trafficking for sexual purposes and prostitution.

Question 3

3.a. Did any non-governmental organisations (NGOs) or other entities of civil society contribute to responding to this questionnaire?

~~Yes~~

No

3.b. If so, please indicate the main activities of each of the NGOs and/or other entities of civil society which contributed.

Name of NGO or other entity of civil society (Not answered)

Main activities of NGO or other entity of civil society (Not answered)

3.c. If not, please comment.

(Not answered)

I. Integration of the core concepts and definitions contained in the Convention in the internal law of the parties

Section I.1. Integration of the Human Rights approach to action against trafficking in human beings

Question 4

4. Please indicate if, in your internal law, THB is considered as a human rights violation (or only a criminal offence, see Section II.3. below).

~~Yes~~

No

Possible comments concerning your reply

According to international law, human rights regulate the relationship between the state and the individual. The rights pertain to the individual, and the state is responsible for ensuring that the rights are respected by public authorities and other state actors. The State also has to take practical steps to implement the rights and prevent violations, for instance by means of a functioning judicial system, legislation and education. The state may therefore be considered responsible if it has failed to exercise due diligence to prevent, investigate and punish acts of THB. Such was for instance the case in the *Rantsev v Cyprus and Russia* judgement.

Provisions regarding human rights and fundamental freedoms are laid down in Swedish constitutional law, the Instrument of Government. Furthermore, the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms has been incorporated into Swedish law and given special status in the hierarchy of norms as the Instrument of Government prohibits any regulation in contravention with Sweden's commitments under the Convention.

THB is considered as a serious criminal offence under Chapter 4, Section 1 (a) of the Swedish Penal Code. The legislation constitutes an appropriate legal framework for fulfilling the duty to penalise THB as a crime which threatens the human dignity and fundamental rights of its victims as laid down in the European Convention on Human Rights.

Question 5

5. Please indicate what special legal protection exists under your internal law (including case law, if any) in cases of violations of human rights, which would apply in cases of THB (For example, constitutional protection, positive obligation of the state, priority examination, etc.)

See the replies to questions 4 and 6.

Section I.2. Comprehensive approach to THB, co-ordination of all actors and actions to prevent and combat THB and to protect its victims, and international co-operation

Question 6

6. Please indicate the titles of the main internal legal provisions and/or regulations containing measures to prevent THB, to protect and assist its victims, and to criminalise THB and prosecute traffickers.

Criminalisation

The Swedish Penal Code

THB: Chapter 4, Section 1 (a) (For the full text of the provision, see question 46). Attempted human trafficking and preparations for and conspiracy to engage in human trafficking as well as failure to expose such crimes are also punishable, see under Chapter 4, Section 10 together with Chapter 23, Sections 1-3. Incitement and complicity are punishable in accordance with the provision of Chapter 23, Section 4. There is no demand for dual criminality concerning an offence of THB committed abroad, see Chapter 2, Section 2.

Procuring: Chapter 6, Section 12 (For the full text of the provision, see question 47). Attempted procuring and attempted gross procuring are punishable according to Chapter 6, Section 15 together with Chapter 23. The same applies to the preparation and conspiracy to commit gross procuring and failure to expose such crime. Incitement and complicity are punishable in accordance with the provision of Chapter 23, Section 4. • Purchasing – and attempt to purchase – sexual services: Chapter 6, Section 11. Incitement and complicity are punishable in accordance with the provision of Chapter 23, Section 4. (For the full text of the provision, see question 47)

Purchasing – and attempt to purchase – a sexual act from a child: Chapter 6, Section 9 (For the full text of the provision, see question 47). Incitement and complicity are punishable in accordance with the provision of Chapter 23, Section 4.

Temporary residence permit

The Aliens Act (2005:716)

• Chapter 5, Section 15 (For the full text of the provision, see question 40).

Procedural rules

The Code of Judicial Procedure

The provision on the prosecutor's obligation to prosecute is found in Chapter 20, Section 6.

Other relevant provisions: Chapter 5, Sections 1 and 10, Chapter 35, Section 14, Chapter 36, Sections 4 and 18 and Chapter 37, Section 3.

The Act on Counsel for an Injured Party (SFS 1988:609)

The Act on Special Representative for a Child (SFS 1999:997)

The Act on Security Checks in Court (SFS 1981:1064)

The Public Access to Information and Secrecy Act (SFS 2009:400),

In particular, Chapter 35, Section 12.

(For more information about the legislation and relevant provisions, see questions 37 and 55).

Compensation to victims

Tort Liability Act

The Criminal Injuries Compensation Act (1978:413)

(For more information about the legislation, see question 42)

Social Service responsibilities and health care

The Social Services Act (2001:453)

In particular, Chapter 2 a, Section 1, Chapter 3, Section 5, Chapter 4, Section 1 and 2 and Chapter 5, Section 11.

The Act (2008:344) on health care for asylum seekers and others

Section 5, second paragraph.

(For more information about the legislation, see question 37)

Question 7

7.a. Does your country have a comprehensive national policy and/or a National Action Plan to combat THB?

Yes ~~No~~

7.b. If so, please indicate its title, date of adoption and duration, main fields of action and the body/bodies responsible for its implementation.

Title

National Action Plan to combat prostitution and human trafficking for sexual purposes

Date of adoption

10/07/2008

Duration (in years)

2

Main fields of action and body/bodies responsible for its implementation

The Swedish Government adopted its first National Action Plan to combat prostitution and human trafficking for sexual purposes in July 2008. The plan, that covers the period 2008-2010, encompasses five priority areas and contains 36 measures to fight prostitution and trafficking for sexual purposes. The five priority areas in the plan are:

- Protection and support for people at risk;
- More emphasis on preventative work;
- Higher standards and improved efficiency in the justice system;

- Increased national and international cooperation;
- A higher level of knowledge and awareness.

More than 23 million Euro has been spent on the implementation of the measures in the Action Plan. A number of Governmental agencies such as the County Administrative Board of Stockholm, the National Board of Health and Welfare and the Swedish National Board for Youth Affairs were commissioned to carry out activities under the Action plan. Funding was also provided for activities conducted by the Council of the Baltic Sea States (CBSS) and by NGOs such as the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights. The Action Plan requires that special measures are taken on behalf of children and young people. Moreover, the Action Plan aims at intensifying outreach activities targeting those exposed to prostitution or trafficking for sexual purposes, and give greater priority to sheltered housing, treatment centres and other forms of support and protection. Evaluation and training of professionals are key elements of the plan.

In 2009 the Swedish National Council for Crime Prevention was commissioned by the Government to evaluate the results of the activities in the Action Plan. The evaluation was presented to the Government in November 2011. See further information under question 31.

The purpose of the Action Plan to combat prostitution and THB for sexual purposes was to initiate a set of different actions that would create sustained effects throughout the administration and the society. It was intended at the outset of the Action Plan that THB would be incorporated into the regular work of the Swedish administration with more vigour and carried out without temporary funding. However, for the period 2011–2014, the Government has decided to pursue its efforts against THB for sexual purposes. Therefore several measures have been decided in order to continue the work that was initiated during the period 2008–2010. The fight against this phenomenon is an important part of Sweden's gender equality policy.

Example of efforts in 2011–2014

In order to spread information on Swedish methods, initiatives and perspectives to curb and combat prostitution and THB for sexual purposes, the Swedish Institute has been commissioned by the Government to organise visiting programs and international seminars for foreign key actors. The program, and its various activities, aims to create a forum for exchanges of knowledge and information. (For further information see question 24)

For the period the National Board for Youth Affairs has received further funding for a continued training program for professionals working with youth. In particular, the funding is aiming at intensifying preventive work among young people who risk being exposed to sexual exploitation on the internet and other types of interactive media. (For further information see question 8)

The County Administrative Board in Stockholm has been commissioned to foster, at a national level, coordination and cooperation among actors working to combat THB for sexual purposes and prostitution in Sweden. The Board has an appointed National Coordinator for efforts to combat trafficking for sexual purposes and prostitution. As part of this work, the County Administrative Board of Stockholm has been commissioned to develop rehabilitation programs for victims of trafficking for sexual purposes and prostitution. The rehabilitation programs aim to empower victims of trafficking for sexual purposes to create a better future for themselves, by identifying what basic conditions and resources are needed for them to gain access to, inter alia, education and the regular labour market. The County Administrative Board of Stockholm also runs a safe return project to develop measures for safe returns for victims of trafficking to their home countries, to make trafficking victims' return safe, efficient and adequately organised so as to avoid the risk of re-trafficking. The project works closely with NGO's and Governmental bodies in countries of origin and in transit states, among other things with the aim to create routines for safe returns. (For more information about the commissions carried out by the County Administrative Board in Stockholm, see question 9, 22, 23 and 43)

Furthermore, the County administrative boards in Sweden (21 regional authorities) are commissioned to support and strengthen coordination of regional efforts to combat and prevent sexual trafficking and prostitution, as part of their work against men's violence against women. The task involves collaboration with regional and national authorities to, among other things, foster exchanges of good practices, information and experiences.

Funding from the Action Plan (2008 – 2010) enabled several strategic actions by the Council of the Baltic Sea States (CBSS) Task Force against Trafficking in Human Beings. These actions are also the basis for activities by the Task Force in the period 2011 - mid-2014 for which Sweden continues to fund the Senior

Adviser of the Task Force. Sweden also continues to fund the CBSS children's unit and the Expert Group for Cooperation on Children at Risk (EGCC) within the CBSS.

The Task Force and EGCC and its actions are described under question 13.

Title

Action Plan for combating men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships

Date of adoption

15/11/2007

Duration (in years)

3

Main fields of action and body/bodies responsible for its implementation

In the Action Plan the Government sets its views on how men's violence against women, violence and oppression in the name of honour and violence in same-sex relationships should be combated, and describes the main elements in its work against such violence during 2007–2010. The Action Plan contains a wide range of measures in a variety of policy fields.

The aim of the Action Plan is to present the Government's intentions in all three areas in a single policy document and to describe how the work would proceed during the term of office. The plan covers six areas for measures and specific activities, each of which is important in its own right but which also complement and reinforce one another.

These areas are:

- increased protection and support to victims of violence
- greater emphasis on preventive work
- higher standards and greater efficiency in the judicial system
- better measures targeting violent offenders
- increased cooperation and coordination
- enhanced knowledge and competence

The Action Plan was evaluated by the Swedish National Council for Crime Prevention and the evaluation was presented to the Government in December 2010.

The Government is following up the major initiatives introduced within the context of the Action Plan. The level of ambition remains high. As previously, measures are to be implemented by the relevant agencies. The objective is for new working methods and approaches to be integrated into regular activities. An important part of future efforts will therefore be following up ongoing development work, continued education measures, and development and quality assurance of working methods to support and protect women subjected to violence and children who witness violence. A major part of this work is to build up knowledge and research. Follow-up and evaluation of the agencies' activities within the area will also make up a large proportion of the work.

Title

Action Plan against sexual exploitation of children in Sweden

Date of adoption

01/02/2008

Duration (in years) (Not answered)

Main fields of action and body/bodies responsible for its implementation

The present Action Plan against sexual exploitation of children was revised in 2007. The first Action Plan was adopted by the Government in 1998.

The Government's objectives in the Action Plan are to ensure that:

- No child in Sweden is to be subjected to sexual exploitation.
- No children in other countries are to be subjected to sexual exploitation by people from Sweden.
- Children subjected to sexual exploitation will receive the support and assistance they need.
- Sweden will contribute to effective international cooperation on these issues.

The Action Plan is primarily aimed at central and local Government authorities that come into contact with children, agencies responsible for tourism education programmes, the travel industry and voluntary organisations involved in these issues.

The plan contains ten new measures to further combat the sexual exploitation of children (including THB). The measures presented in the Action Plan involves following areas:

- sexual exploitation of children in tourism and travel;
- disseminating knowledge and information;
- identification of measures aimed at offenders;
- increased cooperation at national and international level;
- review the legislation.

The Ministry of Health and Social Affairs is responsible for the co-ordination of the plan's implementation. A follow-up of the measures in the Action Plan was conducted in 2010 and presented in an appendix to the Government's proposed strategy for strengthening the rights of the child in Sweden. The Government intends to follow up the entire action plan in 2012.

7.c. If not, please comment.

(Not answered)

Question 8

8.a. In your country are there persons or entities specialised in the fight against THB and the protection of victims?

Yes ~~No~~

8.b. If so, please describe the type and the periodicity of the training provided for these persons or the staff of these entities.

Specialised persons or entities

Sweden has had a National Rapporteur on trafficking in human beings since 1998. The National Rapporteur is placed at the Swedish National Police Board, the central administrative and supervisory authority of the police service. The choice to locate the function of the National Rapporteur within the Swedish National Police Board is partly linked to the issue of accessibility of relevant information, i.e. intelligence and other privileged information.

The responsibilities of the National Rapporteur include

- collecting information on the extent of THB in Sweden and abroad
- monitoring progress in the fight against THB
- analysis of investigations, prosecutions and sentencing of buyer, procurers, traffickers and organised crime networks
- monitoring, evaluation and dissemination of information about emerging issues, such as new forms and methods of THB to and within Sweden

Each year, the National Rapporteur provides a report with an overview of the situation as regards THB to, in and from Sweden. At present, the twelfth report has been published. (The reports could be found at <http://www.polisen.se/en/Languages/Service/Publications/Trafficking-/>)

The Police: The National Bureau of Investigations has a dedicated group of officers working on THB. In addition, the three major cities in Sweden (Stockholm, Gothenburg and Malmö) have specialized units/entities for work against THB.

The Prosecution Authority: Sweden has three International Public Prosecution Offices located to the three largest cities. The prosecutors working at these offices are senior prosecutors specialized and trained in combating organised cross-border criminality. They are also trained in international cooperation in legal matters, which is an important part of THB investigations. Sweden's THB cases are investigated and prosecuted at these offices. A special division within The Prosecution Authority has the task to conduct development of practice and legal issues in the field of THB. It also has the responsibility for the collective knowledge within this field.

The Swedish Migration Board: The Board is involved in examining and deciding cases regarding temporary residence permit under Chapter 5, Section 15 of the Aliens Act (2005:716) (see Question 40). One important role for the Board is to be a good and effective detector of victims of THB and make sure that crime-fighting and supporting authorities, such as the Police and the Social Service, are notified as soon as possible when suspicion about THB arises.

Within the Swedish Migration Board, each one of the three divisions of Managed Migration and Citizenship, Asylum Examination and Reception have a co-ordinator for work against THB. The co-ordinators have pointed out contact persons at each department (working unit). In each place where the Swedish Migration Board is represented at least one member of the staff will have the task of covering issues regarding THB. Co-ordinators and contact persons have other tasks as well; their work on THB is not separated financially.

Since 2012 all applications for temporary residence permit under Chapter 5, Section 15 of the Aliens Act are handled at one department within the Swedish Migration Board (the department for Managed Migration and Citizenship in Gothenburg). The purpose of this arrangement is to get a more uniform handling and to improve the information to the persons in charge of the preliminary investigations.

Training provided for the staff of these entities

In September 2008, the Government commissioned the Swedish National Police Board and the Prosecution Authority to reinforce current operational initiatives against prostitution and THB for the purposes of sexual exploitation, and to ensure methods and skills are developed in this field.

The Police: The Swedish National Police Board undertook a number of measures during the period of the commission (2008–2010), which are expected to give a lasting result within the Police as regards the preventive activities and combating prostitution and THB for the purposes of sexual exploitation.

The National Police Board's aims with the Government commission included for example:

- detecting more crimes concerning THB for the purposes of sexual exploitation, procuring, the purchase of sexual services and the purchase of sexual acts by children;
- making these investigations more effective by developing Police methods and skills through training initiatives as required;
- reinforcing the operational initiatives and stimulating enduring work;
- improving collaboration with other authorities and organisations affected by the Government's Action Plan to combat prostitution and THB for sexual purposes;
- collaborating with Sweden's Crime Victim Compensation and Support Authority to improve the way victims of crime are treated, to produce quality assured methods of working and to support the on-going research in the field, and
- strengthening international collaboration.

Collectively, the actions were intended to increase skills within the Police, improve collaboration with other public authorities and organisations, and to increase and make more efficient the operational initiatives to ensure that more crimes are detected and investigated.

The funding assigned in conjunction with the Government commission for developing methods and skills were mainly distributed to special needs-based training initiatives, local development work at the police authorities, collaborative activities, training programmes for improved treatment of crime victims and development work at the Swedish National Police Board. The Government allocated 4,5 million Euro for this purpose.

To increase the number of operational initiatives, the skills development was aimed initially at the groups within the Police which are working on acquiring information concerning suspected criminal activities. Examples of groups such as these would be the informer activities, criminal intelligence service, forensics

and police personnel who are working on secret telephone surveillance. During the period 2009-2010, as a result, the police authorities increased their reporting of information on THB and prostitution to the the National Bureau of Investigation.

Examples of method and skills development for the police authorities during the commission period:

- Further training at the Police Academy for preliminary investigation managers and investigators of crimes which concern THB for sexual purposes, procuring and the purchase of sexual services.
- Courses at the Police Academy concerning qualified intelligence work on the Internet.
- An interactive training course on THB which is available for all police employees on the Swedish Police intranet.
- A manual for investigators.
- Four work meetings/experience seminars for police and prosecutors with a great deal of experience in investigating offence of THB to make the Swedish Police's work in this field more efficient.
- Initiatives for developing methods and skills concerning the particular problems that become relevant when children and teenagers are subject to THB and sexual exploitation.
- A special initiative for the improved treatment, within the judicial system, of people with experience of prostitution.
- The distribution of funding to a number of police authorities for local development.
- An information site on preventive measures and combating prostitution and THB for sexual purposes was published on the Swedish Police intranet.
- The Swedish National Police Board's own development work with regard to strengthened international collaboration comprised of participating in different working parties within the EU, in an EU-financed project, and in several of the programmes of visits that the Swedish Institute arranged for key foreign players.

The Government commission led to a marked increase both in the number of reports filed and preliminary investigations initiated on crimes related to THB, although there are still differences between the police authorities. However, the reports received by the Swedish National Police Board in 2010 indicated that the number of reports, preliminary investigations initiated and cases brought concerning other forms of THB increased more during the assignment period than as regards THB for the purposes of sexual exploitation. The Government commission created good conditions for the police authorities to continue improving their efforts to prevent and combat prostitution and THB for sexual purposes and related criminality.

The Prosecution Authority, in cooperation with the Police, has since 2008 arranged special training for prosecutors who are specialised on handling trafficking cases at the International Public Prosecution Offices. Training on issues on how to best treat and respond to victims of THB during the investigation has also been arranged for these specialised prosecutors. Additionally, training to raise awareness of the phenomenon of trafficking, the victims of trafficking (VoT) and their situation has been held during 2009–2011. The latter training is offered to prosecutors in general and not only to the prosecutors specialised in investigating trafficking cases. The purpose of this more general training is to highlight the topic of trafficking in order to promote early detection of these cases within the general penal system. The financial resources allocated specifically to this training are not specified.

The Swedish Migration Board carries continuously out training sessions to enhance knowledge about THB issues among the Board's officials. During 2012, eight half-day training sessions with 25 participants at each time will be held about THB issues by the Board's co-ordinators in cooperation with the Police and/or the Social service. The Swedish Migration Board is also one of the participating authorities in CBSS's Safe Trip campaign, see question 22.

Other measures to provide training for persons and staff in prioritised agencies

Several measures have been taken to train persons and staff in prioritised agencies. The majority of the measures are deriving from the National Action Plan to combat prostitution and THB for sexual purposes.

The Crime Victim Compensation and Support Authority was in 2008 instructed by the Government to set up and, in consultation with other relevant agencies, provide a training programme targeting the judiciary, police authorities, public prosecution offices and employees of the Swedish Migration Board. The training

programme aimed at increasing the knowledge of mechanisms which have an effect on the occurrence of prostitution and trafficking for sexual purposes. The programme also aimed at improving the treatment of persons who have been subjected to prostitution and trafficking for sexual purposes. The Crime Victim Compensation and Support Authority delivered a final report on the assignment on 15 December 2010.

Furthermore, as part of the National Action Plans to combat men's violence against women, violence and oppression in the name of honour and violence in same-sex relations, as well as prostitution and THB for sexual purposes, the Crime Victim Compensation and Support Authority in 2008 was instructed by the Government to establish and in 2009–2010 run a programme for research and studies. The programme aimed at improving knowledge and awareness in this area, by such means as developing research-based working methods for action targeting both women exposed to violence and children who have witnessed violence, and interventions targeting violent men. The Government allocated 4,8 million Euro for the research programme. The Crime Victim Compensation and Support Authority delivered a final report on the assignment on 15 December 2010.

The Crime Victim Compensation and Support Authority was instructed in June 2011 by the Government to continue the running of the research programme from 2011 through 2014. The Government allocated 4,5 million Euro for this purpose.

The Swedish National Courts Administration has participated as a collaborating partner in a project on trafficking for sexual purposes and legislation on prostitution. The project is led by the Crime Victim Compensation and Support Authority. Judges and junior judges have participated in seminars and training-courses. The training program is constructed for the judicial system and aims at enhancing knowledge about victims of sexual violence. The main purpose is to create conditions for concrete change and to improve the general approach towards such victims in connection with the reporting and investigating of sexual crimes as well as during court proceedings. 650 000 Euro was spent on the activity during the period of 2008–2010.

The Judicial Academy offers training for all professional judges. The training aims at giving each judge the best position to meet the high quality requirements of the judicial function. The Judicial Academy arranges recurrent training sessions on "Attempts, preparation and felony in crime, the sexual crimes". There is a section within this training session which focuses on definitions of sexual crimes and how to apply the relevant legislation.

Further, the on-going training of young judges includes a section on THB. In that section, ECPAT is one of the lecturing organisations. The goal of the training is to increase the knowledge of the participants as to the background of trafficking and the effects of that type of criminality on both society as a whole and on the individual.

The National Board for Youth Affairs has developed and carried out a training program for professionals working with children and youth, in order to intensify preventive work targeting young people at risk. The program aims at increasing professionals' knowledge on risks of sexual exploitation of young people, among other things on the internet and other types of interactive media. The work targets professionals working with children and youth, in various sectors and/or organisations. As part of this work the National Board for Youth Affairs has developed methodological material on sexual exploitation of children and young people, for use by professionals and NGO:s who work with young people. For the period 2011-2014 the National Board for Youth Affairs has received further funding for a continued training program for professionals working with youth. A total amount of 3 365 000 Euro has been spent on the measure.

Trainings have been provided as part of two projects conducted by the CBSS Task Force against Trafficking in Human Beings, a seminar for diplomatic and consular personnel in Stockholm in May 2010 and as a key component of the Safe Trip campaign for the staff of Kvinnofridslinjen, a national telephone support line for women subjected to threats and violence, on taking calls from victims of trafficking. See question 13 for information on the CBSS Task Force, question 22 for more on the Safe Trip campaign and question 27 for more on the training for diplomatic and consular staff in the Baltic Sea Region. The Government allocated 750 000 Euro for the purpose.

The Government has commissioned the National Board of Health and Welfare to produce training material for staff providing support and services to VoT for sexual purposes. A total sum of 1,2 million Euro was allocated for this assignment. In March 2011 they presented two training materials, one focusing on support to adults and one focusing on support to children and young people.

The National Board of Institutional Care has worked to develop methods for enhanced care for youth in institutional care that are, or run the risk of becoming, victims of trafficking for sexual purposes or prostitution.

Within the project the Board has developed methods to map needs and provide support for youth in institutional care with regard to exploitation. Training and awareness raising activities aimed at both staff and clients in care have also been conducted. 380 000 Euro has been spent on the measure. The measure of The National Board of Institutional Care has resulted in an increased knowledge of the vulnerability of youth and of the clients. It has also increased the knowledge of prostitution and THB. Finally it has increased the knowledge on sexuality and gender.

8.c. Please specify the financial resources (in euros) allocated to this training.

Financial resources (in euros) allocated to this training. (Not answered)

8.d. If not, please comment. (Not answered)

(Not answered)

Question 9

9.a. Is there, within your governmental structure, a national body responsible for co-ordinating all national actors and actions against THB? (regardless of the denomination and whether it was set up for this specific purpose or whether this responsibility was assigned to an already existing governmental body)

~~Yes~~ No

9.b. If so, please specify its name, administrative status, annual budget (in euros), human resources, composition and competences.

Name of the co-ordinating body (Not answered)

Annual budget (in euros) of the co-ordinating body (Not answered)

Administrative status, human resources, composition and competences of the co-ordinating body
(Not answered)

9.c. If there is currently no such co-ordinating body, are there any plans to set one up in the near future?

~~Yes~~ No

9.d. If so, please give details. (Not answered)

(Not answered)

9.e. If not, please comment.

The Ministry of Education and Research (Division for Gender Equality) is the coordinating body in relation to the implementation of the National Action Plan to combat Prostitution and Human trafficking for sexual purposes.

Under the auspices of the National Action Plan against Prostitution and Human Trafficking for sexual purposes, the County Administrative Board of Stockholm received the task to coordinate the work for a continued and developed cooperation between foremost key state actors at an operational level. In 2011, its mandate was extended until 2014, in which the County Administrative Board of Stockholm shall coordinate the work of state actors and strengthen cooperation between state actors and Non-Governmental Organisations (NGOs). Its coordinating role and interaction with partners is purely based on consensus and its task is only related to efforts concerning THB for sexual purposes.

The National Coordinator (NC) and the National Coordination Secretariat against Prostitution and Trafficking (NCS) is located at the County Administrative Board of Stockholm and employs three full time staff members. The annual budget up until 2014 amounts to approximately 700 000 Euro. In order to implement given tasks, the NCS has developed, and is currently maintaining an operational oriented Task Force, National Task Force against Prostitution and Trafficking (NMT) and several other national networks. These mechanisms aim towards the strengthening and improvement of cooperation and case management, the dissemination of information and awareness-raising, capacity building activities among other things. (For a description of these networks and task force, see question 12)

Concerning international actions against THB it should be mentioned that since September 2011 there is an appointed special ambassador at the Ministry for Foreign Affairs with the task to coordinate and intensify Sweden's anti-trafficking work in the United Nations and other international organisations.

Question 10

10.a. Is this co-ordinating body also responsible for the co-ordination of the collection of administrative data or population survey data on THB?

~~Yes~~ No

10.b. If so, please give details or comments. (Not answered)

(Not answered)

10.c. If not, please specify which body/entity has this responsibility.

In Sweden a number of entities are responsible for the collection of data on THB.

The National Rapporteur primarily collects data, information and intelligence about THB from the services of the Police throughout Sweden. This information is complemented by other sources that help providing a comprehensive overview of the situation and criminal intelligence that provide additional elements for a comprehensive view on the phenomenon that goes beyond the judicial process. In this sense, the National Rapporteur fulfills a coordinating role. The Rapporteur provides yearly a report with statistic on THB-cases.

The Swedish National Council for Crime Prevention is responsible for producing and publishing official crime statistics, where THB is one offence among others. It publishes annual statistics on reported offences, solved cases, persons suspected of offences, persons found guilty of offences and recidivism. The information gathered is based on offences reported to the police, customs authorities and the prosecution service.

Since year 2011 The Crime Victim Compensation and Support Authority collects statistics about how many victims receive criminal injuries compensation, including VoT.

The Swedish Migration Board is responsible for statistics about recovery and reflection period, residence permit and repatriation and return of victims. It should however be noted that the statistics refers to residence permits not only for VoT, but all persons of evidence.

Question 11

11.a. Do NGOs have full membership status in your national co-ordinating body?

~~Yes~~ No

11.b. If so, how many? (Not answered)

(Not answered)

11.c. Please describe the criteria for NGO membership. (Not answered)

(Not answered)

11.d. If not, please comment

As mentioned above, the County Administrative Board of Stockholm does not have a formal mandate to decide over the roles and responsibilities of other authorities and NGOs and their participation in the national coordination mechanisms. Consequently, there is no membership status to be given out or approved. The County Administrative Board of Stockholm does however cooperate with approximately 20 NGOs for example the Salvation Army, Stadsmissionen and Unga kvinnors värn. The cooperation is very informal and the organisations that are involved vary depending of the purpose with the cooperation. The cooperation exists in various areas at operational, as well as structural level.

Question 12

12.a. Are there any other national or international entities or bodies participating in your national co-ordinating body?

Yes ~~No~~

12.b. If so, please specify.

As mentioned in question 9, a National Task Force against Prostitution and Trafficking (NMT) has been established under the guidance of the County Administrative Board of Stockholm. NMT works in cooperation with the most experienced governmental authorities in the area of combating THB for sexual purposes and prostitution. The authorities involved are i.a.:

- National Police Board
- National Bureau of Investigation
- Specialised Police Units in Stockholm, Gothenburg, Malmo
- Prosecutor's office, International Public Prosecution Offices
- The Swedish Migration Board in Stockholm and Gothenburg
- Specialised Social services – Prostitution – units in Stockholm, Gothenburg and Malmo

NMT functions as a strategic resource with the purpose of improving communication and knowledge between governmental authorities, and thereby strengthen operational cooperation within the area of THB for sexual purposes and prostitution in Sweden. An important part of the work of NMT is to produce relevant material and to provide trainings for various target groups, including counties, municipalities, governmental authorities, cooperation units and official administrators. The task force, and the support that it can provide, is especially important in counties and municipalities which currently have limited experience in dealing with prostitution and THB for sexual purposes.

The National Coordinator (NC) and the National Coordination Secretariat against Prostitution and Trafficking (NCS), often serves as a first point of contact when help is needed in operational cases outside the bigger city-regions. The NCS then links and refer questions to the appropriate member of NMT depending on the nature of the needs. This linking and liaison function is at the very core of the cooperation mechanism and will be further developed.

Regarding safe return and re-integration of VoT for sexual purposes, the County Administrative Board of Stockholm is currently building up a pilot-project with the International Organisation for Migration Helsinki office. (See question 43 for further information on returns)

In order to reach out to the 21 counties of Sweden, the County Administrative Board of Stockholm has established a network gathering the County Administrative Boards. This group is cooperating in various activities such as information campaigns, seminars, dissemination of information and regional development of operational teams.

To safe guard information exchange between operational authorities (NMT e.g.) and non-operational authorities and NGOs, the County Administrative Board of Stockholm gathers an information network approximately three times a year.

As for cooperation with the civil society, this occurs on different levels and situations. NGOs, such as shelters, play an important role at the very operational level in cases where support and sheltering is provided to VoT for sexual purposes. The task has been carried out in cooperation with the Social services and Police authorities. Furthermore, NGOs have the possibility to apply for funding from the County Administrative Board of Stockholm to projects which they see as important. The County Administrative Board of Stockholm has also offered training to more than 40 safe houses and support centres that make up a national support network. The support network is administrated by NCS. The participation in the network will be open for other interested safe houses and centres and NCS plans to organise one or two trainings per year.

The CBSS Task Force against Trafficking in Human Beings (see question 13) maintains regular contact and is implementing joint activities with our national coordinating body, the NMT.

12.c. If not, please comment. (Not answered)

(Not answered)

Question 13

13. Please describe the legal basis for international co-operation between your country and other countries in the fight against THB. (Please indicate the title of the legal instruments.)

National legislation: title(s) and description

National legislation on international legal assistance

The Swedish provisions on international legal assistance in criminal matters are mainly contained in the International Legal Assistance in Criminal Matters Act (2000:562). The legislation mainly regulates the measures that Sweden can assist other states with and the prerequisites for providing assistance of this kind. The legislation also includes provisions on the possibilities for Swedish courts and prosecutors to

request legal assistance abroad. Under the Act, Sweden can as a main rule provide assistance even if Sweden does not have an agreement on legal assistance in criminal matters with the other state, i.e. no demand for reciprocity (mutual assistance) is made. The basis for the International Legal Assistance in Criminal Matters Act is that Sweden shall be able to assist other states with all measures that it is possible to undertake in a Swedish preliminary investigation or court proceedings.

There are also supplementary provisions on international legal assistance in certain cases in the Act on Joint Investigation Teams for Criminal Investigations (2003:1174). This Act regulates certain forms of cooperation used within the framework of international legal assistance and also in international police work. The forms of cooperation regulated in the Act are joint investigation teams, controlled deliveries and crime investigations and use of protected identities.

The Extradition for Criminal Offences Act (1957:668) regulates the conditions and procedures for extradition from Sweden. Since 1 January 2004, in relationships with other European Union Member States, the Act (2003:1156) on surrender from Sweden according to the European arrest warrant is applied. Surrender can, as extradition, be requested for two reasons, either so that a person shall serve a sentence already passed in the other country or so that legal proceedings can be started against the person there.

International (bilateral and/or multilateral) instrument(s)/agreement(s): title(s) and description

International agreements on cross-border legal assistance and extradition for criminal offences

There are also several international agreements on cross-border legal assistance in criminal matters, see below. The aim of international legal assistance is to enable prosecutors and courts in Sweden and abroad to assist one another when investigating crimes, for example when investigating THB. Legal assistance can be requested and provided both during a preliminary investigation and during a trial.

In some cases, the prosecutors' request facilitation by Eurojust. Efforts are made in order to make sure that all cases where the assistance of Eurojust could be of added value are directed to Eurojust. Since THB is a prioritized crime for the Swedish Prosecution Authority, Sweden's current national member at Eurojust was encouraged to and successfully applied to become the chair of a Eurojust Team called "Trafficking and related Crimes Team". The team has organized a so-called strategic seminar on THB which took place in April 2012.

Another way of cooperating is extradition for criminal offences. Extradition involves cooperation, mainly between states, to facilitate both legal procedures and the enforcement of sentences. Traditionally Sweden has not made extradition conditional on the existence of an agreement with the other state involved. Some states, however, will not allow extradition without the existence of a formal agreement, and there are several such agreements. Within the EU the procedure for extradition has in general been replaced by surrender according to the Council Framework Decision of July 13 2002 on the European arrest warrant and the surrender procedures between Member States.

International co-operation for the Police

For the Police, a number of international agreements on cross-border cooperation of varying detail and form are in place. There are also a series of bilateral agreements with a number of countries. These agreements serve the purpose to provide a formal basis for, in particular, exchange of information. In the case of Sweden, the basis for cooperation and exchange of information is laid down in the legislation, i.e. particular agreements are not required for the exchange of information.

According to the Police Data Act (2010:361) , if it is compatible with Swedish interests, personal data may be disclosed to

1. The International Criminal Police Organisation or the European Police Office or a police authority or prosecution authority in a State Party to the International Criminal Police Organisation, if this is necessary to enable the authority or organisation to anticipate, prevent, detect, investigate or take action against crime, or
2. a foreign intelligence or security service.

Further, data may be disclosed to a foreign authority or international organisation if this follows from an international agreement to which Sweden has acceded following the approval of the Parliament (Riksdagen).

Sweden is also active in the Baltic Sea Task Force on Organised Crime (BSTF) which was set up in 1996 under Swedish chairmanship with a view to strengthen operational cooperation in the region. Since then a number of operative projects and intelligence projects have been carried out, including on THB. The

mandate of the BSTF has now been extended until 2016 which gives opportunities to further enhancing regional cooperation against organised crime.

In addition, it could be mentioned that Sweden is an active partner in all EU fora addressing THB. At the political level, Sweden is promoting further developments of the cooperation. During the Swedish Presidency of the EU in 2009, the opportunity was seized to make THB a priority, not least through the multi-annual Stockholm Programme on cooperation on Justice and Home Affairs. More specifically, Sweden focused on THB in the context of the EU external dimension, including on the need to improve the coordination of anti-trafficking efforts at EU-level. To this end, Sweden also initiated the appointment of an Anti-Trafficking Coordinator within the European Commission. Sweden is active in all more operative fora that deals with THB related issues, including the Standing Committee on Internal Security, Europol, Eurojust, Frontex and the informal Network of National Rapporteurs. In concrete investigation or for intelligence purposes, established EU cooperation mechanisms or channels for the exchange of information are used. In addition, Sweden has implemented or has been a partner in EU-funded projects against trafficking, both policy oriented and operative oriented. At present, Sweden is planning to address the "reversed" form of trafficking child sex tourism by means of an EU-funded project comprising fifteen partners.

Titles of the legal international instruments on international legal assistance

- UN Convention against Transnational Organised Crime and its Protocol to prevent, suppress and punish Trafficking in Persons, especially women and Children and the Protocol against Smuggling of Migrants by Land, Sea and Air.
- UN Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography.
- The European Convention for the Protection of Human Rights and Fundamental Freedoms.
- The 1957 European Convention on Extradition.
- The European Convention of 20 April 1959 on Mutual Legal Assistance in Criminal Matters.
- The Convention of 29 May 2000 on mutual legal assistance in criminal matters between EU Member States.
- EU Council Framework decision of 13 June 2002 on joint investigation teams (2002/465/JHA).
- EU Council Directive 2004/81/ EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration who cooperate with the competent authorities.
- EU Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims.

Examples of Sweden's international co-operation in the fight against THB

A well-functioning international co-operation is of great importance in the fight against THB. Sweden takes an active part in this work inter alia at an EU-level, in the Council of Europe and of course in the UN. Below follows some examples of Sweden's international co-operation in the fight against THB.

Eastern Europe, the Baltic Sea Region and the Balkans

Examples of Sweden's support to regional initiatives include support to Save the Children Sweden in Eastern Europe. This support include work in Romania to prevent child trafficking through counselling, study courses, vocational training and economic subsidies to girls in Romania who have returned there after having been trafficked to other countries. The support also includes information and training for police and other authorities likely to come into contact with girl trafficking victims. Work in Albania, Bosnia-Herzegovina, Montenegro, Kosovo and Romania includes child protection and the dissemination of information through national reports and the media. In Albania, public servants at central and local levels – including school personnel, staff at youth centers, and representatives for anti-trafficking organisations, have been provided with training and information materials on children and young people who have been VoT.

Sweden co-operates closely with its neighbours through CBSS and its Task Force against Trafficking in Human Beings (TF-THB) and the Expert Group for Cooperation on Children at Risk (EGCC). The overall objective of the CBSS Task Force, which comprises Ministerial experts, is to counteract THB in the Baltic Sea Region through preventive and protective activities. The mandate of the TF-THB is to fight THB in all its forms of exploitation. Activities aim at strengthening assistance to victims, promoting cooperation, abolishing

gaps in existing approaches and improving legislation. The Swedish Government also funds the Senior Adviser of the Task Force.

The CBSS TF-THB has developed and implemented several strategic activities, including:

- Trainings on Human Trafficking for Diplomatic and Consular Personnel in the CBSS Region in cooperation with the International Organization for Migration (IOM)
- A Joint Project with the United Nations Office on Drugs and Crime (UNODC) on Fostering NGO Law Enforcement Cooperation in Preventing and Combating Human Trafficking in, from and to the Baltic Sea Region
- Safe trip - an Information Campaign against Trafficking in Human Beings
- A study on Improved Data Collection and Support to Research on Human Trafficking in the Region

The EGCC, which comprises senior officials in ministries responsible for children's issues in the member states (the Swedish Ministry of Health and Social Affairs) and the European Commission, focus on i.e. protecting and supporting children in migration and children that are victims of trafficking. The EGCC is a platform for exchange between professionals working to support children at risk and involves child protection services, public agencies, non-governmental organisations, researchers and international organisations in its projects and activities. The EGCC coordinates projects addressing gaps in services, expertise and capacity among professionals in the member states. Activities and programmes are carried out together with national authorities, agencies and organisations in cooperation with regional and international organisations.

An ongoing project in Sweden and three other member states (Norway, Poland and Lithuania) – “Children trafficked for exploitation in begging and criminality” is implemented by the EGCC. The project is funded by the Swedish International Development Cooperation Agency (Sida), and the project objective is to increase the cooperation between the countries and exchange of experiences and knowledge between national teams consisting of investigating police officers, prosecutors, child protection professionals and representatives of a child right's NGO.

Asia

Sweden has supported the UN Inter-Agency Project on Human Trafficking (UNIAP) in Greater Mekong Sub-Region for many years. Contributions through Sida for the latest phase 2009-2011 amounts to 18 million SEK. UNIAP includes Cambodia, China, Laos, Myanmar, Thailand and Vietnam and the support has resulted among other things in the establishment of The Coordinated Mekong Ministerial Initiative against Trafficking (COMMIT), the signing of a Memorandum of Understanding between the countries, and a joint Plan of Action for preventing and combating human trafficking in the region. Prevention activities include information campaigns, vocational training, micro-credits and educational programmes for children vulnerable to trafficking; the adoption of anti-trafficking laws, training for police and other authorities and protection mechanisms for trafficking victims such as shelters, medical and psychosocial care and counselling, and support for safe return to home communities.

Africa

In Africa, Swedish support has enabled six countries to establish a regional network, African Network of CEDC (Children in Especially Difficult Circumstances) Caregivers, as part of a global initiative implemented by Save the Children Sweden and Uppsala University. The initiative began in 2007 and focused on the provision of medical and psychosocial services in partner countries in Africa and Asia.

Question 14

14. What steps have been taken by your country to ensure that the requesting party is promptly informed of the final results of action taken in the framework of international co-operation on action against THB, as provided for in Article 34 of the Convention?

It follows from standard procedures of international cooperation that requests or enquiries are replied to within a reasonable time frame. To this end, there is a national contact point in the International Unit of the National Bureau of Investigation. Sweden supports efforts to make international exchange of information and intelligence more expeditious. For this reason, Sweden also took the initiative for the EU Framework Decision on simplified exchange of information and intelligence, still known in Brussels as the “Swedish initiative”. Consequently, the Framework Decision provides provisions on time frames within which replies must be given. The Framework Decision is open as to which information is covered and therefore can be used as a basis for a number of types of information and intelligence.

In accordance with the Swedish International Legal Assistance in Criminal Matters' Act (Chapter 2, Section 17), when a matter concerning international legal assistance has been concluded, it shall be reported to the authority in the requesting State that made the request.

Question 15

15.a. Do the relevant authorities of your country have the possibility to spontaneously provide information, without prior request, to authorities of another country (if the disclosure of such information might assist the receiving country in initiating or carrying out investigations or proceedings concerning criminal offences established in accordance with the Convention?)

Yes ~~No~~

15.b. If so, please indicate how such information is transmitted and which authorities are involved.

Swedish authorities do have the possibility to spontaneously provide information to authorities of another country if the receiving authority is qualified to initiating or carrying out investigations or proceedings concerning criminal offences. If a Swedish authority has received information or evidence from another state in accordance with an international agreement that is binding on Sweden and which contains conditions that restrict the possibility to use the information or evidence in connection with the investigation of an offence or in legal proceedings by reason of an offence, Swedish authorities shall comply with the conditions notwithstanding what is otherwise prescribed by statute or other enactment.

15.c. If not, please comment. (Not answered)

(Not answered)

Question 16

16.a. Do your police forces carry out joint actions, on a bilateral and/or a multilateral legal basis, with the police forces from other parties to fight THB?

Yes ~~No~~

16.b. If so, please describe the action taken and provide an assessment of its impact.

An example of a joint action in collaboration with Denmark and Germany

Starting with a case of THB for the purposes of sexual exploitation with victims from Nigeria. The National Bureau of Investigation set up an intelligence operation. The case was named "Newton" and had the aim of initiating further preliminary investigations into Nigerian networks. Internationally operational collaboration was introduced with Denmark and Germany in which a preliminary investigation was carried out. The National Bureau of Investigation and the Police Authority in the county of Skåne assisted Germany in the case, which led to four people, some with a Swedish connection, being arrested in Germany in December 2010 on suspicion of THB.

16.c. If not, please describe any plans for joint action or obstacles to joint action. (Not answered)

(Not answered)

Section I.3. Definition of "THB" and of "victim" in the internal law of the parties

Question 17

17.a. Are all the elements of the three components (action, means and purpose) contained in Article 4a of the Convention included in the legal definition of THB established by your internal law?

Yes ~~No~~

17.b. Please describe how they have been integrated in your internal law.

All the elements of the three components are covered and integrated in the provision on THB in Chapter 4, Section 1(a) of the Penal Code, which reads as follows:

Anyone who by using unlawful coercion, deceit, exploitation of another person's vulnerable situation or by other such improper means (means) recruits, transports, transfers, harbours or receives a person (actions) with the intent that he or she shall be exploited for sexual purposes, the removal of organs, military service, forced labour or other activity in a situation that places that person in distress (purposes), shall be sentenced for trafficking in human beings. The wording of the law closely follows the UN Palermo Protocol and the EU Framework decision of 2002. For the full text of the provision, see question 46.

Question 18

18. Please indicate which of the following forms of THB are recognised under your internal law:

- ☒ national
- ☒ transnational
- ☒ linked to organised crime
- ☒ not linked to organised crime

Possible comments concerning your reply

The provision on THB under Chapter 4, Section 1 (a) of the Penal Code applies to national as well as transnational THB. Moreover, the provision covers both offences linked to organised crimes and those not linked to organised crimes.

Question 19

19.a. Under your internal law, is a "victim of THB" any natural person who is subject to THB as defined in Article 4e of the Convention?

Yes ☒ No ☒

19.b. Please provide the definition of a "victim of THB" under your internal law.

There is no explicit definition of a victim of THB in the Swedish legislation. Neither is there a system of granting a person status of a victim. Generally, it could be stated that a victim of THB is any natural person who is subject to THB as defined in Chapter 4, Section 1 (a) of the Penal Code. (For the full text of the provision, see question 46)

The concept of victim has however different meanings depending on the context.

In criminal proceedings an aggrieved person (målsägande) is a person against whom the offence was committed or who was affronted or harmed by it (Chapter 20, Section 8, the Code of Judicial Procedure). To be considered as an aggrieved person it is required that the crime is reported to the police and that criminal proceedings are initiated. The court decides whether a person is an aggrieved person when the Prosecutor submits a prosecution. According to Swedish law it is sometimes necessary besides being classified as an aggrieved person to be a party and/or to be heard in the court proceedings in order to get certain rights. This is the case for example when it comes to interpretation, translation and reimbursement for costs.

Help and support from the Social service and the civil society is however provided regardless if a person is considered as an aggrieved person in a criminal proceeding. Concerning questions of social service and health care the crucial issue is whether the victim is resident in Sweden or not. As a general rule, those resident in Sweden are entitled to all necessary support in order to achieve a reasonable standard of living, unless the needs can be met elsewhere. Other victims, who are not resident in Sweden, have a right to assistance and support for their emergency needs. The aggrieved persons and witnesses granted temporary residence permits have the same right to support as those resident in Sweden.

For more information about which types of assistance that are provided to VoT, see question 37.

19.c. Please provide (a translation of) the legal text(s) in English or in French.

Question 20

20. Does your internal law recognise as victims of THB:

- ☒ women
- ☒ men
- ☒ children

Possible comments concerning your reply

Question 21

21.a. To what extent does the consent of a person to intended or actual exploitation determine if that person will be recognised as a victim of THB under your internal law?

The consent of a person (be it a woman, man or child) to intended or actual exploitation is absolutely irrelevant for defining if that person will be recognised as a victim of THB. Moreover, consent is not an

element of the criminal offence of THB. The consent of a victim of THB to be exploited is therefore irrelevant for criminal liability. The criminal provision only requires a purpose to exploit. The offence is thus considered to be completed before any actual exploitation has taken place and the consent of a victim is therefore irrelevant.

21.b. Please specify if your internal law contemplates the consent of the three categories of victims:

Consent of the three categories of victims (Not answered)

21.c. Please provide examples.

II. Implementation by the parties of measures aimed to prevent THB, protect and promote the rights of victims of THB and prosecute traffickers

Section II.1. Implementation of measures to prevent THB

Question 22

22.a. Has a national/regional/local campaign or programme to alert the potential victims of THB to the various forms of exploitation been carried out in your country during the last two years?

Yes

~~No~~

22.b. If so, please provide the following details. (If more than one campaign or programme was carried out please provide the details for each of them.)

Title of campaign or programme

Safe trip campaign

Was it based on research for determining effective prevention methods?

Was it addressed to a particular group of potential victims?

The Safe Trip campaign is an information campaign especially directed at women who are potential victims of trafficking for sexual purposes and who have been, or are at risk of being trafficked to or within Sweden.

Which bodies, governmental or non-governmental, were in charge of implementing it?

The Safe Trip campaign was organised and implemented by the CBSS Task Force against Trafficking in Human Beings as a pilot in the Stockholm area. The County Administrative Board of Stockholm has supported the campaign.

Description of the material used for the campaign/programme and its dissemination

The Safe Trip campaign is an information campaign. The campaign carries the message in Swedish, English, Romanian, Russian, Spanish and Thai. The campaign has been developed in partnership with the 24 hour national telephone support line for women subjected to threats and violence (Kvinnofridslinjen). The campaign is an eye-opener to the crime of human trafficking and with the purpose to inform (potential) victims of how to receive help to escape a seemingly hopeless situation. Since 18 October 2010, the campaign Safe Trip has been displayed at local and international transport hubs especially in the Stockholm area through which victims could be trafficked en route to exploitation. Swedish authorities, service providers and organizations are also carrying the campaign and distributing it throughout the country.

If possible, please provide an assessment of the impact of the campaign/programme

Title of campaign or programme

The Reducing Demand campaign

Was it based on research for determining effective prevention methods?

Was it addressed to a particular group of potential victims?

The focus was put on reducing the demand by information and contemplation. The first part of the campaign was mainly focusing on the sex buyer while the second part focused on the buyer and the victim.

In the second part an information campaign was designed aiming at youth in order to prevent THB for sexual purposes. The final part of the campaign targeted young men and women and e.g. a material containing information, fictional and non-fictional stories and questions for discussion, was disseminated nationally to interested youth centers and schools.

Which bodies, governmental or non-governmental, were in charge of implementing it?

The campaign was financially supported by the County Administrative Board of Stockholm and led by an experienced NGO called "1000 möjligheter" in cooperation with other national actors such as, "umo.se", "ungdomsmottagning på nätet" and "tjejjouren.se".

Description of the material used for the campaign/programme and its dissemination

See above.

If possible, please provide an assessment of the impact of the campaign/programme

Title of campaign or programme

Titta inte bort! (Don't look away!)

Was it based on research for determining effective prevention methods?

Was it addressed to a particular group of potential victims?

The purpose was to alert travellers to questions about protecting children from sexual exploitation in conjunction with tourism and travelling.

Which bodies, governmental or non-governmental, were in charge of implementing it?

The Swedish Ministry of Health and Social Affairs together with the Swedish police and ECPAT Sweden stands behind the campaign against sexual offenses against children.

Description of the material used for the campaign/programme and its dissemination

The campaign (film-spot) builds on the campaign as Germany, Austria and Switzerland started in September 2010. The campaign has an educational message targeted directly to the traveller to draw attention to occasions where sexual exploitation of children in conjunction with tourism and travelling may be suspected. The film-spot was shown in airports and at Arlanda Express (a train between Stockholm Central Station and the airport Arlanda) during the period December 2011–March 2012. Information on how to contact the police is displayed clearly so that travellers directly can contact the police on suspicion of crime. The film-spot can still be seen on the Government's website, www.regeringen.se. The travel businesses have been offered the film-spot to use in their trainings and to show it on board their flights.

If possible, please provide an assessment of the impact of the campaign/programme

22.c. If there are currently plans for launching a new campaign or programme, please provide details.

During 2012, the County Administrative Board of Stockholm is financing a cooperation project between established organisations offering information and support to young people in prostitution through net based tools. This procedure has just started and therefore decision has not been made regarding which organisations that will receive financial support.

Question 23

23. Please describe the social and economic empowerment measures for disadvantaged groups vulnerable to THB which have been implemented or are planned.

The National Board of Institutional Care has been commissioned by the Government to develop methods for enhanced care for youth in institutional care that are, or run the risk of becoming, victims of THB for sexual purposes or prostitution. Within the project the Board has developed methods to map needs and provide support for youth in institutional care with regard to such exploitation. Training and awareness raising activities aimed at both staff and clients in care have also been conducted. 380 000 Euro has been spent on the measure.

The National Board for Health and Welfare has, after instructions from the Government, developed training materials regarding THB for sexual purposes and prostitution - one that focuses on the work with adults and one focuses on the work with children and young people. The material will provide staff in Social services, health care, youth services and voluntary organizations knowledge about prostitution and sex trafficking

which could be helpful in order to easier identify persons exposed to prostitution and THB for sexual purpose.

The County Administrative Board of Stockholm has been commissioned by the Government to develop rehabilitation programs for VoT for sexual purposes and prostitution. The rehabilitation programs are to consider the special needs of children, when rehabilitation is offered to a child. The rehabilitation programs aim to empower victims of trafficking to create a better future for themselves, by identifying what basic conditions and resources are needed for them to gain access to, inter alia, education and the regular labour market. These rehabilitation programs are to be tailor made to meet individual needs and provide support for trafficking victims whether they stay in Sweden or return to their home country. 217 000 Euro has been spent on the measure.

The County Administrative Board of Stockholm also runs a safe return project, funded and commissioned by the Government. The County Administrative Board of Stockholm plans, coordinates and develops measures for safe returns for victims of trafficking to their home countries. The project's objectives are to make trafficking victims' return safe, efficient and adequately organised so as to avoid the risk of re-trafficking. The project aims to provide victims with opportunities to start a new life when they are back in their home country. The project works closely with NGO's and governmental bodies in countries of origin and in transit states, among other things to create routines for safe returns. 1 085 000 Euro has been spent on the measure. For further information see question number 43.

Question 24

24. What preventive measures to discourage demand leading to THB, as provided for in Article 6 of the Convention, has your country adopted or is considering adopting?

Measures aiming to discourage demand leading to THB for sexual purposes

A criminal offence to purchase a sexual service. Efforts to counteract the demand to purchase sexual services are fundamental in combating both prostitution and THB for sexual purposes. Since January 1999, it has been prohibited to purchase sexual services in Sweden. The penalty for purchasing sexual services is a fine or imprisonment for, at most, one year.

The prohibition against purchasing sexual services has recently been subject of an evaluation. According to the Inquiry evaluating the law the prohibition is an important instrument in preventing and combating prostitution and THB for sexual purposes. The Inquiry notes that prostitution in Sweden, unlike in comparable countries, has at least not increased since the introduction of the law. Street prostitution has been reduced by half since the law was introduced. According to the Inquiry this reduction may be considered to be a direct result of the criminalization. The Inquiry also establishes that prostitution where the first contact is made via the Internet is more prevalent in our neighboring countries. Also, the Inquiry notes that prohibiting purchase of sexual services has had a normative effect. There is now strong support for the prohibition in Sweden (70 %). The law has proved to act as a deterrent to sex purchasers.

According to the Inquiry, Police in the field, as well as social workers, state that criminal groups that sell women for sexual purposes view Sweden as a poor market. They choose not to establish here because of the law prohibiting the purchase of sexual services. The few cases established were of a significantly lower scope than in other countries. Studies of wiretaps in cases of procuring and THB for sexual purposes also indicate that the demand in Sweden is not as great as the procurers and human traffickers would like.

On 1 March 2012, the National Board of Health and Welfare reported on the mission to evaluate the work of the municipalities in prostitution groups (FAST) and measures focused on sexbuyers (KAST). The results show that those who received treatment in the different groups have better self-esteem and their mental health has improved during the investigated period. Those who paid for sexual services or sex addicts also reduced their alcohol and drug consumption, and reduced their hyper sexual disorder. Study results will include use in a revision of the Board's educational material (2011) (see question 23) and will also form the basis of forthcoming publications within the authority's standing mandate to monitor and gather information on the extent of prostitution and development in Sweden.

The Swedish Institute has been commissioned by the Swedish Government to organise visiting programs and international seminars for foreign key actors, with a view to spread information on Swedish methods, initiatives and perspectives to curb and combat prostitution and THB for sexual purposes. The visiting program was commissioned in 2008, as part of the Swedish action plan. During 2008-2010 the scope of the visiting program was global; during 2011-2012 efforts are focused on key actors in Europe.

The program targets various groups of professionals with responsibilities and fields of work relevant to the topic, such as employees within judicial-, police- and social authorities, policy makers and other decision makers, as well as civil servants within governmental organisations. In addition, target groups involve NGO's, journalists and other experts who may have a specific interest in studying the Swedish efforts in preventing and fighting prostitution and THB for sexual purposes. The program, and its various activities, aims to create a forum for exchanges of knowledge and information.

The visiting program activities involve close cooperation with a number of Swedish experts on the subject, i.e. police authorities and prosecution offices, social welfare departments, NGO's and other actors of importance. A specific focus is set on the Swedish gender equality work, as lack of gender equality often constitutes a root cause of the problem of human trafficking for sexual purposes, as well as prostitution. 1 600 000 Euro has been spent on the measure.

Measures aiming to discourage demand leading to THB for other purposes of exploitation than sexual

An issue related to THB is the treatment of migrant workers. The generous legislation on labour migration for third country nationals entered into force in 2008 as amendments of the Aliens Act (2005:716). Problems with exploitation of labour migrants were early identified in relation to seasonal working berry-pickers.

With the berry season at hand 2011, the Swedish Migration Board launched new guidelines to ensure that the berry-pickers would receive the offered terms of employment and make clear the responsibilities for employers in the berry industry. The guidelines requires the employer to

- Report on how the company will be able to pay the offered wages even if it is a poor berry season and/if the worker is unable to pick berries corresponding to the monthly wages offered. This can be proved through specific bank agreements. The report must state any expenses that may affect the berry picker.
- Provide documentation that the berry-picker has received sufficient information about the nature of the job, the offered terms of employment, the right of public access and Swedish traffic safety regulations.

Foreign companies must register an affiliated company in Sweden.

The Swedish Migration Board's more stringent control on work permits for third country nationals in conjunction with a preparedness by the Police and the absence of some less credible companies lead to a far better situation for foreign seasonal working berry-pickers in 2011. This example shows that administrative measures, including stringent controls for work permits and employment agencies, as well as against non-serious businesses, e.g. tax controls in conjunction with a high level of awareness and readiness within responsible public services, make a difference. Businesses aiming to use cheap labour or workers with a view to exploiting them were not able to act. It also shows that co-operation between different authorities is essential in the fight against THB.

The positive outcome in this field has led the Swedish Migration Board to implement new guidelines in other areas of profession where exploitation of labour migrants has proven to occur. These new, more stringent, requirements means that businesses in, for example, the cleaning-, restaurant-, construction- and car repair industries as well as all new businesses must show that they can guarantee the employees' wages. The employer must also show that the employee has received information regarding the terms of employment. The control measures apply to applications submitted from 16 January 2012. It should be noted that the legislation for work permit procedures has not been altered. It is the rules for application of the law that have been modified.

Question 25

25. Please specify the measures taken by your country to ensure quality, security and integrity of travel and identity documents in order to prevent their unlawful creation and issuance as well as to ensure that they cannot be easily forged.

All passport applicants are required to appear personally at the passport office. Since October 2005 the passport applicant is obliged to let the passport office (within Sweden this is the police authorities and abroad this is our embassies and consulates) take a digital photograph of his/her face. The facial image is stored on a chip in the passport. Since 2009 the passport applicant is also obliged to let the passport authority enroll his/her fingerprints. The fingerprint is loaded into the passports' chip. All passport applicants are required to collect their issued passports in person.

Question 26

26. Please specify the measures taken by your country to detect cases of THB at its borders, inter alia by means of border surveillance teams and intelligence measures.

Sweden perceives measures at the border as an integral part of crime prevention and crime detection. In connection with THB, the Frontex Handbook on risk profiles on THB has been widely distributed to border posts.

The Swedish Coastguard (SCG) works closely together with the Swedish Police and Customs against organized crime, and is a contributing part in different regional intelligence co-operations, aimed at gathering operational capability in the event of cases with maritime-related THB, among other tasks. Work against THB has been a focus of the agency's operations. Detecting THB is one of the ordinary tasks in SCG's border control. In basic coastguard training in border control, there is a part devoted to THB. An e-learn training programme for border control officers has been developed together with the Swedish Police and Customs, and it will be launched this year. The purpose is to increase competence in the field, and contribute to the fight against transnational crime and illegal migration.

For information about training provided for police officers, see question 8.

Question 27

27. Please describe any measures taken to provide information, through consulates and embassies, about legal entry and stay on the territory of your country in order to ensure informed and legal immigration.

All Swedish embassies and diplomatic missions abroad have information on their websites about the means and requirements for applications for residence permits and work permits in Sweden. The Swedish Migration Board assists the Ministry of Foreign Affairs in providing the right information.

The Swedish Migration Board participates in the project "Ny väg in" ("A new way in") with the Swedish Public Employment Service and the independent think tank Global Forum. The project is co-financed by the European Integration Fund. It aims to inform Iraqi citizens about the possibility of applying for work permit and enter Sweden legally, as an alternative to use illegal ways to go to Sweden and then apply for asylum. By facilitating legal migration, the Swedish Migration Board hopes for an effect on THB.

The CBSS Task Force against THB (TH-THB) held a training seminar on human trafficking for diplomatic and consular personnel in Stockholm in May 2010. The seminar was part of a series of training seminars conducted in partnership with the IOM in the 10 CBSS capitals and in Brussels and Madrid under the Swedish and Spanish EU Presidencies. The aim of the seminars was to increase knowledge about THB of the staff responsible for consular matters in the embassies of CBSS and relevant non-CBSS countries in the Baltic Sea Region. All in all, 550 participants from 94 countries took part in these seminars.

The Seminars provided, among other things, an understanding of the nature of human trafficking, information regarding flows of human trafficking to, from and within the CBSS Region, an overview of the national and international legal framework, knowledge about how to handle suspicious and actual cases of human trafficking and about cooperating with authorities in line with international human rights standards, and understanding of the role of diplomatic and consular staff in identifying, assisting and safely repatriating VoT.

Building on the 12 training seminars the CBSS TF-THB has published an operational Handbook for Diplomatic and Consular Personnel on Victim Identification and Assistance. The handbook was printed and distributed in 2500 copies, including to participants in the seminars and all embassies in the region. Sweden has provided nearly all its embassies and consulates with a copy of the Handbook with a recommendation that it be used as a tool in dealing with cases of THB. The Handbook has been very well received and the CBSS TF-THB is now working to develop an eLearning tool that will help making the training material in the Handbook more widely and cost-effectively available.

Question 28

28.a. Please describe any measures taken to avoid issuing visas (tourist, working, student visas, etc.) when there are reasonable grounds to believe that a person may be a victim of THB or implicated in THB.

Visa applications are handled in accordance with the regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) and the Commission decision of 19 March 2010 establishing the Handbook for the processing of visa applications and the modification of issued visas.

In most cases, the Swedish Embassies or Consulate-Generals decide whether to grant a visa. If the Embassy or Consulate-General is not sure what position to take on an application, it passes the case on to the Swedish Migration Board in Sweden for a decision. If, on an overall assessment, it appears probable that the intention of the stay is other than the stated intention, the visa application may be rejected.

For information about other measures that are taken in cases where there are reasonable grounds to believe that a person may be a VoT, see question 32.

28.b. In such cases, please describe any specific measures which your law enforcement authorities have instructions to apply.

See above.

Question 29

29.a. Do any specific measures exist for preventing national THB, including THB taking place on the territory of parties with special agreements establishing common borders (Schengen Agreement for example)?

~~Yes~~

No

29.b. If so, please specify. (Not answered)

(Not answered)

29.c. If not, please comment.

There are no specific measures for preventing national THB. All preventative measures aim to prevent both national and transnational THB. For information about preventive measures that have been carried out, see questions 7, 8 and 22-28.

Question 30

30. What funds have been allocated to the above-mentioned preventive measures in the state budget (central and/or regional/local)? (Please specify amounts in euros.)

See answer to questions 7, 8 and 22-28 regarding the funds allocated to the measures in the state budget.

Question 31

31.a. Has an assessment of the impact of the above-mentioned preventive measures taken by your country been carried out?

Yes

~~No~~

31.b. If so, please specify the results of the assessment.

As regards the measures deriving from the National Action Plan to combat prostitution and human trafficking for sexual purposes, the National Council for Crime Prevention was commissioned to evaluate the plan. The results were presented in November 2011. In the comprehensive evaluation of the Action Plan the National Council for Crime Prevention concluded that the plan was important in several ways. The Action Plan had raised the consciousness in Sweden regarding the issues. Thousands of people working in the Social service, the health care, in the police and in NGO:s have been educated in order to improve the work against and prevent prostitution and human trafficking. The educational activities have presented a fundamental picture of the problem in order to put the issues on the agenda.

For future measures, the authority recommends the Government to do initiatives as follows:

- In order to increase the knowledge regarding prostitution and THB continued studies have to be made, quantitative as well as qualitative.
- Methods have to be developed.
- There is also a need to improve the coordination between the agencies and NGOs working in this field, in order to work effectively and strategic.

Finally, the agency recommends the Government to establish a national centre of knowledge that would be a focal point regarding prostitution and THB.

A discussion has begun within the Government's Offices regarding how the recommendations of the National Council for Crime Prevention will be taken care of.

For example of efforts that the Government has decided to be carried out 2011-2014, see question 7.

31.c. If not, please comment. (Not answered)

(Not answered)

Section II.2. Implementation of measures to protect and promote the rights of victims of trafficking in human beings

Question 32

32. At what moment and by whom is the process to identify a potential victim of THB initiated? (For example, declaration of the potential victim, statement by a police officer, statement by a NGO etc.)

Depending on the situation; it could be the local Police services, the Social services, the Swedish Migration Board or some of the NGOs that offer crime victim support, e.g. ECPAT Sweden has launched a telephone hotline where suspicions of trafficking in children can be reported.

As regards the Police the identification can be made by any officer that comes across a suspicion of THB. It is therefore important that there in general is a high level of knowledge and awareness on how trafficking manifests itself. There are examples of identification of trafficking victims taking place both on the basis of intelligence gathering operations evolving into criminal investigations and on the basis of observations made by patrolling, front-line officers. Another starting point for identification of victims is surveillance of the Internet, in particular prostitution on the Internet. A preliminary investigation shall be initiated as soon as, due to a report or for other reason, there is cause to believe that an offence subject to public prosecution has been committed.

Officials at the Swedish Migration Board shall report suspicions regarding THB to the Police. It is an important role for the Board to be a good and effective detector of victims of THB and make sure that crime-fighting and supporting authorities, such as the Police and the Social service, are notified as soon as possible when suspicion about THB arises. The Swedish Migration Board has prepared internal routines for the situations when suspicions about THB arise. The internal routines are included in a separate chapter of the Swedish Migration Board Handbook and published on the Board's internal website. The routines are designed to support various categories of officials at the Board and to make clear the role of the Swedish Migration Board in the work against THB. The routines consist of a common part and a part for the various fields of activities. The document gives special advice to specific areas of responsibility. More than one field of activity can be involved in a case, for example when a temporary residence permit according to Chapter 5, Section 15 of the Swedish Aliens Act (see question 40) is granted an asylum seeker (Asylum Examination together with Managed Migration and Citizenship).

When a child arrives in Sweden unaccompanied by its parents or any other adult acting as its guardian, a guardian ad litem shall be appointed as soon as possible pursuant to the Act on Guardians Ad Litem for Unaccompanied Children (2005:429). These routines could facilitate the identification of victims of THB. Under the Act, a guardian ad litem is to act as a guardian and custodian and be responsible for the child's personal circumstances and look after the child's interests. The Chief Guardian is responsible for appointing such a guardian if it is not clearly uncalled for. When assessing whether the person appointed is suitable for the task, the Chief Guardian is to attach particular importance to the vulnerable situation of the child. The Swedish Migration Board, or the Social Welfare Committee in the municipalities, may also apply for such a guardian to be appointed. The guardian ad litem may be relieved of his or her duties when e.g. the parents arrive or a more permanent guardian is appointed.

Concerning the question of the process to identify a potential victim it is of great importance to increase the knowledge about victims of THB. UNICEF Sweden and the National Board of Health and Welfare have jointly developed a publication which aims to make it easier to note child VoT for sexual purposes. The publication is based upon international UNICEF's guidelines to ensure children and young VoT, both girls and boys, the protection and rights they are entitled under the Convention on the Rights of the Child (CRC). It contains a checklist of issues and actions that may be taken and is supposed to help officials in Government agencies, which may come into contact with the girls and boys who are likely to be vulnerable to trafficking. The primary recipients of the publication are Social services, health care, the immigration service and the police, but also NGO's that come into contact with VoT.

In 2011 the National Board of Health and Welfare developed two educational materials within the areas of prostitution and THB for sexual purposes - one with a focus on children and young people and one focusing on adults. The educational material primarily aims at staff in Social services, health services, substance abuse and addiction treatment, sheltered accommodation, and at youth clinics.

Question 33

33.a. Have any common criteria been defined in your internal law for granting the legal status of victim of THB?

~~Yes~~ No

33.b. If so, please specify. (Not answered)

(Not answered)

33.c. If not, please comment.

For more information about victims and aggrieved persons, see question 19.

Question 34

34.a. Which national authority(ies) grant(s) the legal status of victim of THB? (For example, police forces, public prosecutor, judge, etc.)

See question 19 and 33.

34.b. Can such a decision be appealed?

Can such a decision be appealed (Not answered)

Possible comments concerning your reply

Question 35

35. Can a person be removed from your country during the process of identification as a victim of THB? (For example, if he/she is present illegally)

Yes ~~No~~

Possible comments concerning your reply

An alien staying illegally in Sweden may be removed by the police. However, if an alien wants a reflection period to recover and be able to take a decision on whether he or she wants to cooperate with the investigating authorities, on application from the person in charge of the preliminary investigation a temporary residence permit valid for 30 days shall be issued, provided it is necessary for the case and the considerations of public policy and security do not indicate otherwise, Chapter 5, Section 15 of the Aliens Act (for more information, see question 40).

Question 36

36. Does your country recognise the status of victim of THB granted by another party when the victim is on your territory?

~~Yes~~ No

Possible comments concerning your reply

The decision whether a person should be considered as a victim of THB rests with Swedish authorities, see question 19.

Question 37

37. Please indicate which types of assistance described in Article 12 of the Convention are provided to victims of THB in your country. Please specify who provides the different types of assistance.

Social service

Each municipality has the ultimate responsibility to provide the necessary support and assistance to those who are resident in the municipality. They are entitled to all necessary support from the Social services in order to achieve a reasonable standard of living, unless the needs can be met elsewhere. An individual assessment must be made in each case. The municipality are responsible to provide the support the victims

of crime need, but also to their family. Such support for VoT could include sheltered housing, support in contact with other agencies, financial assistance, interpreter and some form of psychosocial support. Municipalities often provide this support in close cooperation with civil society actors; many shelters, for example, are run by local NGOs.

The services offered to VoT are the same as those for victims of crime in general. However, there are some specific services targeted in particular at VoT. For instance, VoT for sexual purposes can get assistance from specialised prostitution units in the big cities.

Health- and medical care

The county councils have a primary obligation to provide health care and dental care to those who reside within the county. If someone who is staying in a county without being resident there, and is in need of immediate health care or dental care, the county council is obligated to provide such care. This is required for both the person who is a member of another county council municipality and those who do not belong to any county, such as a foreign national temporarily visiting. There are also provisions for county councils obligation to provide asylum seekers and others health care and dental care, including the foreigners who reside in Sweden with the support of a time-limited residence permit under Chapter 5, Section 15 of the Aliens Act. According to Section 5 second paragraph of the Act [2008:344] on health care for asylum seekers and others such aliens must be offered health and dental care to the same extent as those which resides within the county.

Education

All children residing legally in Sweden for a longer period of time have the right to education within the school system. This includes for example children seeking asylum and children given a temporary permit for their stay during the course of a criminal investigation or court proceedings. Children who do not have a permit for their stay in the country do not have the right to education in the Swedish school system. However, municipalities and schools have the possibility of accepting these children on a voluntary basis.

In 2010, a government Inquiry proposed that the right to education should be extended to children residing in the country without a permit (SOU 2010:5). The Government has stated that the right to education is going to be extended based on the proposals of the Inquiry.

Work permit

According to the Aliens Ordinance (2006:97), an alien who has been granted a temporary residence permit under Chapter 5, Section 15, first paragraph of the Aliens Act is exempt from the work permit requirement. This means that a victim of THB may take up an employment during his or her stay in Sweden.

Assistance in legal proceedings

An aggrieved person who shall be heard by the court and is incapable of understanding and speaking Swedish have the right to free interpretation and translation during the legal proceedings. If the person is a party in the legal proceeding, he or she is informed of his/her right to be represented by the prosecutor or a counsel. All aggrieved persons are also informed of his/her right to a supporting person.

In certain criminal cases, the court can appoint a counsel for an aggrieved person. The counsel shall be a lawyer (advokat), a legal associate at a law firm or another person who is suitable for the task. The counsel assists the party and protects the party's interests as a victim of crime and can, for example, bring an action for damages on the victim's behalf in the criminal case if the prosecutor does not do so. It is the court that appoints the counsel. The counsel is paid by the state and will not cost the victim anything (The Act on Counsel for an Injured Party [SFS 1988:609]).

When the victim is a child, the court can appoint a special representative for the child. The representative shall be a lawyer (advokat), a legal associate at a law firm or another person who is suitable for the task. The representative protects the child's interests as a victim during preliminary investigation and trial. He or she can, for example, bring an action for damages on the child's behalf in the criminal case if the prosecutor does not do so. It is the court that appoints the representative. The representative is paid by the state and will not cost the victim anything (The Act on Special Representative for a Child [SFS 1999:997]).

In Sweden, children are very seldom heard directly in court. Testimony from children, who are younger than 15 years old, are instead, as a general rule, presented in court by showing a police examination on video (Chapter 35, Section 14, The Code of Judicial Procedure). There are also different sections in The Code of Judicial Procedure according to which children shall be given special consideration. Here are some

examples. The court may decide that an examination of anyone under the age of fifteen years shall be held behind closed doors (Chapter 5, Section 1, The Code of Judicial Procedure). If testimony is sought from a person who is under the age of fifteen years, the court shall determine in accordance with the circumstances whether he or she may be heard as a witness (Chapter 36, Section 4, the Code of Judicial Procedure).

As regards witness support and supporting person during trial, see question 54.

Question 38

38. Please describe the differences in the assistance and protection measures envisaged for victims of transnational trafficking and those envisaged for victims of national trafficking.

In general, the same rules apply irrespective of if the victim in question is a victim of transnational or national THB. For more details, see question 37.

Question 39

39.a. Does your state budget allocate specific funding for these assistance and protection measures?

State budget allocate specific funding for these assistance and protection measures? (Not answered)

39.b. Please indicate the amount (in euros), the criteria for receiving such funding and who receives it. (Not answered)

Amount (in euros) (Not answered)

Criteria for receiving such funding and who receives it (Not answered)

39.c. Please specify the bodies/agencies/NGOs which actually cover the costs of the different types of assistance?

In Sweden, the obligation to give appropriate assistance and protection to VoT is decentralised and the responsibility lies with the 290 municipalities and Social services. The extent of what constitutes appropriate assistance and protection can thus vary between the municipalities and does vary depending on the victim's need and immigration status. The responsibility of the municipalities to provide the support and assistance to those who live there also include the financing of the measures that are necessary.

In the expenditure item of health and medical care, the state budget does not allocate any specific funding for assistance measures. Within the area of health and medical care, these measures are funded mainly through the taxes levied by the county councils.

The Swedish school system is funded by the municipalities. However, a targeted government grant is paid to municipalities and schools for the funding of education for children seeking asylum.

The Swedish state budget allocates special funding for legal assistance etc. (e.g. interpretation, translation, counsels for aggrieved parties and special representatives for children). The total amount for 2012 is approximately 227 000 000 Euros. It is not possible to specify the financial resources allocated to, for example, counsels for an aggrieved party or special representatives for a child.

See answer to question 23 regarding measures arranged by the County Administrative Board of Stockholm.

Question 40

40.a. Please describe how the recovery and reflection period provided for in Article 13 of the Convention is defined in your internal law.

In 2007, the Aliens Act (2005:716) was amended in accordance with the EU Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are VoT or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

The Aliens Act is wider than the Directive since it provides for temporary residence permit for not only victims but witnesses as well – all persons of evidence. Furthermore, it is not limited to the crime of THB but applies to all criminal cases.

The amendment in Chapter 5 Section 15 of the Aliens Act, reads as follows in translation:

Upon application from the person in charge of a preliminary investigation, a temporary residence permit valid for at least six months shall be granted to an alien staying in this country, if

1. it is necessary to enable a preliminary investigation or a main hearing in a criminal case to be carried out,
2. the alien has shown a clear intention to cooperate with the investigating authorities,
3. the alien has severed all relations with the persons who are suspected of crime concerned in the preliminary investigation, and
4. considerations of public policy and security do not indicate that a permit should not be granted.

If the alien wants a reflection period so as to recover and be able to take a decision on whether he or she wants to cooperate with the investigating authorities, on application from the person in charge of the preliminary investigation a temporary residence permit valid for 30 days shall be issued, provided the conditions specified in the first paragraph, points 1 and 4 are satisfied.

A residence permit issued under the first paragraph may be renewed if the person in charge of the preliminary investigation requests this and the conditions specified there are still satisfied. A residence permit issued under the second paragraph may be renewed if the person in charge of the preliminary investigation requests this, a longer reflection period is needed on special grounds and the conditions specified in the first paragraph, points 1 and 4 are satisfied.

The Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) had its impact on the length of the reflection period even if the Convention had not yet entered into force when the Aliens Act was amended.

The Swedish Migration Board's decision may be appealed to a migration court by the person in charge of a preliminary criminal investigation, see Chapter 14, Section 4, of the Aliens Act:

An appeal against a decision of the Swedish Migration Board to reject an application for a temporary residence permit under Chapter 5, Section 15 or a decision to withdraw a permit issued pursuant to Chapter 5, Section 15, shall be made to a migration court. Only the person in charge of a preliminary investigation may appeal against such decisions.

The victim is informed of his/her right to a temporary residence permit by the investigation leader.

Besides the possibility to get a temporary residence permit according to Chapter 5, Section 15, a victim of trafficking may herself/himself at any time apply for a residence permit on grounds of need for protection as in Chapter 4, Section 1 and 2 of the Aliens Act, or refer to other exceptionally distressing circumstances as in Chapter 5, Section 6 of the Aliens Act. The preparatory work mentions VoT and being an outcast from the society in the country of origin as examples of situations which may be exceptionally distressing circumstances.

40.b. Please indicate the minimum and maximum duration of the recovery and reflection period and how your internal law foresees it being adapted to the particular circumstances of victims.

Minimum and maximum duration of the recovery and reflection period (Not answered)

How does your internal law foresee it being adapted to the particular circumstances of victims?

Question 41

41.a. What are the grounds (personal situation and/or co-operation with the law enforcement authorities) for issuing residence permits to victims of THB provided for in Article 14 of the Convention?

The ground for temporary residence permit according to Chapter 5, Section 15 of the Aliens Act (2005:716) is mainly co-operation with the law enforcement authorities. The personal situation may result in residence permit on other grounds. For more information see question 40.

In this context, it can be mentioned that also children may be granted temporary residence permits under Chapter 5, Section 15. The preparatory works states that the reflection period might particularly be extended for children as victims.

Moreover, children may be granted residence permits under Chapter 5, Section 6 of the Aliens Act even if the circumstances that come to light do not have the same seriousness and weight that is required for a permit to be granted to adults. See question 40.

As in all cases under the Aliens Act involving a child, particular attention must be given to what is required with regard to the child's health and development and the best interests of the child in general. In assessing questions of permits when a child will be affected by a decision in the case, the child must be heard, unless

this is inappropriate. Account must be taken of what the child has said to the extent warranted by the age and maturity of the child.

41.b. Please indicate the different types of residence permits which can be issued to victims of THB, their minimum and maximum duration, if any, and the grounds for their renewal.

Question 42

42. Please describe how your internal law provides for the right of victims of THB to compensation. (Please specify if your country has adopted any specific measures to guarantee compensation for victims of THB as provided for in Article 15 of the Convention.)

An action against the suspect or a third person for a private claim in consequence of an offence may be conducted in conjunction with the prosecution of the offence. When the private claim is not entertained in conjunction with the prosecution, an action shall be instituted in the manner prescribed for civil actions (The Code of Judicial Procedure, Chapter 22, Section 1).

When a private claim is based upon an offence subject to public prosecution, the prosecutor, upon request of the aggrieved person, shall prepare and present the aggrieved person's action in conjunction with the prosecution, provided that no major inconvenience will result and that the claim is not manifestly devoid of merit (Chapter 22, Section 2 the Code of Judicial Procedure).

In certain criminal cases, the court can, as mentioned above, appoint a counsel for an aggrieved party or a special representative for a child (see question 37). The counsel and the representative can bring an action for damages on the victim's behalf in the criminal case if the prosecutor does not do so.

Victims of crime have a right to claim compensation/damages from the perpetrator according to the Tort Liability Act. In cases where no perpetrator can be identified or where he or she does not have the possibility to pay damages, victims of crimes in general have a possibility to apply for state compensation. The state compensation scheme is subsidiary to any compensation that the victim may obtain from the perpetrator (if his or her identity is known) or under any insurance policy. Such compensation is regulated in the Criminal Injuries Compensation Act (1978:413).

The dissemination of information to crime victims on criminal injuries compensation is a statutory duty for the Crime Victim Compensation and Support Authority, included among the other obligations in the area of information to crime victims. Victims must be informed not only of their opportunity to claim compensation, but also of the application procedures. The authority is operating a telephone service where anyone may ask questions and seek advice on compensation and damages. Furthermore, the authority has produced different leaflets with information pertaining to crime victims, including information on state compensation. This information is available in Swedish and 11 additional languages.

The Crime Victim Compensation and Support Authority's main commission is to administrate and pay criminal injuries compensation. i.e. a compensation that is disbursed by the state. Criminal injuries compensation is primarily intended for personal injuries such as psychological and physical injuries arising from the crime. For example the victim of a crime can receive compensation for expenses for medical treatment, counselling, loss of income, pain and suffering and permanent injuries. If the crime is considered to be a serious violation of the victim's personal integrity, private life or human dignity compensation can also be awarded for violation of personal integrity. Most criminal acts suffered by victims of THB should fall within this category. Compensation can furthermore be awarded for damaged clothes, spectacles or similar objects worn at the time of the crime. Criminal injuries compensation can be disbursed if the offender is unable to pay or unknown and the injury are not fully covered by insurance. This kind of compensation covers crimes committed, or at least accomplished, in Sweden regardless of whether the victim is a Swedish resident or here temporarily. Swedish residents can also be entitled to criminal injuries compensation for crimes committed abroad.

The Crime Victim Compensation and Support Authority has decided over thirty applications concerning THB or other crimes similar to THB. The Crime Victim Compensation and Support Authority has routines for payments of criminal injuries compensation that apply to all types of cases.

As part of the action plan for combating prostitution and human trafficking for sexual purpose, the Crime Victim Compensation and Support Authority in 2008 was commissioned by the Government to carry out a study on compensation from the state to VoT for sexual exploitation. The objective of the study was to find routines for payments that will ensure that persons abroad who have been trafficked for sexual exploitation in Sweden actually receive the payment of state compensation they are entitled to. The study was also to include a comparison of corresponding routines in other member states of the EU and in Norway. The results

of the study were presented on 1 February 2010. They showed that compensation awarded to VoT for sexual exploitation in Sweden has come to hand of the victim with only one exception.

Question 43

43. Please describe the procedure established under your internal law for the repatriation and return of victims of THB.

In 2009, the County Administrative Board of Stockholm was commissioned by the Swedish Government to implement activities in order for persons subjected to prostitution and THB for sexual purposes to be able to safely return to their countries.

The County Administrative Board of Stockholm starts a pilot project during Autumn 2012, together with International Organization for Migration (IOM) office in Helsinki. Through the project the County Administrative Board of Stockholm and IOM will reach out to and cooperate with Swedish local and national authorities responsible for the return, support and safety of the VoT for sexual purposes, such as Social services, the Swedish Migration Board, Police authorities and central NGOs working with the target group.

For more information about the safe return project and rehabilitation programs for VoT for sexual purposes and prostitution, see question 23.

Question 44

44.a. Does a person, repatriated to your country as a victim of THB, continue having victim status?

~~Yes~~ No

44.b. If so, please specify on which grounds such recognition is made (for example, declaration of the victim).

(Not answered)

44.c. What assistance measures are envisaged for such persons after repatriation?

For information about victims and assistance measures, see question 19, 36 and 37.

44.d. If not, please comment.

For information about victims and assistance measures, see question 19, 36 and 37.

Question 45

45. What are the grounds for the victim status to come to an end:

What are the grounds for the victim status to come to an end: (Not answered)

Other, please specify. (Not answered)

Possible comments concerning your reply

As mentioned before in Sweden there is no system of granting a person status of a victim, see question 19 and 36.

Section II.3. Implementation of measures concerning substantive criminal law, investigation, prosecution and procedural law

Question 46

46.a. Is THB subject to a single criminal offence in your internal law?

Yes ~~No~~

46.b. If so, please provide (a translation of) the legal text(s) in English or French.

In July 2002 cross-border THB for sexual purposes was criminalised as a specific offence in Sweden under Chapter 4, section 1 (a) of the Penal Code. The legislation was amended two years later, in 2004, to accommodate the UN Protocol on Trafficking in persons and its definition of trafficking in human beings and the EU Framework decision on combating trafficking. The scope of the offence was broadened to also include THB within a country's borders and THB for other forms of exploitation, such as forced labour, slavery or exploitation for removal of human organs.

In order to strengthen the criminal law protection against THB and to enable more effective law enforcement, legislative amendments were adopted and entered into force on 1 July 2010. As a result of the amendments the elements of the crime are now described more clearly.

Under Chapter 4, Section 1(a), of the Penal Code:

A person who, in other cases than those referred to in Section 1 (Kidnapping), by unlawful coercion, deceit, exploitation of another person's vulnerable situation or by other such improper means recruits, transports, transfers, harbours or receives a person with the intent that he or she shall be exploited for sexual purposes, the removal of organs, military service, forced labour or other activity in a situation that places that person in distress, shall be sentenced for trafficking in human beings to imprisonment, for at least two years and at most ten years.

A person who commits an act referred to in the first paragraph against a person who is under eighteen years of age shall be sentenced for trafficking in human beings even if none of the improper means described in that paragraph was used.

If an offence referred to in the first or second paragraph is less serious, the sentence shall be imprisonment for at most four years.

Attempted THB and preparations for and conspiracy to engage in THB, as well as failure to expose such crimes, are punishable in accordance with the provisions of Chapter 4, Section 10 and Chapter 23, Section 1-3 of the Penal Code. Incitement and complicity are punishable in accordance with the provisions of Chapter 23, Section 4, of the Penal Code.

Concerning offences of THB committed outside Sweden these shall be adjudged according to Swedish law and by Swedish courts where the crime has been committed:

- 1) by a Swedish citizen or an alien domiciled in Sweden,
- 2) by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in the country or who is a Danish, Finnish, Icelandic, or Norwegian citizen and is present in the country, or
- 3) by any other alien, who is present in the country, and the crime under Swedish Law can result in imprisonment for more than six month.

There is no requirement for dual criminality.

The provision on THB is subsidiary to the offence of kidnapping, Chapter 4, Section 1 of the Penal Code:

A person who seizes and carries off or confines a child or some other person with intent to injure him or her in body or health or to force him or her into service, or to practise extortion, shall be sentenced for kidnapping to imprisonment for a fixed period of at least four and at most ten years, or for life. If the crime is of a less serious nature, imprisonment for at most six years shall be imposed.

46.c. If not, please specify the combination of criminal offences, covering as minimum all conducts falling within the definition of THB as contained in Article 4 of the Convention, used under your internal law to prosecute for THB.

(Not answered)

Question 47

47. Does your internal law establish as a criminal offence the use of services of a victim of THB with the knowledge that the person is a victim of THB as provided for in Article 19 of the Convention? (Article 19 of the Convention does not concern using the services of a prostitute as such and the criminalisation of her/his client - see paragraphs 229 to 236 of the Explanatory Report of the Convention.)

~~Yes~~

No

Possible comments concerning your reply

There is no specific provision that criminalise the use of services of a victim of THB. Nevertheless, the legalisation contains a number of penal provisions that may be used in such cases.

The use of services of a victim of THB for sexual exploitation

As described under question 24 it has been criminalised to purchase sexual services in Sweden since 1999. The criminal legislation on prohibition to purchase sexual services from an adult is found in Chapter 6, Section 11 of the Penal Code:

A person who, otherwise than as previously provided in this Chapter, obtains a casual sexual relation in return for payment, shall be sentenced for purchase of sexual service to a fine or imprisonment for at most one year.

The provision of the first paragraph also apply if the payment was promised or given by another person.

The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels or in so-called massage-institutes, etc. Both buyer and seller can be either a man or a woman. The person who sells sexual services is not punished. The maximum penalty for the purchase of sexual services was raised in July 2011 from imprisonment for six months to imprisonment for at most one year. The purpose of the amendment was to make possible a more nuanced assessment of the penal value in serious cases of purchase of sexual services, e.g. in situations connected to THB.

Under Chapter 6, Section 9, of the Penal Code:

A person who, otherwise than as previously provided in this Chapter, induces a child under eighteen years of age to undertake or endure a sexual act in return for payment, shall be sentenced for purchase of a sexual act from a child to a fine or imprisonment for at most two years.

The provision of the first paragraph also apply if the payment was promised or given by another person.

Under Chapter 6, Section 12 of the Penal Code:

A person who promotes or improperly financially exploits a person's engagement in casual sexual relations in return for payment shall be sentenced for procuring to imprisonment for at most four years.

If a person who, holding the right to the use of premises, has granted the right to use them to another, subsequently learns that the premises are wholly or to a substantial extent used for casual sexual relations in return for payment and omits to do what can reasonably be requested to terminate the granted right, he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall be held criminally responsible in accordance with the first paragraph.

If a crime provided for in the first or second paragraph is considered gross, imprisonment for at least two and at most eight years shall be imposed for gross procuring. In assessing whether the crime is gross, 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.

Other forms of sexual abuse or exploitation may be sentenced under Chapter 6 of the Penal Code on Sexual Crimes.

The use of forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

The use of services of a victim of THB for forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs, may be sentenced according to different provisions in the Penal Code and other legislation.

Chapter 9, Section 5 of the Penal Code states:

A person who in connection with a contract or other legal transaction takes advantage of someone's distress, innocence or thoughtlessness or dependent relationship to him in order to obtain a benefit which is clearly disproportionate to the consideration afforded or for which no consideration will be provided, shall be sentenced for usury to a fine or imprisonment for at most two years.

A person shall also be sentenced for usury who, in connection with the granting of credit in a business activity or other activity that is conducted habitually or otherwise on a large scale, procures interest or other financial benefit which is manifestly disproportionate to the counter-obligation.

If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

Furthermore, according to Chapter 20, Section 5 of the Aliens Act (2005:716):

A person who intentionally or through negligence has an alien in his or her employment even though the alien does not have the prescribed work permit shall be sentenced to a fine or, in aggravating circumstances, to imprisonment for at most one year.

Moreover, according to Chapter 20, Section 12 of the Aliens Act:

A natural or legal person who has an alien in his or her employment even though the alien does not have a work permit shall pay a special charge irrespective of whether that person has been brought to account under Section 5.

The use of this kind of service may also impose criminal liability for working environment offence (Chapter 3, Section 10 of the Penal Code).

A person who takes an organ from a person without his or her consent can be sentenced for assault and gross assault according to Chapter 3, Section 5 and 6 of the Penal Code. According to Section 14 of the Transplantation Act (1995:831) shall a person who takes an organ in violation of that act be sentenced to a fine. Furthermore, a person who has taken, handed over, received or procured an organ for profit can be sentenced to a fine or imprisonment for at most two years according to Chapter 8, Section 6 of the Genetic Integrity Act (2006:351). The same penalty can be imposed on a person who uses or takes advantage of such material for transplantation or for other purposes despite the knowledge that the material has been taken, handed over, received or procured for profit. Cases of minor violation shall not be penalised.

In addition to this the use of service of VoT may actualize several other provisions of the Penal Code such as kidnapping, unlawful deprivation of liberty or unlawful coercion (Chapter 4 of the Penal Code).

Question 48

48. Does your internal law establish as a specific criminal offence retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB? (As provided for in Article 20c of the Convention.)

~~Yes~~

No

Possible comments concerning your reply

There is no specific offence criminalising retaining, removing, concealing, damaging or destroying a travel or identity document of another person committed intentionally and for the purpose of enabling THB. However, the mentioned acts are typical elements of the offence of THB. These acts may therefore lead to criminal responsibility for THB under Chapter 4, Section 1 (a) of the Penal Code or attempt, preparation or conspiracy to commit such crime. The Swedish legislation also provides possibilities to sentence more than one perpetrator for a crime. This may apply in situations where several offenders have acted together and in agreement, for example by dividing different elements of the offence between them. If the offender has supported the offence he or she could be held liable for complicity. Incitement and complicity are punishable in accordance with the provisions of Chapter 23, Section 4 of the Penal Code.

Only if the act for some reason should not be considered to have been a part of the offence of THB, there is a reason to consider the more general provision of suppression of documents in Chapter 14, Section 4 of the Penal Code:

A person who destroys, renders unserviceable or removes a document which he has no right at the time to dispose of in such manner, shall, if the act jeopardises proof and is not to be regarded as a bookkeeping crime, be sentenced for suppression of a document to imprisonment for at most two years or, if the crime is petty, to a fine or imprisonment for at most six months. If the crime is gross, imprisonment for at least six months and at most four years shall be imposed.

In addition to this a person who is unlawfully retaining the type of documents listed in Article 20 may be sentenced for unlawful diversion (Chapter 8, Section 8). Also, under Chapter 9, Section 6, a person who takes possession of something of which another has been dispossessed by a crime (eg. unlawful diversion), and does it in such a manner that it is difficult to return it back to the owner may be sentenced for receiving.

Question 49

49.a. Does your internal law ensure that a legal person can be held liable for criminal offences established in accordance with the Convention as provided for in its Article 22?

~~Yes~~

No

Possible comments concerning your reply

The Swedish penal system is based on the assumption that only individual natural persons can commit criminal offences and be punished for them. Legal persons may, however, be subject to sanctions or other serious legal consequences as a result of offences committed in connection with their activities. The traditional institutions are damages and forfeiture of assets. In addition administrative fines, corporate fines, can be imposed directly on legal persons in various circumstances.

The legislation on corporate fines can be found in the Swedish Penal Code, Chapter 36, Section 7-10 a. The Swedish legislation on corporate fines has been considered to comply with the requirements in for example EU law concerning sanctions for legal persons. The legislation was amended in 2006, in order to make the system of corporate fines more effective. It follows from the mentioned provisions that an entrepreneur shall be liable to pay a corporate fine for crimes committed in the course of his or her business activities. This applies if a more severe punishment is provided for the crime than a summary fine, and the entrepreneur has not done what could reasonably be required of him to prevent the crime, or if the crime was committed by a person in a managerial position with the powers to represent the entrepreneur or to make decisions on behalf on the entrepreneur, or if the crime otherwise was committed by a person who had a special responsibility for supervision or control of the activity.

49.b. What types of legal persons are subject to corporate liability for such offences?

Under Swedish law all entrepreneurs can be subject to corporate fines for crimes committed in the exercise of their business. The term entrepreneur has a broad definition and covers natural and legal persons who professionally run a business of an economic nature, regardless of whether the business is run with the aim to generate profit or not. Also state owned companies can therefore be subject to corporate fines. However, if the crime committed is related to the exercise of public authority it is not considered to be committed in the exercise of business in such way that it can lead to corporate fines.

Question 50

50. Which sanctions does your internal law provide for criminal offences established in accordance with the Convention? Please specify the criminal, civil and administrative sanctions.

The criminal sanctions for each of the mentioned criminal offences are described under question 46-48. Punishment for an attempt shall be at most what is applicable to a completed crime and not less than imprisonment if the least punishment for the completed crime is imprisonment for two years or more. Punishment imposed for preparations for and conspiracy to engage in THB shall be less than the highest and may be less than the lowest limit applicable to the completed crime. Incitement and complicity are punished in accordance with what is provided for a completed offence.

A corporate fine shall consist of at least five thousand SEK and at most ten million SEK. In determining the amount of a corporate fine special consideration shall, having regard to the scale of punishment for the crime, be given to the damage or danger that the crime entailed and to the extent of the crime and to its relation to the business activity. If the entrepreneur has been ordered to pay a corporate fine before, this shall be taken into reasonable consideration (Chapter 36, Sections 8 and 9 of the Penal Code).

Under Swedish law, confiscation is considered a special legal effect of crime (Chapter 1, Section 8 of the Penal Code) and is applied on proceeds and instrumentalities used or intended for use in criminal offences. The general provisions on confiscation in the Penal Code are applicable also in relation to THB, i.e. proceeds of THB shall be confiscated unless this is manifestly unreasonable. The property of a person convicted of trafficking shall also be confiscated if it is substantially more likely that the property constitutes proceeds of a crime than the opposite (extended confiscation). Property reasonably presumed subject to confiscation may be seized if the reasons for the measure outweigh the consequent intrusion or other detriment to the suspect of THB or to another adverse interest. (Chapter 36, Sections 1-6 of the Penal Code and Chapter 27, Section 1, the Code of Judicial Procedure).

To secure criminal inquiry, a building or room may be closed off, admission to a specific area may be prohibited, removal of a specific object may be prohibited, or any other suitable measure may be taken (Chapter 27, Section 15, Code of Judicial Procedure) Moreover, if there is special reason to assume that an offence involving a serious threat to life or health or a serious risk of extensive damage to property will be committed in a certain place, a police officer may, with a view to averting the offence or providing protection against the same, among other things, close off, evacuate or prohibit access to a house, a room or some other place (Section 23 of the Police Act [1984:387]).

In civil proceedings a tenant who makes available his or her apartment for another person's prostitution activities could in certain circumstances have forfeited his or her right to the tenancy. (Chapter 12, Section

42, first paragraph 9 of the Land Code). The corresponding provisions exist for tenant-owned apartments (Chapter 7, Section 18 of the Tenant Ownership Act [1991:614] and Chapter 3, Section 1 of the Co-operative Tenancy Act [2002:93]).

Question 51

51. Does your internal law provide for the possibility to take into account previous convictions in another party when determining the penalty in relation to offences established in accordance with the Convention?

Yes ~~No~~

Possible comments concerning your reply

Previous convictions have primarily influence on the choice of sanction and the length of the imprisonment (Chapter 30, Section 4 and Chapter 29, Section 4 of the Penal Code). Relapse in crime is taken into account in sharpening direction in different ways but as a general rule it is not of importance where the previous offence was committed. Criminal convictions in another party may therefore be taken into account when determining the penalty for offences of THB.

Question 52

52. Please describe how your internal law provides for the possibility of not imposing penalties on victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. (As provided for in Article 26 of the Convention.)

The Swedish legislation provides for the possibility to consider the fact that victims have been involved in unlawful activities, to the extent that they have been compelled to do so.

As an example there are general grounds for exemption from criminal responsibility. An act by a person, if committed out of necessity, constitutes a crime only if it is indefensible having regard to the nature of danger, the injury caused to another and to the circumstances in general. Necessity exists when danger threatens life, health, property or some other important interest protected by the law (Chapter 24, Section 4 of the Penal Code). If a person who, in cases where e.g. Section 4 apply, has done more than is permitted, he shall nevertheless not be held responsible if the circumstances were such that he had difficulty in stopping to think (Chapter 24, Section 6 of the Penal Code).

Moreover, if someone has been induced to be an accomplice to a crime by coercion, deceit or misuse of his youth, innocence or dependent status or has been an accomplice only to a minor extent, the punishment imposed may be less than otherwise provided for the crime. (Chapter 23, Section 5 of the Penal Code). In assessing the penal value, the court shall take into account as mitigating circumstances, among other things, if the crime was occasioned by the grossly offensive behaviour of some other person or if the act without being free from criminal responsibility was such as is covered by Chapter 24 (Chapter 29, Section 3 of the Penal Code). Under certain circumstances described in Chapter 29, Section 5 of the Penal Code and if it is manifestly unreasonable to impose a sanction, the court shall grant exemption from sanction (Chapter 29, Section 6 of the Penal Code).

A prosecution may be waived if it is manifest, by reason of special circumstances, that no sanction is required to prevent the suspect from engaging in further criminal activity and that, in view of the circumstances, the institution of a prosecution is not required for other reasons (Chapter 20, Section 7 of the Code of Judicial Procedure). A decision to waive prosecution may also be made even after the institution of a prosecution when circumstances emerge that, had they existed or been known at the time of the prosecution, would have led to waiver of prosecution (Chapter 20, Section 7a of the Code of Judicial Procedure). When it comes to young offenders the room for waiving prosecution is more extent.

A preliminary investigation may be discontinued if it can be assumed that prosecution will not be instituted pursuant to the provision on waiver of prosecution (Chapter 23, Section 4a of the Code of Judicial Procedure).

Question 53

53. Does your internal law provide for the initiation of legal proceedings by the victim and/or ex officio (for example, by the public prosecutor)?

Yes ~~No~~

Possible comments concerning your reply

A preliminary investigation shall be initiated as soon as, due to a report by e.g. a victim or for other reason, there is cause to believe that an offence subject to public prosecution has been committed (Chapter 23, Section 1 of the Code of Judicial Procedure). Unless otherwise prescribed, prosecutors must prosecute offences falling within the domain of public prosecution (e.g. THB). The prosecutor's obligation to institute prosecution is irrespective of if the victim has reported the crime for prosecution or not.

Question 54

54. Please describe how your internal law allows for NGOs or associations/groups assisting or supporting victims to participate in legal proceedings (for example, as third parties)? (Please specify the conditions for this participation as well as their legal status during these proceedings.)

An aggrieved person, who is examined in aid of the prosecutor's case, may be accompanied at the examination by a suitable person as support (supporting person) during trial. A supporting person known to the court shall, if possible, be given notice of the trial (Chapter 20, Section 15 of the Code of Judicial Procedure.). The supporting person may be, for example, a relative or a representative from an association/group. A supporting person can only be a personal support to the aggrieved person. The supporting person may not take any legal transactions during the proceedings. He or she can, however, for example ask the court to take brake if the aggrieved person is in need of it.

Witness support is available at most courts and they will be able to assist anyone who attends the court for a trial. A witness support person is a person working on a not-for-profit basis who assists witnesses and victims of crime with humanitarian support and practical information in conjunction with a criminal trial. A witness support person wears a badge with the text 'Witness Support' (Vittnesstöd) and has sworn a moral promise of confidentiality. The witness support person will primarily be a fellow human being but can also explain how the criminal procedure is handled. They can also provide information about compensation and practical matters, such as the location of the cloakroom and restroom. The witness support person can also refer witnesses and victims of crime to other persons and bodies that may also be able to provide support.

Question 55

55. Please describe the measures taken in your internal law to protect the identity and safety of victims before, during and after investigations and legal proceedings.

Information registered in the Population Register is as a rule public and is widely spread in society. There are different ways of protecting the identity of an individual who is under the risk of persecution. The Tax Agency, which is responsible for the Population Register, has a possibility to place a confidentiality note in the Register. This note will then be used as a warning stating that secrecy may apply when someone wants to receive information about such a person. There is also a possibility to be registered at a previous location when moving to a new address. When other safety measures are deemed inadequate a person may be allowed to use protected personal data which then will replace the correct information in the Register.

During the preliminary investigation the contact details (but not the identity) are kept confidential if it could be assumed that the victim could be subject to threat or violence or other severe detriment if the contact details are revealed.

In order to comply with article 30 in the Convention the Swedish Parliament has adopted an amendment to the secrecy provision in Chapter 35, Section 12 in the Public Access to Information and Secrecy Act (2009:400). The amendment has the effect that secrecy shall apply in cases concerning kidnapping or THB, concerning information regarding a private party's personal and financial circumstances, if it can be assumed that disclosure of the information would cause damage or harm to the private party or a person closely related to the private party.

The amendment enables courts to hold hearings behind closed doors (Chapter 5, Section 1 of the Code of Judicial Procedure, and Chapter 35, Section 12 of the Public Access to Information and Secrecy Act). If a court hearing has been held behind closed doors, the court may impose a duty of confidentiality on those who have been attending.

The safety in courts is facilitated e.g. by security checks. According to the Act on Security Checks in Court (SFS 1981:1064), a Swedish court may decide to have a security check if the court finds that such a check is needed to limit the risk of crimes being committed during or in connection with a criminal proceeding.

Swedish law is based on the principle that judgments, including the reasons for judgment, are public. This means that any secrecy provision ipso jure ceases to be applicable in regard to information revealed in the judgment. However under certain conditions a court can, as an exception to the mentioned principle,

according to Chapter 43, Section 8 in the Public Access to Information and Secrecy Act decide that a secrecy provision shall remain applicable on information revealed in the judgment. This has the effect that if there is a request from anyone else than a party to gain access to the judgment the court has to consider whether the information held in the judgment can be disclosed or whether a secrecy provision requires that the information, or more likely some of the information, shall be kept secret.

In certain cases, the court can decide that a witness or a victim may be questioned by telephone instead of by attending in person. At all courts it is also possible to give testimony by means of a video conference. It is the court that decides in which cases this can be allowed (Chapter 5, Section 10 of the Code of Judicial Procedure,). In almost all courts, it is possible to let a victim or a witness enter the courtroom from a certain entrance, separated from the public and the defendant. Further, if there is ground to believe that, in the presence of e.g. the defendant, a witness or a victim does not tell the truth openly through fear or any other cause, the court may order the defendant to be excluded from the courtroom during the examination. In such cases, the defendant can listen to the examination from another room (Chapter 36, Section 18, and Chapter 37, Section 3 of the Code of Judicial Procedure).

The court may also in other situations, if there are special reasons for it, decide that a record of a statement or a recorded statement shall be admitted as proof in a proceeding (Chapter 35, Section 14 of the Code of Judicial Procedure). What is here said about a written or recorded statement, also applies to an audio recording or an audio and visual recording of a statement.

The Non-Contact Order Act gives the prosecutor a possibility to impose a non-contact order if there is a risk of one individual subjecting another individual to crime or harassment. It is a criminal offence to violate a non-contact order.

Comments concerning your Reply to this Questionnaire

Please use this area to add any comments concerning your Reply to this Questionnaire

Statistics on THB

Question	Table 1: Victims of THB	2009				2010				2011			
		women	men	children ¹	total	women	men	children ¹	total	women	men	children ¹	total
	Article 10 – Identification of the victims												
T1	Number of victims identified ² during the year		1		1	6	1	2	9	2		1	3
T2	Types of exploitation identified victims of THB were subject to:												
	- sexual exploitation					1		2	3	2			2
	- forced labour or services		1		1		1		1				
	- slavery or practices similar to slavery				0				0				
	- servitude				0				0				
	- removal of organs				0				0				
	- other, please specify <i>forced to commit crimes against property</i>				0	5			5			1	1
T3	Number of persons whom the competent authorities had reasonable grounds to believe were victims of:												
	- national trafficking							2	2				
	- transnational trafficking	12	1		13	18	4		22	25	11		36
	Article 12 – Assistance to victims												
T4	Number of victims of THB who received assistance of any type	1			1	6	1	2	9	2		1	3
T5	Number of victims of THB who refused assistance which was offered to them												
T6	Number of shelters for victims of THB in your country												
T7	Total number of places in shelters for victims of THB												
T8	Number of victims of THB accommodated in shelters	1			1	6	1	2	9	2		1	3

¹ "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

² "Identified" within the meaning of the Convention.

Question	Table 1: Victims of THB (continued)	2009				2010				2011			
		women	men	children ³	total	women	men	children ¹	total	women	men	children ¹	total
	<u>Article 13 – Recovery and reflection period</u>												
T9	Number of victims of THB (including persons whom the competent authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period										2	3	5
	<u>Article 14 – Residence permit</u>												
T10	Number of victims of THB who were issued a residence permit												
	- owing to their personal situation												
	- for the purpose of their co-operation with the competent authorities		1		1					2		1	3
	<u>Article 15 – Compensation and legal redress</u>												
T11	Number of victims of THB who obtained compensation		1		1	6	1	2	9	2		1	3
T12	Compensation awarded to victims of THB:												
	- minimum amount awarded to a victim (in euros)		31000			1600				5000			
	- maximum amount awarded to a victim (in euros)		31000			25000				7400			
	<u>Article 16 – Repatriation and return of victims</u>												
T13	Number victims of THB who were repatriated to your country												
T14	Number of victims of THB who were repatriated from your country to another country					6	1	2	9	2		1	3

³ "Child" shall mean any person under eighteen years of age (Article 4-d of the Convention).

Question	Table 2: Criminal Proceedings and Sanctions	2009	2010	2011
	Article 18 – Criminalisation of trafficking in human beings			
T15	Number of criminal proceedings initiated on grounds of THB	68	84	97
T16	Number of convictions for THB	1	4	2
	Article 19 – Criminalisation of the use of services of a victim			
T17	Number of convictions for the use of services of a victim of THB			
	Article 23 – Sanctions and measures			
T18	Number of convictions for THB resulting in penalties involving deprivation of liberty	1	4	2
T19	Duration of penalties on grounds of THB involving deprivation of liberty			
	- minimum duration	6 months	1 year	2 years
	- maximum duration	5 years	6 years	4 years
T20	Number of judgements resulting in the confiscation of assets	1	2	1
T21	Number of judgements resulting in the closure of a business or an establishment which was being used to carry out THB		1	1
	Article 26 – Non-punishment provision			
T22	Number of victims of THB who benefitted from the non-punishment provision			

Question	Table 3: Country of origin of victims of THB		2009	2010	2011
T23	Number of victims of THB originating from:				
	- Council of Europe Member States:	Albania			
		Andorra			
		Armenia			
		Austria			
		Azerbaijan			
		Belgium			
		Bosnia and Herzegovina			
		Bulgaria			1
		Croatia			
		Cyprus			
		Czech Republic			
		Denmark			
		Estonia			
		Finland			
		France			
		Georgia			
		Germany			
		Greece			
		Hungary			
		Iceland			
		Ireland			
		Italy			
		Latvia			
		Liechtenstein			
		Lithuania			
		Luxembourg			
		Malta			
		Republic of Moldova			
		Monaco			
		Montenegro			
		Netherlands			
		Norway			
		Poland		5	
		Portugal			
		Romania		1	2
		Russian Federation			
		San Marino			
		Serbia			
		Slovak Republic		1	
		Slovenia			
		Spain			
		Sweden			
		Switzerland			
		"the former Yugoslav Republic of Macedonia"			
		Turkey			
		Ukraine		1	
		United Kingdom			
	- other, please specify	Nigeria	2		

Comments concerning the statistics on THB

As described in question 10 the **National Rapporteur** collects data, information and intelligence about THB. The figures in the enclosed tables are presented by the National Rapporteur. Concerning the number of victims identified the figures only shows the number of victims that were confirmed as aggrieved persons in criminal proceedings which led to a conviction for THB. See table 1–3.

In addition, the **Swedish National Council for Crime Prevention** who is responsible for producing and publishing official crime statistics, report data on of reported offences, cleared-up offences, persons suspected of offence, persons found guilty of offences, persons sentenced to imprisonment and admitted to prison. Statistics are not divided into men and women. Not all of the information reported to the National Council for Crime Prevention's database is mandatory in the reporting case registration systems and for that reason there is missing cases regarding information on identified victims, the victims' age and gender as well as information on the citizenship of persons prosecuted and/or convicted for an criminal offence. Information in the database is primarily collected from the county police's system for case registration RAR (disseminated by the Swedish National Board of Police), the public prosecutors' system for case registration Cåbra (disseminated by the Swedish Prosecution Authority), the county courts' system for case registration Vera (disseminated by the system RI-10). Data from official registration systems on potential and identified victims' citizenship, country of recruitment and information on assistance or protection as well as suspected persons involvement in organised crimes is currently not available.

T1–2 Number of identified victims/ Number of victims by form of exploitation

- Identified victims = Number of victims registered in trafficking offences reported to the police or the public prosecutor. Victims are only counted once per year, but may be counted again over several years.
- Data is primarily collected from the county police's system for case registration RAR and the public prosecutors' system for case registration Cåbra. If the information on gender differs in the two systems, data from the case system Cåbra is chosen and presented.
- Data on victims' age (adult/minor) is based on codes for classification of trafficking offences. Classification codes allowing the separation between adults and minors were implemented in 2008.
- Registration on victims' gender is not mandatory in the systems and missing in many of the cases. Information on gender is missing for 13 adult persons in 2009 and 23 adult persons in 2010.
- Registration on forms of exploitation is based on a classifications system (4-digit code) which offers a separation between a) sexual exploitation and b) other forms of exploitation.
- Others = all forms of exploitation except sexual exploitation i.e. forced labour, domestic servitude, forced begging, organ removal, criminal activities etc.

T17–21 Number of convictions etc.

- Number of convictions in County Courts (first instance). Type of sentence as well as the duration of sentence could have been changed in higher Courts.
- Data is primarily collected from the county courts' system for case registration Vera (disseminated by the system RI-10).
- Data include convictions for all legal forms of trafficking in persons, including accessory etc.
- Data on number of judgements resulting in the confiscation of assets or in the closure of a business or an establishment is not available.

Data according to the Swedish National Council for Crime Prevention:

2009:

T1: 44(16 children)

T2: Sexual exploitation 27(12)

T2: Other than sexual purposes 17(4)

T3-15 Data not available

T16: 4

T17: 4

T18: 4

T19 Minimum duration (in months): 6

T19 Maximum duration (in months): 50

2010:

T1: 74 (29)

T2: Sexual exploitation 19(7)

T2: Other than sexual purposes 55(22)

T3-15 Data not available

T16: 8

T17: 8

T18: 8

T19 Minimum duration (in months): 24

T19 Maximum duration (in months): 72

2011:

T1-3: Not published yet

T3-15: Data not available

T16-19: Not published yet

Moreover, the **Swedish Migration Board** has statistics on recovery and reflection period, residence permit, repatriation and return of victims and what country the victims of THB who were issued a temporary residence permit originating from. It should, however be noted that the statistics refers to residence permit not only for victims of THB, but all persons of evidence. Furthermore, the Board has no specific statistics on how many victims of THB that have been granted permanent residence permit on other grounds than for the purpose of their cooperation with the competent authorities, such as need for protection or exceptionally distressing circumstances.

Number of victims of THB (including persons whom the competent

authorities had reasonable grounds to believe were victims of THB) who were granted a recovery and reflection period: 2011 Women: 2, Men: 2, Total:4

Number of victims of THB who were issued a residence permit – for the purpose of their co-operation with the competent authorities:

2009: Women: 8, Men: 8, Children: 1, Total: 17

2010: Women: 12, Men: 12, Children: 5, Total: 29

2011: Women: 12, Men: 7, Children 7, Total:26

Number of victims of THB who were repatriated from your country to another country

(THB victims who were issued a temporary residence permit and then left Sweden):

2009: Women: 6, Men: 2, Total: 6

2010: Women: 8, Men: 7, Children:5, Total:20

2011: Women: 6, Men: 7, Children:5, Total:18

Number of victims of THB originating from (THB victims who were issued a temporary residence permit)

Belgium: 1 (2009)

Bulgaria: 9 (2011)

Czech Republic: 1 (2010)

Lithuania: 2 (2011)

Romania: 12 (2010), 6 (2011)

Russian Federation: 2 (2009), 2 (2010)

Serbia: 1 (2011)

Slovak Republic: 1 (2009), 1 (2010)

Ukraine: 1 (2009)

United Kingdom: 3 (2010)

Other

Afghanistan: 1 (2009)

China

Eritrea: 2 (2009)

Ghana: 1 (2009)

Guinea 1

Iraq: 4 (2009), 3 (2010)

Iran: 4 (2011)

Kazakhstan: 2 (2011)

Kenya: 1 (2009)

Mongolia: 1 (2009), 1 (2010)

Nepal: 1 (2011)

Nigeria: 2 (2009)

Philippines: 1 (2010)

Sierra Leone: 1 (2011)

Thailand: 1 (2010)

Uganda: 1 (2011)

Vietnam: 1 (2010)