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**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**

**Second evaluation round  
(Reply submitted on 10 April 2017)**

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## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

## A. Follow-up questions

### 1. Please provide information on developments since GRETA's first evaluation (maj 2014) report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims)

The main exploitation forms of Trafficking in Human beings (THB) in Sweden are trafficking for the purpose of sexual exploitation, labour exploitation, petty crimes and forced begging, with sexual exploitation being the most reported. Reports from relevant authorities have noted an increase in victims being subjected in THB for multiple purposes. This is confirmed by the County Administrative Board of Stockholm (CABS) which functions as the National Coordinating mechanism (NC) in Sweden.

Police investigations and other information provided to the police showed that there was great vulnerability among those people who were smuggled into or otherwise fled to Sweden during 2015. There were also indications that some of these individuals could be subjected to various forms of human trafficking. In order to gain greater knowledge of the extent to which there is a link between people smuggling and human trafficking in Sweden, the Police Authority will prepare a situation update that includes proposed measures, as well as taking measures as required.

The CABS have also noticed an increase in victims who have been subjected to THB prior to arriving in Sweden. Based on the great number of refugees who arrived in Sweden during 2015 and 2016, the future challenges surrounding THB and asylum seekers are expected to grow. The refugee crisis in the EU has resulted in even closer links between smuggling of migrants and trafficking in human beings where the vulnerable migrants become easy prey for traffickers.

Since 2014, the number of suspected victims of trafficking identified within the Swedish Migration Agency's various subject categories has increased significantly (Statistics from the Migration Agency - see Statistics, E). Over the past two years the number of suspected victims of labour exploitation has increased. The number of suspected victims of sexual exploitation remains the largest group. Over the past two years the number of suspected victims of labour exploitation has increased by 183 %: 102 persons were in 2016 identified, compared to 36 persons in 2015.

The frequency of a particular exploitation form is affected by factors such as country of origin of the victim, time of the year and differs depending on which Swedish region it takes place in. As an example, authorities and NGOs in the southern region of Sweden (Skåne) noted a growing number of cases in which it was suspected that EU-migrants were exploited in the agricultural sector during the summer and fall of 2016. There has also been an increase of self-identification amongst victims of trafficking for the purpose of forced begging.

- any changes in your country's laws and regulations relevant to action against THB;

The Swedish Government has presented a bill to make it possible for Sweden to ratify the Protocol to the ILO Convention on Forced Labour (no 29) before summer 2017.

In October 2016, the 2014 Anti-trafficking Inquiry presented several proposals on criminal law amendments in the human trafficking provision, regarding the use of improper means, the intent to exploit

and to strengthen the child perspective. The inquiry also proposed penalty provisions to broaden the criminal liability due to the exploitation of others, particularly aimed at cases of forced labour, labour exploitation and exploitation for begging and criminal acts. A proposal regarding improper financial exploitation of people in vulnerable situations was also presented, as well as suggestions on how law enforcement authorities should handle human trafficking cases in an effective and appropriate manner (*Ett starkt straffrättsligt skydd mot människohandel och annat utnyttjande av utsatta personer*, SOU 2016:70). The proposals are currently under consideration by the Government.

In 2016, the provision on extended confiscation in the Penal Code was revised. In addition to the situations where extended confiscation has already been required, extended confiscation shall now be applied if any offence for which a penalty of two years of imprisonment or more has been committed and the offence is part of a criminal activity that has been conducted in an organized form. 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).

There are no relevant amendments to report regarding Sweden's laws and regulations regarding preliminary investigations, in addition to what has already been stated in the Report from June 2016. Therefore, we refer to, in particular, the answers under section "Compensation and legal redress", proposal 20 (pp. 35) and "Protection of victims and witnesses", proposal 25 (pp. 41) in the June 2016 Report on measures taken regarding the Public Notice on Preliminary Investigations (1947:948).

- **the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;**

Since 2009, the CABS has been appointed by the government to function as the National Coordinator against prostitution and trafficking. The CABS functions as a national contact point and provides operative and strategic method support to governmental authorities and NGOs in questions relating to prostitution and human trafficking. The CABS is also responsible for the Voluntary Return Program, in which victims of human trafficking can participate, regardless of the form of exploitation, and who have decided to return voluntarily to their country of origin and receive continued support there. The CABS leads the National Task Force against Prostitution and Trafficking (NMT). NMT consists of governmental authorities that work against prostitution and human trafficking and functions as a strategic resource for developing and increasing the efficiency of cooperation in the work against THB. The cooperation focuses particularly on supporting municipalities and regions which have limited experience of working against prostitution and human trafficking. NMT offers operational method support to municipalities, governmental authorities and NGOs in human trafficking cases through its telephone hotline (number 020-390 000) and through their website [www.nmtsverige.se](http://www.nmtsverige.se).

The Police authority has undergone a major reorganisation from 21 previously independent police authorities now becoming one authority divided in 7 different regions. The CABS has, to the extent possible, tried to adapt its regional support to this new formation. This is also fairly in line with the regional structure of the Migration Agency.

On 1 January 2015 the Migration Agency was reorganized and six regions were formed. In addition to the central coordinator against trafficking in human beings, regional coordinators were appointed.

The CABS has also appointed **Regional Coordinators against human trafficking** in six out of seven Regions, following the regional structure of the Police Authority. This means that all municipalities can receive support in THB cases by a Regional Coordinator located in the region. A regional coordinator is a person from the social services mandated to support local actors in actual cases of THB. Furthermore, the regional coordinator functions as a link between the national and local level in the work against THB and have been given the task to increase the local cooperation between relevant stakeholders (authorities and NGOs).

The Regional Coordinators will:

- Assist regional governmental authorities, for example the police and social services, with support in actual human trafficking cases and function as regional actors with highly developed competence.
- Synchronise the work against prostitution and human trafficking which takes place at a regional level with the work which takes place at a national level through continuous contact with the national coordinator against prostitution and human trafficking at the CABS.
- Refer trafficking cases in the region to the correct authority.

The CABS has noted that regions in which THB was previously rarely identified, has increased their capacity to combat THB after the setting up of regional coordinators. There was a clear increase in identified cases in these regions during 2016 and it is obvious that increased resources result in improved identification.

In the light of the increased flows of migrants and refugees during 2015, the Police Authority passed a special policy decision aimed at reinforcing its action to combat THB. The decision contains a number of objectives that target the organisation of the police, collaboration, the development of skills and methods, etc. The work is being coordinated by the national rapporteur at the Police Authority's Department of National Operations (NOA).

See also the June 2016 Report on measures taken, proposals 8 (p. 12-13), 9 (p. 16) and 24 (p. 39-40) and 25 (p. 42).

The Swedish government appointed an **Anti-Trafficking ambassador in May 2016**. The objective is that the ambassador will strengthen Sweden's international profile as a human rights defender. At the same time, it serves as an important instrument for concrete measures to improve the effectiveness of international efforts and cooperation. Through the ambassador's work, Sweden will also work to ensure that particular attention is paid to the gender equality perspective in international efforts to combat THB. The ambassador aims to facilitate dialogue between various governments, national agencies and international organisations on issues focusing on the prevention of and protection against THB, and on the prosecution of perpetrators. The appointment of an ambassador will also contribute to increased knowledge and quality in the work of relevant Swedish government agencies.

A **National strategy to prevent and combat men's violence against women** was presented by the Government on 17 November 2016 to the Riksdag (the Swedish parliament) (Govt Comm. 2016/17:10).

The strategy, combined with an extensive action program, was launched on 1 January 2017 and spans over a period of ten years. The strategy as such includes measures on men's violence against women, honour related crimes, as well as prostitution and trafficking for sexual purposes.

In the strategy, the government raises the need to engage men and boys in the preventive work against violence including prostitution and trafficking for sexual purposes. A continuous focus will be on the coordination between actors at all levels as well as on capacity building. No new measures directed toward prostitution and trafficking for sexual purposes has yet been presented during 2017.

As part of the strategy, the Government intends to establish **the new gender equality agency** as of 1 January 2018. The objective is to safeguard the strategic, cohesive and sustainable governance and effective implementation of gender equality policy. A number of already existing national assignments currently given to various agencies will be transferred to the new agency and then be co-ordinated within its framework. This transition includes, inter alia, parts of the National Centre for Knowledge on Men's Violence Against Women and parts of the Swedish Secretariat for Gender Research, as well as the assignment to distribute governmental grants to gender equality projects and women's organizations.

The particular assignment currently given the CABS, concerning prostitution and all forms of human trafficking, has until now been formed on a year-to-year basis and will continue throughout 2017. However, as of 1 January 2018, the assignment in its entirety will be transferred to the new gender equality agency on a permanent basis. Thereafter, the successful work yet carried out by the CABS will be continued by the new agency and be built upon. The Government has unequivocally stated in the documents pertaining to the strategy and the inquiry assignment, that trafficking in human beings is complex and in many aspects cross-border. Therefore, the new agency's tasks, including the co-ordination of national actions against human trafficking, shall encompass exploitation for all purposes.

In December 2016, the Government assigned an inquiry to set up the gender equality agency. The aim to facilitate the transfer of the various assignments in January 2018 is to be achieved in close contact between the inquiry and the agencies involved.

- **an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).**

In January 2017, the Swedish Government presented a new **National Security Strategy**. In the strategy, the Government defines national interests that are to guide the security efforts and underpins a number of fundamental values. Based on these interests and values, the strategy analyses a number of threats that challenge the capacity of society. Among them is organised crime in general and in that context human trafficking is mentioned in particular.

In June 2016, the Swedish Government decided on a new **Action Plan for 2016-2018 to protect children from human trafficking, exploitation and sexual abuse**. The action plan continues the previous action plan of 2014–2015. The new action plan contains 23 measures for the period 2016–2018 (see below). These measures will help to attain the goals of the 2030 Agenda, which involve eliminating abuse, exploitation, human trafficking and all forms of violence or torture against children and abolishing all forms of violence against all women and girls in public and private spheres, including human trafficking, sexual abuse and other types of exploitation.

## **Measures to improve efficiency and coordination**

### *1. Stronger national coordination and collaboration against human trafficking in children*

The CABS will continue its task of coordinating the dissemination and implementation of knowledge and methods aimed at providing support and protection to children against human trafficking and exploitation. This support will primarily be geared towards municipalities, county councils, county administrative boards and agencies as they perform their work. Recipients may also include other actors such as non-governmental organisations. Another aspect of this task is working to continue to develop cooperation with taxi companies and the hotel industry to increase the chance of identifying children being exploited for various purposes. This remit must also interconnect with the CABS other national mandates on children who disappear and on vulnerable EU citizens.

### *2. Appointing an ambassador for international cooperation against human trafficking*

Combatting human trafficking demands effective international collaboration. For this reason, as mentioned above, the Government has appointed an ambassador for work to combat human trafficking. The ambassador is to work proactively, raise the issue on the international agenda and help to reinforce international efforts against human trafficking. The measure means that the ambassador will work to ensure that Sweden's contribution towards international efforts to counteract human trafficking is reinforced, and that international experience is passed on to Swedish agencies so that any victims receive the protection and support that they need in Sweden.

### *3. Developing Nordic cooperation against the exploitation of children.*

The cooperation of the Nordic governments and their agencies on questions concerning the exploitation or abuse of children should be strengthened further. Developments in communication technology create new risks of abuse of children. These cross-border threats partly need to be handled through strengthened cooperation between the Nordic countries. The Government will therefore arrange and participate in joint meetings focusing on these issues.

## **Measures to increase knowledge and expertise**

### *4. More knowledge on unaccompanied child migrants who disappear*

The Children's Ombudsman has been commissioned to listen to children who have returned after having absconded, to understand more about the circumstances surrounding their disappearance. The Children's Ombudsman will summarise the information that emerges from the dialogue with these children in a report that will be disseminated to agencies, municipalities and other actors concerned, working with or for unaccompanied child migrants. In providing better knowledge, the measure will give the agencies concerned underlying data for increasing the protection of these children.

### *5. Study of particularly vulnerable groups of children*

The Government will commission the CABS to carry out an in-depth study of the groups of children judged to be particularly vulnerable, for example unaccompanied child asylum seekers, unaccompanied child migrants who are not applying for asylum and children whose parents or guardians are victims of human trafficking. The measure will help to improve knowledge of the living conditions of groups of particularly vulnerable children in Sweden. This knowledge will form a basis for efficient protection and support measures on the part of agencies, municipalities and county councils.

### *6. Support to social services in investigating transnational cases*

The Government will commission the National Board of Health and Welfare to produce an information brochure for social services about investigating children's need for support and protection in transnational cases where children are victims of human trafficking and/or sexual abuse. The information brochure is to be spread to the profession. The measure is to lead to greater support in the form of knowledge for social services when investigating children's need for protection in cases with a transnational dimension.

7. *Knowledge-based support to social services and the health and care sector for conversations with children*

The Government will commission the National Board of Health and Welfare to produce knowledge-based support for social services and the health and care sector for conversations with children, with the aim of better preparing them to also handle conversations with children who may have been the victims of sexual abuse or human trafficking. This support is to be disseminated to the profession. The measure must contribute towards a higher rate of identification of cases where children have been the victims of various forms of abuse and contribute towards greater expertise in social services' and the health and care sector's conversations with children in vulnerable situations.

8. *Talks with Swedish faith communities on child protection*

Via the Ministry of Health and Social Affairs, the Government intends to initiate a dialogue with different faith communities about their experiences when it comes to violence towards and abuse of children. The measure will identify experiences from, and the potential of, faith communities in working to increase the protection of children from violence, abuse and exploitation.

9. *Dialogue with foreign agencies on the theme of sexual exploitation of children*

In dialogue with Swedish foreign missions, the Government will work to help them to develop procedures and a readiness to draw attention to questions of child sexual exploitation, and any involvement of Swedish citizens in this abuse. The foreign missions must be able to monitor how well the countries are complying with the bilateral agreements on collaboration to combat gross criminality in cases where such agreements have been entered into between Sweden and the country in question.

10. *Dialogues on the theme of combatting exploitation of children in conjunction with travel and tourism*

The Government intends to invite participants to additional dialogues focusing on combatting the exploitation of children in conjunction with travel and tourism with, for example, the Swedish Police, prosecutors, judges, Swedish travel agencies and voluntary organisations, all of which have different experiences of the actual conditions surrounding the sexual exploitation of children in conjunction with travel and tourism and can provide knowledge of the circumstances that make it easier or more difficult for abusers to be identified and brought to justice. Particular attention should be drawn to the risks of exploitation of children linked to orphanage tourism and voluntourism.

11. *Dialogues on the theme of vulnerability of children and young people in social media*

The Government will continue with its annual dialogues with the Swedish Media Council, the Swedish Agency for Youth and Civil Society, civil society organisations and private actors on the theme of the vulnerability of girls and boys in social media.

12. *Knowledge bank of police methods and ways of working to prevent repeated violence*

The Swedish National Council for Crime Prevention (Brå) has been commissioned to produce a knowledge bank on police methods and ways of working to prevent repeated violence against children and adults in intimate relationships. On the basis of this data, the Government will commission the Swedish Police to develop preventive work in this area. In the long term, the knowledge bank will improve the work of the police to prevent violence in intimate relationships, and so also prevent children being exposed to repeated violence or being forced to witness repeated violence in their immediate environment.

13. *Continued exchanges of experiences between the Baltic countries*

The National Board of Health and Welfare will continue to represent Sweden in the Expert Group for Cooperation on Children at Risk (EGCC) within the framework of the Council of the Baltic Sea States, which involves ongoing exchanges of experience between specialists involved in protecting and supporting vulnerable children in the Baltic Sea states. Sweden will chair the EGCC in 2017, which



means we will need to raise the level of our ambitions. The aim is for Sweden to be a driving actor in Baltic Sea cooperation.

### **Measures to prevent abuse and crimes against children**

#### *14. Support and treatment for people who risk committing crimes against children*

The Government continues to contribute financially towards work to prevent sexual crimes against children run by the Centre for Andrology and Sexual Medicine (CASM) at Karolinska Hospital. The centre works to prevent sexual abuse by treating people who engage in behaviours that put them at risk of committing sexual abuse, partly through the national PrevenTell helpline. People with a pattern of sexual attraction to children are particularly prioritised. The centre will also develop and carry out a training programme directed towards relevant professional groups for treating people in risk categories who carry out, or risk carrying out, sexually violent acts – with the aim of reducing the risk of reoffending. The aim is for the individuals who want help in dealing with their sexual attraction so as not to abuse children to receive the support they need, so helping to prevent sex crimes against children.

#### *15. Examination of cases of suspected human trafficking of children in 2015–2016*

The Government has commissioned the CABS to carry out a systematic examination of all police reports of suspected human trafficking of children in 2015–2016, and to subsequently carry out an in-depth study of about ten selected cases. The main purpose of this examination is to attempt to identify why so few preliminary investigations into suspected human trafficking result in prosecution, and to identify which parts of the process can and should in particular be strengthened.

#### *16. Study on young people who have been the victims of online sexual abuse*

The Government grants funding to the Children's Welfare Foundation Sweden to carry out a study into children who have been the victims of sexual abuse via the internet. The aim is to expand knowledge of the consequences for children and young people of sexual abuse online.

#### *17. Improving the capacity of the Swedish Police to combat sex crimes against children*

The Swedish Police will be commissioned to propose measures to combat different types of sex crimes against children. This includes internet-related sex crimes against children and documentation of sexual abuse via the internet, child sex tourism, children who sell sex, human trafficking seeking to exploit children in prostitution, and sexual blackmail as a result of adults' contact with children with a sexual purpose. The measures will help the Swedish Police to improve its ability to discover, investigate, obstruct and prevent sex crimes against children, to identify victims and perpetrators of these crimes, and to improve international collaboration.

#### *18. Continued training for prosecutors in investigating human trafficking crimes*

Through continued training for prosecutors in investigating human trafficking crimes, the identification of human trafficking crimes can be improved. During 2016 the Swedish Prosecution Authority will be working on the project "Crimes against children, violence in intimate relationships and sex crimes against adults – a developed best practice". The project seeks to manage, develop and continue to implement this approach. Questions of human trafficking and sexual abuse of children are included in the authority's prosecutor training. The Swedish Prosecution Authority carefully monitors the issue and assesses the need for future training in this field. The aim is to develop the skills of prosecutors regarding human trafficking and sexual abuse.

#### *19. Information to prevent sexual exploitation of children relating to travel, orphanage tourism or voluntourism*

The CABS has been commissioned to help to inform the public of the existence of sexual exploitation of children in conjunction with travel and tourism. This abuse is largely also criminalised abroad and the general public must therefore be encouraged to report suspected abuse that comes to their knowledge. The general public must also be informed of the existence of exploitation and human trafficking in children in

connection with orphanage tourism and voluntary work in other countries, and how this can contribute to increasing the vulnerability of children. The measure will contribute towards work to reduce the vulnerability of children to human trafficking, exploitation and sexual abuse outside Sweden. Awareness will also increase regarding the fact that exploitation and human trafficking of children may also arise in conjunction with orphanage tourism and voluntourism.

#### *20. Continued development of bilateral agreements*

In 2016 the Government plans to enter into new bilateral agreements with other countries with the aim of combatting gross criminality, including human trafficking and sexual exploitation of children. These agreements will encourage collaboration on combatting criminality in these areas.

### **Measures to improve support for children**

#### *21. A model for better support and treatment for children who have been the victims of sexual abuse and physical violence*

The Government has granted the Children's Welfare Foundation Sweden funding for a development project on the principle that all children who have been the victims of sexual abuse and/or physical violence have the right to an assessment and the right to support and rehabilitation according to need. The model will support providing good information to children and parents, a functioning care chain and the opportunity for children and parents to seek and obtain support and treatment when the need arises. Particular attention should be paid to children with disabilities, as international reports show that they are more frequently the victims of violence and sexual abuse, for example, than other children. The aim is that the model will give children who have been the victims of sexual abuse or physical violence improved opportunities for support and rehabilitation.

#### *22. Information to children on where to turn in the event of sexual abuse*

The Children's Welfare Foundation Sweden receives funding to continue to spread information to children about their rights and where they can turn if they or a friend have been the victim of sexual abuse. The existing website "dagsattprataom.se" will be made even more accessible and also translated into more languages. A guide will be drawn up on the basis of children's wishes that adults at school should be courageous enough to talk about these issues at school when the children wish to do so. The aim is for knowledge of the children's own rights concerning sexual abuse to reach more children and for adults at school to receive support on appropriate ways of talking and asking about children's vulnerability.

#### *23. Improved skills in safe and critical internet use*

The Swedish National Agency for Education has been commissioned to produce and carry out national school development programmes. These include initiatives to strengthen digital skills in schools. In its planning, the Swedish National Agency for Education has included in-service training for teachers and other school staff on safe and critical internet use. The initiative is planned to be available from autumn 2016. The purpose is to help to provide children and young people with education in safe and critical use of the internet, so reducing the risk of them becoming the victims, e.g. of harmful interactions or exploitation via the internet.

## **B. Cross-cutting questions**

### **Gender equality (Articles 1.1.b, 5.3 and 17)**

**2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?**

The measures in the action plan to protect children from human trafficking, exploitation and sexual abuse does not only contribute to a rights of the child based policy, but also towards the strategic work that the Government is carrying out to reach the gender equality policy target of eliminating male violence against women, where girls and boys are to have the same rights and opportunities to physical integrity.

As noted above, on 17 November 2016, the Swedish Government decided on the written communication 'Power, goals and agency – a feminist policy for a gender-equal future' (Govt Comm. 2016/17:10). In the communication, the Government presents the focus of gender equality policy with a new goal structure, a gender equality agency and a ten-year national strategy to prevent and combat men's violence against women. The overarching gender equality goal is that women and men shall have the same power to shape society and their own lives. In addition, one of the strategy's subgoals is that men's violence against women must stop, which entails prostitution and THB for sexual purposes (see also question 1).

In Sweden, prostitution is widely seen as a form of violence against women – both a cause and a consequence of inequality between women and men. At its heart, the ban on buying sex which has been in force since 1999 was designed to tackle prostitution by discouraging men from paying for sex, while supporting those exploited through prostitution to exit and rebuild their lives. Access to effective support and exiting services for women exploited through the sex trade is essential to the success of the law along with services for buyers in order to stop their behaviour.

The legislation that prohibits the purchase of a sexual service came into being as one in a series of preventative laws and measures aimed specifically at the protection of vulnerable women and girls, men and boys against serious acts of sexual violence, but also to create a society where the culture of prostitution is changed into a culture where the human rights of all women and girls are protected.

The gender dimension of THB is an aspect given a great amount of attention in Sweden. Since the criminalization of purchase of sexual services in 1999 the focus among Swedish authorities working with these issues has been to target the demand for sexual services, as the demand feeds both prostitution and THB. Thus, the gender dimension of THB is highly recognised by the CABS in its way of understanding and working against THB. One result of this reality is that the capacity to combat THB for sexual purposes is fairly solid in Sweden and this is evident especially in the larger city areas.

The Swedish Migration Agency has developed an **Action Plan for gender mainstreaming 2016-2018**.

The gender mainstreaming work has three objectives:

- Equal treatment, service and assessments for female and male permit applicants and asylum seekers.
- Actively counteract men's violence against women and honour-related violence.
- Activities are permeated by a gender perspective.

The activities according to the Plan may lead to the consequence that more cases with trafficking are brought to the Agency's attention. Risk of violence against women is made visible and countered.

The Courts of Sweden have no specific policy to prevent or combat THB. This is mainly due to the Courts of Sweden's role as the judiciary, responsible for the administration of justice in civil, criminal, and administrative matters in accordance with the rule of law. In this role however, the Courts of Sweden indirectly contributes to the combating of THB by adjudicating cases concerning THB in accordance with the provisions laid down in law.

See also proposal 4 (“Comprehensive approach and co-ordination”) (p. 5) in the June 2016 Report on measures taken.

### Non-discrimination (Article 3)

#### 3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

The objective of the government’s human rights policy is full respect for Sweden’s international human rights obligations. In October 2016, the Government delivered to the Riksdag (the Swedish Parliament) a **Strategy for the national implementation of human rights** (Govt Comm. 2016/17:29). In the strategy the government concludes that an independent national human rights institution in accordance with the Paris principles should be established in Sweden. The government further believes that such an institution should be under the authority of the Riksdag and that therefore it is up to the Riksdag to consider the establishment of such an institution.

The Swedish Migration Agency does not register ethnicity; citizenship is registered. Information and routines on indications of different kinds of vulnerability are the same for every nationality. Specific information has been sent out internally within the Agency regarding suspect victims from Nigeria. The EASO-report on THB from Nigeria has been distributed to all employees concerned.

See also under “Assistance to victims”, proposal 15 (p. 30) in the June 2016 Report on measures taken.

#### 4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

In identifying suspect victims of trafficking among applicants for work permits and extension of work permits, the Swedish Migration Agency focus attention on some sectors, e.g. massage parlours, nail salons and restaurant business.

Work is in progress within the Government Offices on authorizing the police to conduct inspections in order to check that employers have employees with a right to stay and work in Sweden.

The Swedish Work Environment Authority supervises the rules for working hours and health- and safety regulations. The regulations apply to all employed workers, regardless of their nationality. The Work Environment Authority carries out inspections of workplaces, in order to check that the Work Environment Act and other provisions are followed. The Authority’s workplace inspectors may inform the police about any inspections and request assistance, especially if they suspect any irregularities.

In order to improve the Swedish authorities’ knowledge and capacity to address trafficking for the purpose of labour exploitation, the CABS initiated and funded the project **ATES** – Addressing trafficking for labour exploitation in Sweden. The project was implemented in cooperation with the Council of the Baltic Sea States, Task force against THB (CBSS TF-THB). See separate project description, **appendix 1**.

**5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?**

In cases of THB where gender dimensions such as violence against women are not necessarily present, for example labour exploitation, forced begging and petty crimes, the CABS notes that more work has to be done in Sweden. It is known that male victims of labour exploitation usually request support and assistance in terms of compensation and legal aid, rather than trauma therapy. The needs vary greatly depending on the gender of the victim and the form of exploitation he/she has been subjected to. There are currently no shelters for male victims in Sweden. In cases where male victims needed to be accommodated, they have been referred to shelters offering assistance to persons with addictions.

The fact that there is a lack in structures offering support to male victims became clear during the process of setting up a Swedish NRM, 2014-2016. For the year 2017 the CABS are supporting the Platform Swedish Civil Society against Trafficking in their work to set up shelters specifically targeting men.

See also under “Assistance to victims”, proposal 15 (p. 31) in the June 2016 Report on measures taken.

**Training of relevant professionals (Articles 10 and 29)**

**6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.**

Since 2010, the Police Authority has offered all employees access to interactive training on human trafficking. The training course is available on the Police’s Intranet. It provides knowledge of how to detect and investigate human trafficking etc.

Preliminary investigation leaders and investigators are also offered a two-week long advanced course on human trafficking in conjunction with the Swedish National Police Academy and Uppsala University. The advanced course is run once or twice a year and provides 4.5 college credits. Finally, each year a two-week course in surveillance and target searching on the Internet is offered in conjunction with the Swedish National Police Academy and the Blekinge Institute of Technology. The advanced course includes a special section on children as victims of trafficking.

Every year the Police Authority conducts a screening (surveys) on the need for training on a regional level. The regions then make requests for supplementary training in THB based on the results of the surveys. The supplementary training is not compulsory.

**Focus of the training:**

- Legal framework on THB (all forms), procuring, the purchase of a sexual service, the Aliens Act and the Secrecy Act.
- Trafficking in children and unaccompanied minors
- Gathering of evidence
- The role of the prosecutor
- International police cooperation
- Investigative techniques (telephone interception, surveillance measures etc.)

- Surveillance on the internet
- Crime victim support and protection
- Cooperation with authorities and NGO:s.(Civil society organisations)
- Reflection period and temporary residence permits
- Contact with media
- Case studies

An information page on preventive measures and the combatting of prostitution and Trafficking in human beings for sexual purposes is continually being updated on the Police Intranet. The aim of the project page is to act as a police national standard on the detection, investigation and prevention of human trafficking.

Preliminary investigations concerning THB are as a rule handled by one of the three international prosecution offices. Public prosecutors specialized in THB are working at these offices.

The CABS conducted several trainings for professionals during 2016 and organised a national conference with Demand as the main theme. Within the frame of implementing the NRM, established in 2016, trainings were organised in nine counties (three regions) where professionals participated from the Police authority, Migration agency, social services and a high number of NGOs. Several training seminars are planned for 2017 and the goal is to conduct trainings and enhance the capacity for professionals in all the Swedish counties.

The CABS frequently receive foreign delegations consisting of representatives from authorities and/or NGOs who wish to learn more about the Swedish work against THB for all forms of exploitation.

Furthermore, in 2016 the CABS initiated the process of developing an interactive training tool for professionals, focusing on social workers at municipal level. The interactive training focuses on THB in children and identification and will be launched in March 2017.

Regarding the training of new employees at the Swedish Migration Agency, please see report on 23 June 2016. Furthermore, the largest competence enhancing measure during 2016 has been the development of an internal online training about the work against THB. The training was published on the Agency's Intranet in November 2016, and after two months 983 employees had completed the training. In addition, a number of face-to-face training sessions have been completed within the Regions and a yearly national seminar was held in November both in 2015 and 2016.

The Judicial Academy offers employees within the Courts of Sweden a wide range of courses. One of these courses concerns sexual offences and sexual offences towards children. The Judicial Academy also offers members of the judicial staff an annual course in penal code. The theme of this course varies from year to year. In 2014, the theme was organised crime and one part of this course was dedicated to trafficking. Participation in these courses, as in all courses offered to judges, is voluntary. The courses offered by the Judicial Academy is free of charge and the courts who's' employees participate in the courses get economic compensation for travel expenses.

In October 2016 The Crime Victim Compensation and Support Authority and The County Administrative Board of Västra Götaland arranged a seminar on human trafficking. The program consisted of lectures from the National Rapporteur on the work of the Swedish Police on human trafficking. Other lectures on the agenda were those by a researcher on the Swedish legislation on human trafficking, local efforts in Gothenburg by the police and the prosecutors to combat THB, and information on the new manual on how to identify victims of human trafficking that the CABS has developed. 130 participants were present during the day. Most of the participants represented the Swedish Police, NGOs, social services and the Swedish Migration Agency. The seminar was evaluated and the day as a whole gained 4,59 on a six-point scale. 32 % of the participants expressed that most of the information they got can be useful in their daily work. 62 % responded that the information to some extent can be useful. The costs of the seminar were divided between The Crime Victim Compensation and Support Authority and The County Administrative Board of Västra Götaland.

See further in the June 2016 Report on measures taken, “Training of relevant professionals”, proposal 8, (pp. 11) and “Comprehensive approach and co-ordination”, proposal 4 (p. 5).

In January 2015 a National Coordinator was appointed to provide support to the domestic bodies dealing with vulnerable EU citizens who stay temporarily in Sweden and do not have a right of residence here. His main responsibility was to facilitate cooperation between bodies in Sweden and facilitate contacts between NGO’s in Sweden and in home countries etc. He presented his report in February 2016 where he addressed the need for continued coordination of measures at regional level with regard to vulnerable EU citizens.

**A commission to the County Administrative Board of Stockholm on vulnerable EU citizens** was decided by the Government on 14 March 2016. The County Administrative Board of Stockholm was appointed to develop and strengthen the national coordination of all bodies dealing with vulnerable EU citizens who stay temporarily in Sweden. The County Board shall develop support and implement competence skills and also give advice on how to cooperate in an effective and uniform way. The Government has also assigned the National Board of Health and Welfare to develop support to the Social Services for their work with children to EU-citizens who risk deprivation.

The work of the coordinator for the national mission on vulnerable EU citizens started in September, 2016. The coordinator has established a national cooperation network for the public actors operating in the framework of the mission to strengthen the implementation and results of the mission. Through cooperation networks information and good practices are collected and disseminated. Actors in the network are the police, the Swedish Association of Local Authorities and Regions (SALAR), National methodological support team against prostitution and human trafficking (NMT), The Swedish Tax Agency, the Swedish Enforcement Authority, the Employment Service, the National Board of Health and Welfare and the Swedish Migration Agency. The hub of the work will be a website that will be launched on 10 May, 2017. The website will contain updated information about law, practice and local examples.

The National Board of Health and Welfare has developed **a training package to provide assistance and protection to children and young people who have sex for compensation**. The aim is to increase professionals’ awareness about sexual risk behaviors which children and young people may find themselves in, and to provide knowledge in the field. The material is aimed at organisations that work

with children and young people. The training package consists of written training materials and online training.

### Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

**7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.**

The National Coordinator's office is tasked with a number of activities from the government under the action plan to protect children; in order to both assess the current situation regarding exploitation of children and also activities to prevent trafficking and all forms of sexual exploitation of children (see further under question 1). An assessment on all police cases concerning trafficking in children in 2015 and half 2016 is ongoing and will be finalised in the spring of 2017. In 2017 the National Coordinator's office has further been tasked by the government to conduct an in depth study on children at risk with a focus on unaccompanied children seeking asylum, child migrants, as well as children to victims of trafficking with the purpose to assess these groups vulnerability to trafficking in human beings.

In the process of developing the manual (NRM), the CABS chose to not make a separate part about child victims of trafficking. Instead, they chose to integrate it into the manual. This means that at each measure/action that concerns a child, there is a child-symbol and more thoroughly formulations about what the child's rights and what the authorities, mainly social, roles are in these cases. The assessment is that the identification of children who are victims of trafficking need to be improved, especially given the refugee situation. Although, the manual focuses on the support process after identification. Therefore the CABS in 2016 began to work on the developing a **web-education focusing on identification of children** (that will soon be presented).

The 2014 Anti-trafficking Inquiry has, in an interim-report, reviewed the scale of penalties for the penal provision purchase of a sexual act from a child. To ensure that the scale of penalties fully corresponds with the severity of the crime the inquiry has proposed a raise of the minimum penalty by removing fine from the scale, and introducing a gross crime with a maximum penalty of imprisonment for four years. The inquiry has also proposed amendments of the provision that states that a perpetrator can be sentenced for sexual crimes against a child even though he or she did not realise but had reasonable grounds for assuming that the child had not attained a certain age (*Ett starkt straffrättsligt skydd mot köp av sexuell tjänst och utnyttjande av barn genom köp av sexuell handling m.m.* [SOU 2016:42]). The proposals are currently being considered by the government.

The Swedish Migration Agency's internal Handbook on Migration Cases contains a section on **minors as possible victims of THB**. Unaccompanied asylum-seeking minors, children of suspected victims of THB and children arriving later in family reunion cases are considered groups at risk. The Agency's templates for interviews (application and reception) with minors have been updated. The templates for interviews now contain suggested supplementary questions to follow up the situation of a child who e.g. might be a victim of THB.

**8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment for them, including through:**



**a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**

When a child is born in Sweden, the birth shall be registered in the population register, regardless of the citizenship of the child. A notification of the birth is sent to the Swedish Tax Agency (Skatteverket) by the hospital, the midwife or the child's legal guardian. The obligation to report the birth applies both for children who becomes a resident in Sweden by birth and children who's stay in Sweden is temporary.

**b. raising awareness of THB through education;**

The Government has commissioned the National Board of Health and Welfare to produce an information brochure for social services about investigating children's need for support and protection in transnational cases, and also to produce knowledge-based support for social services and the health and care sector for conversations with children, see further under question 1 (measure nr 6 in the action plan to protect children).

The CABS further continued its national awareness campaign **Travel Courage**. The campaign was launched in 2014 and its purpose is to inform Swedish tourists that a Swedish citizen who sexually exploits children abroad can be convicted in Sweden as well. The campaign has raised awareness about the issue of sexual exploitation of children, according to a survey.

**c. training professionals working with children.**

The CABS regularly disseminates its publications developed for professionals who might identify cases of sexual exploitation of children. In 2016 the CABS initiated the process of developing an interactive training tool for professionals, focusing on social workers at municipal level. The interactive training focuses on THB in children and identification and will be launched in March 2017.

The Action Plan to protect children also contains measures to increase knowledge and expertise for persons working with children (see question 1).

**9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?**

To our knowledge there has not been a need to verify the age of a child victim of trafficking. The discussions have rather been regarding the age of offenders (and the standard of proof in court where this question is raised).

Children have special rights under international and Swedish law. Where there is doubt as to whether an asylum seeker is a child or an adult, the Swedish Migration Agency must make an assessment of the person's age in light of the evidence in the case. During recent years, the number of unaccompanied minors (UAM) applying for asylum in Sweden has increased strongly. More than 35,000 UAM applied for asylum in Sweden in 2015, compared to approximately 7,000 unaccompanied minors in 2014 and approximately 3,800 in 2013. In 2016, the number of UAM coming to Sweden was at a much lower level (2,200). There are various methods – both medical and non-medical – that can be used to assess age, but none of them can precisely establish a person's age if he or she does not have reliable identity documents, e.g. a national passport. In the asylum process, the burden of proof lies with the asylum seeker to

plausibly demonstrate his or her account (regarding the need for protection) and identity (including age). This applies even to children and means that asylum seekers themselves are primarily responsible for providing relevant information to guide the assessment of their need for protection. However, UAM often lack documents that can prove their age. The results of a medical age assessment are one of several possible pieces of evidence that an applicant can use to fulfil the burden of proof with respect to age, and the results are evaluated alongside other evidence.

The Migration Agency has an obligation to inform the child of the possibility to undergo a medical examination to establish his/her age. In other words, this is not an investigative method that the Swedish Migration Agency itself uses in order to come to a decision regarding the asylum application, but rather something that can be offered to the individual to help demonstrate his or her age. This provision is based on EU law, and the established 'benefit of the doubt' principle. There are various methods of assessing age, and in April 2016 the Swedish Government decided that the National Board of Forensic Medicine in Sweden will carry out medical age assessments of UAM asylum seekers on request from the Migration Agency. The method used include a combination of x-ray of the applicants' wisdom teeth and a Magnetic Resonance Imaging (RMI) scan of the knee joints. Examinations will be carried out with the consent of the applicant and his/her legal guardian. Medical age assessments in accordance with the new guidelines are rolled out in March 2017.

Revaluation (to write-up the age) can only be done in obvious cases or in cases where there is evidence of the identity. Regardless of the revaluation, the circumstances shall be reported to the police and the Social Services on suspicion of THB.

**10. What steps are taken in your country to ensure that the rights of the child and his/her best interests are duly taken into consideration, in particular when it comes to:**  
**a. identification of child victims of trafficking;**

The CABS is working closely with all relevant operative workers to ensure that children get the protection that the law guarantees them. One of the most important issues is to ensure efficient and proper identification of child victims. The CABS works closely with the regional county coordinators to support them in the identification and support work in cases of THB of children.

The NRM launched by the CABS in 2016, was developed by a dozen relevant agencies and the National Rapporteur, and is clearly stating the responsibilities of each authority regarding the referral of victims of THB. It also states the National Coordinators function as a national focal point and first point of contact for operative support in direct cases of THB.

The most important role of the Swedish Migration Agency in the work against THB is to identify suspected victims and make sure that law enforcement and supportive authorities are notified. This is especially important when it comes to victim children and children of parents identified as victims. The Agency's internal Handbook contains indicators for identifying suspected victims among children. There are also routines for reporting child abuse in accordance with the Social Services Act. **An online-tool developed by EASO is now being piloted by the Migration Agency.** The tool is used for identifying victims of trafficking and other vulnerable groups among asylum-seekers, including both adults and minors. The activities will be evaluated during March 2017; thereafter will the tool be a national standard.

According to Social Services Act (Chapter 1, Section 1) the social welfare committee shall without delay open an investigation of matters which have been brought to its knowledge by application or otherwise and which may occasion action by the committee. According to Chapter 14, Section 1 in the same act, any person receiving information of a matter, which can imply a need for the social welfare committee to intervene for the protection of a child should notify the committee accordingly. The social welfare committee should take steps to ensure that persons subjected to criminal acts and their next-of-kin are supported and helped. Alongside, according to Chapter 11, Section 6, documentation shall be drawn up with respect for the privacy of the individual. The individual shall be kept informed of the record entries and other notes made concerning him or her. If the individual considers any entry in the documentation to be incorrect, a note shall be made to this effect. When measures affect children, the requirement of consideration for the best interest of the child shall be specially observed (Chapter 1, Section 2). Further, when a measure affects a child, the child must according to law receive relevant information. A child should be given the opportunity to express its views on matters concerning the child. If the child does not proceed to state its opinions, then his or her attitude as far as possible should be taken into consideration in another manner. The child's opinions and attitudes should be taken into consideration in relation to his or her age and maturity.

To increase the professionals' awareness of riskful sexual situations concerning children, youth and adults the National Board of Health and Welfare has developed educational material in the form of a web training and brochures. The aim is to present easily accessible information on the latest knowledge in the field. The web training has two main target groups, namely people who work with children and youth and those working with adults. The National Board of Health and Welfare has also published two brochures about sex for payment. One focuses on children and youth and the other one on adults. The written materials complement and deepen the content of the web training. The education material provides tools to identify discuss and capture people who need support or protection due to sex for payment.

Concerning the quality of support and assistance to victims of trafficking, in Sweden there exists only a general control system. The support and assistance given by the social services is supervised by The National Board of Health and Welfare.

See also the June 2016 Report on measures taken, Identification of victims of trafficking in human beings, proposal 14 (pp. 25).

**b. appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking;**

According to the Special Representative for Unaccompanied Children Act (2005:429) unaccompanied children shall be provided with a guardian ad litem/representative ("*god man*"). Usually the Social Welfare Board or the Migration Agency notifies the Chief Guardian of the city where the child resides of the need for a guardian ad litem (*god man*). (The Chief Guardian is a municipal authority, who has the task to supervise the guardian.) A guardian ad litem (*god man*) should be appointed as soon as possible. The child has, however, a right to (if possible) be heard before the appointment. After the appointment the Chief Guardian should immediately inform the child and the child's residence and the public counsel, if applicable, of who has been appointed. When deciding if the intended person is suitable as a guardian ad litem (*god man*), particular importance should be attached to the child's vulnerable position. If a child is granted asylum in Sweden a specially appointed custodian will normally be appointed instead.

In the beginning of 2016 the Swedish Migration Agency published information and a brochure about THB specifically addressed to guardians ad litem (gode män). See information on website (in Swedish): <https://www.migrationsverket.se/Andra-aktorer/Gode-man/Gode-mannens-roll/Manniskohandel.html>

In Swedish, see brochure:

<https://www.migrationsverket.se/download/18.2d998ffc151ac3871597be7/1485556227957/M%C3%A4niskohandel.pdf> (also attached as **appendix 2**)

The Swedish Migration Agency cooperates with two national organizations for guardians ad litem.

### **c. locating the child's family;**

The Social Services has the responsibility for the welfare of unaccompanied minors applying for asylum and residence permits. This includes locating family members. The Migration Agency traces the child's family only if and when a decision on expulsion has gained legal force. The task lies with the Unit for Coordination of Returns in Region Stockholm. By centralizing the work on tracing families the officials have gained a high level of competence. The Migration Agency's internal steering document for family tracing is currently under revision and the ongoing work is important for orderly reception in the country of origin. A review of the Migration Agency's return process is scheduled later during 2017.

According to Chapter 11, Section 2 in the Social Services Act (2001:453) in an investigation as to whether the social welfare committee needs to intervene for the protection or support of a minor, the committee, in order to assess the need for measures, may consult experts and otherwise make such contacts that are needed. The investigation shall be conducted in such way that no person is unnecessarily exposed to injury or inconvenience. It should not be made more extensive than is justified by the circumstances of the matter. According to Chapter 1, Section 2 in the same Act, when measures affect children, the requirement of consideration for the best interest of the child shall be specially observed. A child is any person aged less than 18 years.

Social services investigate the child's needs and the relation to their parents in their country of origin. Unaccompanied children's needs should be investigated in accordance to the same rules and procedures that apply to investigations of other children who may need social service interventions. However, the investigation needs to be adapted in accordance to the specific situation of unaccompanied minors. The investigating social worker, for example, need an interpreter and to involve the trustee in the place of parents.

The parents of an unaccompanied child may also continue to be active in their children's lives through mobile connection etc. Even if the child's parents not are in Sweden the investigator should not rule out that the parents role in the investigation. If and how they can be involved must be investigated and resolved in each individual case.

### **d. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;**

Provisions in the The Public Access to Information and Secrecy Act (Swedish: Offentlighets- och sekretesslagen [SFS 2009:400]) entail that this type of data on a child victim of trafficking routinely receive protection from public scrutiny by social services, criminal investigation authorities and courts. As for the courts, they can coat the data with confidentiality during hearings – by excluding the public –

and in judgments. On October 1, 2016, some clarifications were introduced in the Public Access to Information and Secrecy Act affecting the protection of personal privacy in a positive way and may be of particular importance in cases and matters involving children.

A preliminary investigation concerning THB is classified as secret. When a case is prosecuted the identity of the victim is classified as secret, without regard of the victim being an adult or a child. The identity of the victim is also classified as secret throughout the court proceedings.

The Crime Victim Compensation and Support Authority always does a confidentiality assessment concerning the disclosure of information about those applying for criminal injuries compensation. It is not possible to generalize what such evaluation would result in a case of disclosure of information about a child victim of trafficking. The assessment is made in each individual case.

As mentioned in question no. 6, the Police Authority training includes focus on media contacts.

**e. access to appropriate and secure accommodation, education and health care;**

The Social Services Act states that in actions concerning children the child's best interest should be taken into consideration. At decisions or other actions involving care or treatment interventions for children, the child's best interest is crucial. The social committee is responsible for giving children that have been victims to crime and their families the support and assistance they need.

The government has granted the Children's Welfare Foundation Sweden funding for a development project on the principle that all children who have been the victims of sexual abuse and/or physical violence have the right to an assessment and the right to support and rehabilitation according to need, see further question 1, measure no 21 in the Action plan protecting children.

**f. issuing residence permits for child victims of trafficking;**

In 2015, two children were granted temporary residence permits according to Chapter 5, Section 15 of the Swedish Aliens Act (Utlänningslagen, 2015:716) when the person in charge of the preliminary investigation had specified THB as a cause for application. In 2016, three children were granted permits on this ground.

As for other applications for residence permit, on the grounds of need for international protection (asylum) or because of especially distressing circumstances, there are no coding system that allows statistics to show whether a permit has been granted because of the applicant child being a suspected victim of THB.

**g. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;**

A victim of THB is provided with a legal counsel (aggrieved party counsel), without regard of the victim being an adult or a child. It is the court that appoints aggrieved party counsel. The court can only do this when a preliminary investigation has been initiated. The legal aid is free of charge for the victim. The legal counsel takes charge of the victim's legal interests and claims compensation when the case is prosecuted. If required, an interpreter is at disposal for the victim during interrogations etc.

The counsel, who is usually a lawyer, will look after the victims interests and give guidance and support during the investigation and the hearing. The counsel shall inform the victim about the possibilities to claim damages from the perpetrator or obtain compensation from the state. The counsel can also bring an action for damages on the victim's behalf in the criminal case if the prosecutor does not do so. The court may decide that a claim for damages shall be dealt with in the manner prescribed for civil actions. In these cases the counsel for the victim (counsel for an aggrieved person) is representing the victim even in the civil case. The victim does not have to pay anything for the legal representation.

The counsel's mandate ceases after the hearing and does not include help in ensuring receipt of damages or other compensation. According to the Crime Victim Compensation and Support Authority, the counsel assists victims of human trafficking to apply for criminal injuries compensation. It is unclear if the counsels do this for free or if they receive compensation from the victims.

In criminal cases special representatives for children is also state funded. In a case where a custodian, or anyone who is a custodian, has a close relationship with a person suspected of committing an offence against a child, the child may get a special representative. The special representative shall, instead of the child's custodian, protect the child's rights during the preliminary investigation and during the trial. It is usually a lawyer who is a member of the Swedish Bar Association that is appointed as a special representative but it can also be a lawyer at a law firm or another person. The special representative must also satisfy certain requirements regarding suitability. It is the court that appoints the special representative upon an application by the prosecutor. The special representative will be paid by the state and does not cost the child or the child's family anything.

If a victim does not speak Swedish or has a speech impediment or has seriously impaired hearing, the victim is entitled to the services of an interpreter free of charge during the police investigation and in the court hearing.

In 2013 The Crime Victim Compensation and Support Authority received an assignment from the government to develop information on protection and assistance directly to children as victims of crime. The information is presented on the website [jagvillveta.se](http://jagvillveta.se) and consists of texts, movies, games, brochures and a book. Some of the material has been translated to nine other languages than Swedish.

As of 1 July 2014, there is a new Criminal Injuries Compensation Act in force in Sweden. It contains a special time-limit for children to apply for criminal injuries compensation. Children can always apply until the day they turn 21 years old. As for the possibility to claim compensation for expenses for legal aid, see also section "Compensation and legal redress", proposal 20 (p. 36) in the June 2016 Report on measures taken.

**h. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;**

The CABS runs a Voluntary Return Programme for victims of THB since 2012. When children are included in the program it is always the social services who take the appropriate measures to guarantee a safe return for the child, in cooperation with International Organization for Migration (IOM).

The Migration Agency's work with returning rejected asylum-seeking children has still voluntariness as a basis and includes orderly reception in the receiving country, primarily to a parent or close family. Non-voluntary returns are submitted to the Police, but are also subject to the requirement of orderly reception.

The Migration Agency cooperates with the CABS regarding the return program the Board operates together with the IOM office in Helsinki.

Liaison officers for return, employed by the Migration Agency, are in place in Tbilisi, Amman, Nairobi, Kabul and Rabat. In general, they assist return travels and support local and regional cooperation and appropriate contributions for orderly reception. The liaison officers have also an assignment to identify and develop opportunities for assistance to vulnerable groups on return.

#### **i. special protection measures for children.**

See question 1, regarding measure no 21 in the Action plan to protect children.

See further in the June 2016 Report on measures taken, Protection of victims and witnesses, proposal 25 (p. 41).

**11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?**

In 2016 the CABS conducted a mapping on missing unaccompanied minors in Sweden between the years 2013-2016. The report, *Lost in Migration*, is the most up to date and comprehensive research conducted of the situation in Sweden. The report shows that 1829 unaccompanied minors (4 % out of a total of 45 000 who received a municipality assignment during the period 2013 until the end of May 2016), were still reported missing on 31 May 2016 by the Swedish Migration Agency. The report also indicates that unaccompanied minors in the arrival phase are a special group at risk in terms of human trafficking.

According to the report: *Trafficking in children – national survey 2012-2015*, 210 children were suspected of being subjected to trafficking and 64 % of these were unaccompanied minors.

The government has commissioned the National Board of Health and Welfare to produce knowledge-based support for social services and the health and care sector for conversations with children, with the aim of better preparing them to also handle conversations with children who may have been the victims of sexual abuse or human trafficking, see measure number 7 in the action plan to protect children.

Guidelines from the National Board of Health and Welfare's regarding unaccompanied minors is found in "Unaccompanied minors - Handbook on Social Welfare Board's responsibilities and duties" from 2016 and describes the situation of unaccompanied minors that disappear. The guide contains a description of what an individual social worker can do when there is suspicion of human trafficking and other crimes against children.

In January 2016, the County Administrative Boards of Sweden were given a government assignment concerning unaccompanied minors who go missing. The County Administrative Boards were assigned to, in cooperation with other relevant authorities and actors, conduct a national mapping of unaccompanied

minors who go missing and propose measures to the government to prevent unaccompanied minors from going missing.

The report, **Lost in Migration**, proposes **measures to the government to keep unaccompanied minors from going missing** (see **appendix 3**). The recommendations concerns: statistics and collecting information about the group; need to evaluate effects of amended legislation and practices; stronger support for unaccompanied minors throughout the asylum process; stronger and early efforts to address the rising mental illness and psychosocial problems among unaccompanied minors; collaboration for both preventative work and when an unaccompanied minor goes missing.

The mapping, that the CABS prepared, indicates that unaccompanied minors in the arrival phase are a special risk group in terms of human trafficking. For example, it happens that children who come to Sweden without a guardian is, or is at risk of, being exploited by the same person who smuggled them into the country. Sometimes this has occurred before the children come into contact with Swedish authorities. The Police come into contact with unaccompanied minors at border crossings at entry and exit and when there is a suspicion that he or she is a victim or perpetrator of a crime.

Regarding measures to prevent children from disappearing or absconding during the return process, the Migration Agency has participated in the national agency cooperation with the CABS as convener. The national agency cooperation has resulted in a proposal on an action plan to the government.

The CABS has several national assignments that sometimes touch each other. The National Method Support Team (NMT) at CABS always makes extra effort to include the human trafficking perspective in other social issues (unaccompanied minors, vulnerable EU citizens, etc.) when the situation demands it.

Please see further under section “Comprehensive approach and co-ordination”, proposal 4 (p.4), and “Identification of victims of trafficking in human beings”, proposal 14 (pp. 25) in the June 2016 Report on measures taken.

**12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child’s best interests?**

The Voluntary Return Programme run by the CABS (See below under question 45)

See also under question 10 a and c above.

## **C. Questions related to specific articles**

### **Definitions (Article 4)**

**13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.**

Trafficking in human beings for the purpose of forced labour can be difficult to prove because the people being exploited do not always see themselves as victims – even in cases where the police and prosecutors suspect that they have been subjected to these crimes. The victims are often particularly vulnerable as they are in a foreign country with a foreign culture where they do not have a command of the language. It



can also be difficult to determine the extent to which a person may have been exploited and whether the exploitation is serious enough to be considered a criminal matter under the trafficking legislation. The victims are usually able to move around freely but are controlled, for example through threats of violence or by being deprived of their passports or being in debt to the perpetrators. Workers from outside the EU, working illegally in Sweden for rogue Swedish employers, are also under great pressure since their illegal status could be revealed to the authorities if the workers were to protest about poor working conditions.

The human trafficking legislation is complex and often difficult to enforce. If criminal liability for human trafficking is to be established, the perpetrator must, for example, show purpose intent as regards the exploitation, i.e. he or she must have been intending to exploit the victim. This requirement can cause problems when it comes to applying the legislation, particularly in cases where the recruitment, transport and exploitation took place outside Sweden. It can also be difficult to prove that the perpetrator used improper means in dealing with the victim. A shortage of resources and lack of ability on the part of the police to investigate the crime can also be reasons that prevent more crimes of human trafficking from being resolved.

It is often difficult for the courts to understand the psychological mechanisms that motivate victims of human trafficking and that, for the victims, there was no real or acceptable alternative to submitting to the perpetrator's will. Perpetrators often use subtle threats and pressure to overcome the victims' free and true will. These are circumstances that the victims often talk about, but which cannot always be supported by other evidence in the form of testimonies or written threats, for example, or by evidence from phone tapping or other surveillance measures.

Finally, the victim may be socially and emotionally dependent on the perpetrator and it can sometimes be difficult to explain to the court the special relationship that often exists between perpetrators and victims in cases of human trafficking.

One or more of these factors have contributed to charges concerning human trafficking never being brought, being dismissed, or to the court opting for a sentence at the lower end of the penalty range, or citation of a milder offence.

Inquiries concerning THB often require extensive investigations. The most frequent inquiries concern THB for sexual purposes. It is more difficult to detect and take legal proceedings against forced labour. If THB for this purpose cannot be proved there are other offences that can come into question in certain circumstances, for instance usury and fraud. There is currently a proposed bill in order to make it easier to prosecute and take legal proceedings against THB concerning forced labour or similar cases.

**14. How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.**

Exploitation of another person's vulnerable situation is one of the improper means found in the penal provision on human trafficking. It refers to situations where the offender uses the fact that the victim is in a position of dependence upon him or her, for example due to a financial liability relationship, employment or subordination. Other examples are situations where the offender uses the fact that the victim lives under difficult economic conditions, is living in exile, is powerless, suffering from a mental disability or illness, or has a drug addiction. In the overall assessment, the the victim has no real or

acceptable alternative but to submit to the action taken. It was the Council on Legislation (Lagrådet) that gave initiative to clarify this improper means in the penal provision. It was motivated by the fact that precisely such abuse of another person's vulnerability is common in situations of trafficking in human beings (prop. 2003/04: 111 p. 99).

In almost all court cases from recent years, the prosecutor has alleged that the perpetrators have persuaded victims to submit to a certain action (handelsåtgärd) through deceit. The perpetrators have in these cases provided false information about the purpose of and the circumstances surrounding the stay in Sweden, mainly regarding the economic and working conditions. In all cases, the prosecutor also alleged that the perpetrators had exploited the victim's vulnerable situation. This due to the fact that the victims had been in a financially vulnerable situation in their home country, isolated when in Sweden, with no money of their own and no accommodation of their own. Also a lack of language skills, no contacts of their own in Sweden and no knowledge of Swedish society at large has been brought forward and according to the prosecutor this has led to a de facto dependent on the perpetrators. In some cases it has also been alleged that the perpetrators have taken possession of the victim's identity documents, with the consequence that the victim is not able to leave the country. In some case it has also been suggested that the emotional relationship to a particular offender put a victim in dependence on him or her. In several cases the court have found that the victim's vulnerable situation was exploited.

**15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.**

Both forced marriage and illegal adoption are recognized as exploitation purposes under the Swedish provision on human trafficking in the Penal Code. Neither is stated explicitly in the provision, but can be covered as a form of exploitation for an activity in a situation that places the person in distress (Chapter 4, Section 4 a). The preparatory works regarding human trafficking provides, as an example of a person exploited in a situation of distress, a young person being sexual exploited and used in domestic labour under the framework of a forced marriage (Govt bill. 2003/04: 111, p. 67).

There are also other regulations to control and counteract both situations. Marriage coercion is since 2014 a crime under the Penal Code (Chapter 4, Section 4 c). To clarify the seriousness of the offense there were grounds for introducing a special penalty provision, a qualified form. This also facilitated the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

Marriage coercion is committed if, by unlawful coercion or through exploitation of a persons exposed situation, someone forces that person to marry. The penalty is imprisonment for at most four years. A separate criminalization was at the same time introduced for any person who by deception induces a person to travel to another country for the purpose of marriage coercion (Chapter 4, Section 4 d). The penalty is imprisonment for at most two years.

The Court of Appeal for Western Sweden (14 September, 2012 in case no B 1689-12) dismissed charges on trafficking against two parents who had arranged a, according to the prosecutor, forced relationship between their son and a young woman. Upon arrival in Sweden, the young woman lived with the family and started a sexual relationship with the son who had mental and intellectual disabilities. The

circumstances of the case did not lead the Court of Appeal to the conclusion that the young girl had been in a situation that placed her in distress or that it involved exploitation for sexual purposes.

Compensation for adoption has in principle been banned for a long time in Sweden. This principle is stated in the Parental Code (Chapter 4, Section 6). The court must ensure that no compensation is given or promised before an adoption is allowed, according to the Parental Code (Chapter 4, Section 10). An important aim of the regulation is to combat child trafficking. In addition, the person or couple who wants to adopt a child from another country needs approval from the Social Welfare Board which is given after a special investigation and parental course. The approval must be given before the child leaves the country.

Since July 2006, there is a provision in the Penal Code (Chapter 7, Section 2) regarding improper obtaining of consent or permission for an adoption. The penalty is a fine or imprisonment for at most two years.

**16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?**

Yes, forced begging fits the purpose of exploitation for an activity in a situation that places that person in distress, and is thus covered by the provision on human trafficking. In some cases, courts have equated the purpose of forced begging with forced labour.

In 2015, the intelligence unit at NOA held and coordinated several meetings with the seven police regions as part of the work to collect information and present a national situation update with regard to begging crimes targeting and committed by people linked to vulnerable EU citizens in Sweden. The intelligence unit was assigned to produce this situation update in the autumn of 2014 by the national management group for the police (NOLG).

The report found that vulnerable EU citizens who were begging were present over the whole country, and that the number amounted to around 4,700 people in 2015. It was considered that most of the vulnerable EU citizens who came to and were in Sweden in order to beg had done so of their own volition – in other words, without any criminal intent and without any link to organised crime. Most of them worked together in small groups of family members, relatives or friends who jointly arranged the journey to Sweden and their accommodation during their stay here. In 2015, these vulnerable EU citizens came almost exclusively from Romania and Bulgaria, along with family members, relatives and friends. According to the assessment by the police, a proportion of this begging was also linked to organised crime. There were a number of groups of vulnerable EU citizens begging in 2015 who were controlled by criminal players. These criminal players controlled these vulnerable EU citizens, using – among other things – blackmail and threats. The situation update on crime linked to begging and vulnerable EU citizens was handed to the Swedish Minister of the Interior in December 2015.

The intelligence unit at NOA also collaborated with the government's National Task Force for work with vulnerable EU citizens and the CABS – as well as with other authorities and NGOs that had come into contact with the vulnerable EU citizens with regard to begging. In the light of the current situation update presented by the Swedish police, staff at the intelligence unit also made two international study visits. One visit was made to Bulgaria and one to Romania, the aim being to collaborate and exchange

information relating to the situation regarding begging and the vulnerable position in which those begging find themselves. Work meetings were held with the national units of the police authorities and NGOs in Sofia and Bucharest.

Please see further under “Comprehensive approach and co-ordination”, proposal 4 (pp. 2), in the June 2016 Report on measures taken.

The Svea Court of Appeal (case no B 9636-10, 19 January 2011) dismissed charges where a Romanian girl's parents stood accused of trafficking for forced begging. The girl was 14 years old and travelled to Sweden together with her parents with the intent to beg. The family was very poor, and the court concluded that the girl had shared her parents miserable living conditions whilst in Sweden. There were no threats or force involved, and the court did not find that the girl had been exploited by her parents.

**17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.**

Yes, to exploit another person in an activity in a situation that places that person in distress has in preparatory works been exemplified by a person induced to beg or steal.

The Svea Court of Appeal sentenced two persons for human trafficking in this regard (Case RH 2010:34). The offenders had brought two 16 year old boys from Romania to Sweden where they stole goods together. They had taken control over the minors with the purpose of exploiting their vulnerable situation to persuade them to participate in criminal activities in a situation that placed the two minors in distress.

Please see section “Definition of “trafficking in human beings”, proposal 1 (p. 2) in the June 2016 Report on measures taken.

**Prevention of THB (Article 5)**

**18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.**

The CABS has developed the website Du avgör, <http://nmtsverige.se/duavgor>, together with a movie to distribute information about purchase of sexual services, demand for sexual services and prostitution.

One in three of those who have heard about the information campaign Travel Courage responded that they know how to make a police complaint against anyone suspected of committing a sexual offense against a child abroad. According to answers from a baseline survey prior to the campaign only one of ten answered that they knew how to act or make a complaint. The total scope of the campaign with its so far four campaigns in total is around 13.5 million people on national as well as international level.

The campaign “Du avgör” is ongoing, but during its first months after launch in October 2016 it reached more than 1,6 million people via social media etc.

**19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.**

During 2016 The Crime Victim Fund has allocated approximately 37 000 Euro to a research project on trafficking-related issues: “Swedish high school students report on experiences of human trafficking for

sexual exploitation”. Project leader is Gisela Priebe, Lunds University. The aim of the project is to make an in-depth analysis of answers in a survey from high school students regarding their experiences of human trafficking for sexual exploitation. The research consists of studies of socio-demographic factors, mental health and different types of risk behaviour among the students. The project is yet ongoing.

Moreover, the Government has commissioned the CABS to carry out a systematic examination of all police reports of suspected human trafficking of children in 2015–2016, and to subsequently carry out an in-depth study of about ten selected cases, see question 1 about the action plan to protect children, measure nr 15. The study will be reported to the Government at the 30th of April 2017, at the latest.

Please also see under section “Data collection and research”, proposal 9 (pp. 16) in the June 2016 Report on measures taken.

**20. How do your country’s migration legislation and policies seek to prevent THB by enabling lawful migration?**

The Government Inquiry on measures to strengthen labour migrants position on the labour market presented its final report on 15 December 2016. The report contains a survey in what extent labour migrants are being exploited and a number of suggestions for measures. Examples of suggestions: additional sanctions (penalty) against employers who intentionally do not abide by the laws regulating the employment of third country nationals and an explicit provision against employment of convenience. References are made to the Inquiry report regarding THB (SOU 2016:70). After a public consultation the proposals are now being considered within the Government Offices.

The final report (SOU 2016:91) in Swedish:

<http://www.regeringen.se/4af46c/contentassets/5c6915279a694d819acff82ac7fbd5a5/starkt-stallning-for-arbetskraftsinvandrare-pa-arbetsmarknaden-sou-201691>.

**21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:**

- a. **the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;**

Apart from the criminalization of trafficking in human beings for the purpose of the removal of organs there is other regulation with regard to organ transplantation or other biological material.

In the Transplantation act (lag [1995:831] om transplantation m.m.) it is laid down what is required when removing organs or other biological material from a living or dead person.

Removing biological material from a living person is not allowed if the operation may lead to serious danger for the donor's life or health. Removal of biological material needs consent. If the biological material will not regenerate, or if the operation may present a considerable damage or inconvenience to the donor, written consent from the donor for removing is needed.

Special conditions apply to children (underage) and persons with a mental disorder.

Removal of biological material which do not regenerate are only allowed from a living donor, who is related to the receiver, or in another way is especially close to the donor. If there are special reasons,

such an operation is allowed even if the donator is not such a person. Donation of biological material from a living donor for other purposes than transplantation and where the biological material does not regenerate or the removal may present a considerable damage or inconvenience to the donor, is only allowed if the National Board of Health and Welfare has given its permission, and written consent shall be given to the medical doctor.

It is the medical doctor who carries the medical responsibility for the health care establishment who decides about removing organs or biological material in accordance with the transplantation law. The decision may not be made by the doctor who is responsible for the treatment of the person who will receive the organs. Removing organs in the health care is only allowed in accordance with the law. Removing organs or biological material from a person in contradiction to the conditions prescribed in the transplantation act is punished with a fine.

A person who takes, hands over, receives or procures biological material from a living or deceased person for profit, may be punished by a fine or imprisonment for up to two years. The same penalty shall 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. This is according to the act (2006:351) on genetic integrity.

Further regulations concerning evaluation/selection have been issued by the National Board of Health and Welfare.

- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**

The Health and Social Care Inspectorate is the inspection and survey organisation for the health care sector. It has not got any particular tool to monitor living donators, this is taken care of by the health care. There are regional waiting lists, which are reported to the Scandiatransplant, which has the overriding responsibility for the allocation of organs in Scandinavia.

- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.**

Health professionals, who get information about anything inappropriate or suspected, shall report this to the police, or if in the health care, to the director and/or the Health and Social Care Inspectorate.

#### **Measures to discourage the demand (Article 6)**

**22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:**

- a. educational programmes;**

The Government has assigned Swedish Agency for Youth and Society (MUCF) to promote the use of effective violence prevention programs among local authorities and civil society during 2016.

The Government continues to contribute financially towards work to prevent sexual crimes against children run by the Centre for Andrology and Sexual Medicine (CASM) at Karolinska Hospital, see question 1, about the action plan to protect children, measure no 14.

In June 2015, the Government assigned Linköping University to collect and distribute knowledge about violence and other types of abuse against children. The university has established Barnafriid – a national knowledge center. Barnafriid shall improve interdisciplinary development of knowledge and support coordination. Barnafriid shall also leave yearly reports to the government with proposition to measures.

Please also see under section “Measures to raise awareness”, proposal 12 (pp. 21) in the June 2016 Report on measures taken.

**b. information campaigns and involvement of the media;**

The CABS has developed the website Du avgör (<http://nmtsverige.se/duavgor>), together with a movie to distribute information about purchase of sexual services, demand for sexual services and prostitution.

The CABS has also been commissioned to continue to inform the public of the existence of sexual exploitation of children in conjunction with travel and tourism (see question 1, measure no 19 in the Action plan to protect children).

**c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);**

Sweden has implemented **the new EU Procurement Directives**. According to the new national legislation the contracting authorities must exclude a supplier from participating if the authorities become aware that the supplier is convicted for a crime that involves human trafficking (Chapter 13 para 1, Public Procurement Law [2016:1145]). In the law, a reference is made to the definition of human trafficking in the EU Directive on Trafficking in Human Beings (2011/36/EU). Under the new legislation it is mandatory for contracting authorities to check if the winning supplier has been convicted of any crime that may be ground for exclusion before awarding the contract.

See also question no 20 on measures to strengthen labour migrants position on the labour market.

**d. involvement of the private sector.**

In October 2016, the Swedish National Coordinator’s office at the **CABS arranged its annual conference for Swedish actors in counter trafficking throughout the country**. The theme of the conference was to address the demand for trafficking for sexual exploitation. The theme was followed up in a national information campaign addressing the demand and reminding about the Swedish legislation that criminalises the purchase of sexual services. The campaign “Du avgör” and its English version “It’s on you” was launched on the EU anti trafficking day via social media. A website with information as well as helplines for buyers/users of victims has been established ([duavgor.se](http://duavgor.se)) The campaign will continue throughout 2017 with a number of events and initiatives to discuss and target the demand for sexual exploitation. The CABS has further cooperated with hotel and taxi companies in order to raise awareness among their staff and increase their capacity to identify THB. An educational film was developed by CABS and the cooperation will continue in 2017. Furthermore, travel companies have been involved in raising the message given in the campaign Travel Courage.

Please also see under section “Measures to raise awareness”, proposal 12 (p. 23) in the June 2016 Report on measures taken.

**23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.**

The CABS organised the project ATES against THB for forced labour, in cooperation with the Council of the Baltic Sea States, Task force against THB (CBSS TF-THB). The main aim of the project is to support relevant national authorities in combating trafficking for labour exploitation in Sweden. Specific tasks of the project are:

- To stimulate dialogue and foster experience between the operative authorities in Sweden, Finland, Belgium and the United Kingdom to prevent trafficking for labour exploitation.
- To increase the capacity and to look into the current mandate of national authorities to counteract trafficking for labour exploitation in Sweden.

The direct target group consists of key national actors instrumental in combating trafficking for labour exploitation: Representatives of the National Task Force against Prostitution and Trafficking in Sweden (NMT), CABS, the Tax Authority (Skatteverket), the Swedish Migration Agency and the Swedish Work Environment Authority (Arbetsmiljöverket). A key part of the project has been to further include the Work Environment Authority in the work against THB. This particular authority has the mandate to disturb and impose fines on businesses that do not meet Swedish standards and regulations regarding work environment.

See the June 2016 Report on measures taken, proposal 14 (p. 28), about the routine introduced by the Migration Agency in 2015 with oral hearing/interview at suspicions of THB in cases on work permits.

The Migration Agency has noted a 183 per cent increase in the number of suspected victims of labour exploitation during the last two years; 102 persons were identified in 2016 compared to 36 persons in 2015.

In June 2016, the Swedish government presented the **National Procurement Strategy** (Fi2016:8) where the government clarifies its expectations on the Swedish contracting authorities to ensure respect for human rights when purchasing, irrespective if the work is being carried out in Sweden, in another Member state or outside of the EU. In the Strategy the government also stresses that public procurement should be used to encourage companies to respect human rights in its business (according to UN guidelines).

The National Procurement Agency has the government task to provide contracting authorities with support and guidance in public procurement. According to the authority’s governmental assignment this support should, among other things, focus on taking more social consideration. In the Criteria Library the authority proposes social requirements to be used when purchasing goods, services and work contracts. The criteria cover the UN Declaration on Human Rights, the ILO Core Conventions, the UN Child Convention, rules on minimum wages etc. For more information, please visit <http://www.csrkompassen.se/>.



Please see section “Comprehensive approach and co-ordination”, proposal 4 (pp. 6) in the June 2016 Report on measures taken.

### **Border measures (Article 7)**

**24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:**

- a. identification of possible victims of THB in the context of border control;**
- b. identification of possible perpetrators of THB offences;**

The Police Authority is responsible for the border control and the Police at the borders have access to all information and material on identification of and support to victims, profiling of suspects, guidelines/handbooks, manuals and the interactive education on THB. Especially the Frontex handbook focuses on how to detect and identify victims in the context of border control. In the Frontex handbook specific indicators for various nationals are described. Furthermore, the border police can participate in the supplementary training on THB at Uppsala University.

As of 2017, there is a new course plan/syllabus for the border police. Among other things, THB and the treatment of vulnerable persons is highlighted. Please see attachment “Gränskontrolltjänsteman\_Kursplan 160922.pdf”, **appendix 4.**

- c. gathering of first-line information from victims and perpetrators;**

First line intelligence from the borders concerning THB is gathered via notifications from the border guards to the national intelligence system. The border guards have access to different national police records to support their intelligence.

- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.**

Border guards also play an important role in identifying victims and perpetrators when they conduct internal border control.

The Police Authority (border guards included), the Swedish Prosecution Authority, the Swedish Economic Crime Authority, social services, the Swedish Migration Board, the Swedish Labour Market Board, the Swedish Work Environment Authority, the Swedish Tax Agency cooperate in united actions against organized crime, including THB. This multidisciplinary approach has been used many times in order to identify possible victims of and suspects of THB.

We have several examples when border guards (the Police conducting internal border control) have identified victims and suspects of THB in the berry picking sector, restaurant and construction industries, the agricultural sector and among travelers.

Internal border control, conducted by border guards, recently led to revealing a criminal group that trafficked victims of THB for the purpose of begging to Sweden.

**25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?**

This issue has been touched upon in discussions on facilitation – i.a. South Africa submitted two documents to the last General Assembly of ICAO (International Civil Aviation Organization). Furthermore, the issue has also been discussed in connection with ICAO Annex 9 on Facilitation.

Many airlines offer, for a fee, transportation of unaccompanied minors (5-11 years old). This service includes information in the reservation of the person accompanying the children and cabin and ground crew will look after the child during the travel. At pick-up of the child, identification is required. These routines have been in place for many years, and they have been amended over time, i.a. due to custody disputes. The airlines themselves educate their staff in this area. The routines seem to work satisfactory – for example, the airlines asked questions in connection with the fact that so many refugee children arrived on their own in 2015. The Swedish Migration Board had to guarantee that this was all right.

Internationally, the treatment of traveling minors is, due to the problem of trafficking, of growing interest in fora like ICAO and ECAC (European Civil Aviation Conference). A study has been carried out, concerning, i.a., at what age you should be considered as a child in relation to national legislation. This varies a lot and it seems difficult to agree on a global definition. The discussions will continue in different fora, involving IATA (International Air Transport Association) and border control authorities, and most likely also in ICAO.

**26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.**

As already mentioned, the Police Authority is responsible for border control, and works in close cooperation with others, e.g. with the Swedish Public Employment Service, the Swedish Economic Crime Authority, the Swedish Social Insurance Agency, the Swedish Prison and Probation Service, the Swedish Enforcement Authority, the Swedish Coast Guard, the Swedish Migration Agency, the Swedish Tax Agency, the Swedish Security Service, the Swedish Customs and the Swedish Prosecution Authority.

An example of direct cooperation is the national intelligence centre where authorities work together to combat organized crime. As for suspicion of THB in particular, the cooperation is mostly between the Police Authority, the Migration Agency and the Customs.

#### **Identification of the victims (Article 10)**

**27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.**

#### **Manual on suspicion of human trafficking – NRM/TRM-manual**

Until recently, Sweden has not had a formalised National Referral Mechanism which also is transnational in its scope. Now the National Coordinator against THB is the national contact point for referrals within the frame of the NRM that is also transnational in scope.

In 2016, the National Coordinator's office launched a Manual on suspicion of human trafficking. The process of setting up a NRM was initiated and directed by the CABS and involved the International Centre for Migration Policy Development (ICMPD) as well as all actors from the National Task Force and the Swedish Civil Society Platform against Trafficking. The main purpose of this manual is to support professionals who come into contact with human trafficking victims. The manual clarifies the responsibilities of authorities with regard to assistance and protection to victims of trafficking, how they can respond to direct THB cases but also the operational method support they have access to via the National Coordinator's office at the CABS. Authorities and actors included in the chain of assistance and referral are the social service, the police authority, the migration agency, the Swedish Prosecution Authority as well as the Swedish Civil Society against trafficking and the International Organisation for Migration (IOM).

The NRM-manual is operative in its form and consists of approximately 50 pages. It is based on Swedish legislation and on operative experiences from authorities identifying victims. The Swedish NRM is a manual, clearly stating the responsibilities of each authority regarding the referral of victims of THB. It also states the National Coordinator's function as a national focal point and first point of contact for operative support in direct cases of THB. The manual is divided into five steps, aimed to help professionals and NGOs when they have identified a presumed victim of THB. A national helpline for authorities and other actors who come in contact with victims has been established and is run by the national coordinator's office in order to provide support and advice in cases of referral.

The Return program with the IOM (see below under question 45) has been incorporated in the Swedish TRM. The overall experience is that the procedures regarding the return of victims of THB are more structured today than five years ago. The procedures for return are very clear and involve channels such as Swedish (and country of origin) authorities, NGOs and IOM.

The best practice has been to establish the National Coordinators office as a national contact point for referrals. Most of the initial referrals are carried out by county coordinators within the social services in the municipalities as well as by the Migration Agency offices. This is due to the Swedish administrative structure that gives municipalities a broad independence while also giving their social services the responsibility to offer people in need support and protection (regardless of citizenship). As victims are usually identified in a municipality, it has been a priority for the National coordinators office to disseminate the TRM on a municipal level and train local stakeholders. Strengthening the response and capacity at a local level is truly a best practice for a functioning and effective NRM/TRM according to the CABS.

In its produced form, the NRM was made into a Manual. Link to the NRM: <http://nmtsverige.se/sites/default/files/National-referral-machanism-trafficking.pdf>. The Manual is also attached, see **appendix 5**.

Please also see Identification of victims of trafficking in human beings, proposal 14 (pp. 25), in the June 2016 Report on measures taken.

**28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?**

The indicators as such are not formalised.

**29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.**

Reasonable grounds are equivalent of the criteria laid down for launching a formal criminal investigation. The Police are responsible for the formal identification of a victim of trafficking. Furthermore, a victim of human trafficking can be identified by any person with knowledge in the field. Likewise, an individual can also identify him or herself as a victim.

**30. What measures are taken in your country to encourage self-identification of victims of THB?**

The emergency telephone numbers 112 or 114 14 to the police can be reached from landline or mobile from anywhere in Sweden. In addition there is a "hotline", a number especially set up by the CABS for THB since 2014.

**31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?**

The Migration Agency has established routines for identifying suspected victims of THB. The routines are part of the internal Handbook on Migration Cases and cover different types of cases: asylum applications, work permits and permits related to family ties. Various kinds of exploitation are described. See also question 7. The internal online training about the work against THB addresses different kinds of exploitation (see question 6).

The Migration Agency communicates suspicion of THB through a report of concern to the Social Services regarding children at risk, in accordance with the Social Services Act. The Migration Agency cooperates with the special units at the Social Services in Stockholm, Gothenburg and Malmö. The Migration Agency also report to the police if the suspected victim does not intend to do so.

#### **Protection of private life (Article 11)**

**32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?**

Under the The Public Access to Information and Secrecy Act (*Su*: Offentlighets- och sekretesslagen [SFS 2009:400]), this type of data on a child victim of trafficking routinely receives protection from public scrutiny by social services, criminal investigation authorities and courts. As for the courts, they can coat the data with confidentiality during hearings – by excluding the public – and in judgments. On 1 October 2016, some clarifications were introduced in the Public Access to Information and Secrecy Act extending the protection of personal privacy which may be of particular importance in cases and matters involving children.

The Police Data Act (2010:361) applies to the processing of personal data in law enforcement activities at the Swedish Police Authority. The purpose of the act is to enable the police to process personal data in an effective manner in their law enforcement activities and to protect people from their personal privacy being violated in the event of such data processing (Chapter 1, Section 1). According to the act personal data may for example be processed if necessary in order to anticipate, prevent or detect criminal activities and investigate or take action against an offence (Chapter 2, Section 7). Personal data may not be processed solely on the basis of what is known about the person's race or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health or sex life (Chapter 2, Section 10). Furthermore, when conducting searches in personal data that has been made available for sharing, data revealing race, ethnic origin, political opinion, religious or philosophical belief, or trade union membership, or relating to health or sex life, may not be used as search terms. Notwithstanding the first paragraph, specified criminal offences or data describing a person's physical appearance may be used as search terms (Chapter 3, Section 5).

The Prosecutors Data Act (2015:433) applies to the processing of personal data in law enforcement activities at the Swedish Prosecution Authority. The purpose of the act is to enable the prosecutors to process personal data in an effective manner in their law enforcement activities and to protect people from their personal privacy being violated in the event of such data processing (Chapter 1, Section 1). According to the act, personal data may for example be processed if necessary in order to anticipate, prevent or detect criminal activities and investigate or take action against an offence (Chapter 2, Section 5). Personal data may not be processed solely on the basis of what is known about the person's race or ethnic origin, political opinion, religious or philosophical belief, trade union membership, health or sex life (Chapter 2, Section 8). Furthermore, when conducting searches in personal data that has been made available for sharing, data revealing race, ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, or relating to health or sex life, may not be used as search terms. Notwithstanding the first paragraph, specified criminal offences or data describing a person's physical appearance may be used as search terms (Chapter 3, Section 4).

The Court Data Act (2015:728) applies to the processing of personal data in court proceedings. Personal data may be processed if it is necessary for the handling of cases. Personal data may not be processed only because of what is known about the person's race or ethnical origin, political opinion, religious or philosophical conviction, membership of a labor union, health or sex life (so-called sensitive personal data). When searching among personal data, it is prohibited to use search terms that reveal sensitive personal data, nationality, crimes or suspicion of a crime. This prohibition is subject to certain derogations.

Victims of THB are, within cases at the Migration Agency, covered by legislation on secrecy.

Some professionals, for instance certain doctors, are obliged to report crimes. The minimum penalty for THB is two years, which breaks the secrecy in so far that a doctor is bound to supply the police and prosecutors with any information of importance to the investigation. But the secrecy still prevails for the police and the prosecutor. We have no information indicating conflicts in practice for that matter.

### **Assistance to victims (Article 12)**

**33. When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:**

**a. funding;**

The CABS finances and leads a project called **The National Support Program** which is run by the NGO network The Swedish Civil Society Platform against Trafficking. Although, according to Swedish law, it is the municipalities and social services that are responsible for providing assistance to all victims of crime, including victims of trafficking, the fact is that NGOs identify many presumed victims of THB. Non-state actors have a crucial role in Sweden in terms of victim assistance and protection.

**b. victim's safety and protection;**

Protected accommodations are supplied by NGOs. The government has commissioned a special investigator to suggest when licence requirements should apply running sheltered housing. The assignment will be reported by 31 December, 2017.

The Swedish Civil Society Platform against Trafficking consist of shelters and NGOs providing a range of services with the purpose to protect and assist victims, therefore a presumed victim of THB that has not necessarily been officially identified by the police, can be included in the National Support Program and is provided safety and protection. The shelters are currently located mainly in the larger city areas. However, the National Support Program is expanding in the sense that several shelters located in other parts of Sweden are being quality approved in order to receive victims of THB.

**c. standards of assistance and their implementation in practice;**

The shelters and NGOs in The Swedish Civil Society Platform against Trafficking have functioned for several years and have an in depth knowledge about the THB-crime as such, as well as broad experience in supporting and assisting victims of THB.

**d. access to medical treatment, psychological assistance, counselling and information;**

This can be provided by The Swedish Civil Society Platform against Trafficking.

**e. translation and interpretation, where appropriate?**

Given that a victim is provided with assistance by The Swedish Civil Society Platform against Trafficking, he or she will receive interpretation when required.

Please see "Assistance to victims", proposal 15 (pp. 29) in the June 2016 Report on measures taken.

**34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?**

According to Chapter 5 Section 15 of the Swedish Aliens Act (2005:716) a temporary residence permit can be issued in favour of testifying foreigners. It is required that the person clearly has presented his or her will to co operate with the investigating authorities. There is no general answer to what is required for

that matter. The interpretation of the provision has to be done bearing in mind the circumstances of the case. A short residence permit can be granted for a person who aspires to a recovery or reflection period.

When a person has been granted a temporary residence permit for a reflection period according to Chapter 5, Section 15 of the Swedish Aliens Act, he or she will have access to health and medical care and social assistance in accordance with the Social Act (2001:453). Care and social assistance are provided by the County Councils and municipalities who may apply for reimbursement from the state through the Migration Agency.

**35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?**

There are about 200 shelters in Sweden for people who need protection. Mostly aimed for women and their children exposed to violence, or threats of violence. Out of those 200 shelters, about 80 % is driven by non-profit organizations, about 15 % by the municipalities and about 5 % by other actors. The National Board of Health and Welfare has developed a number of quality indicators to continuously monitor and evaluate the work of the shelters (and protected housing) at the national level.

Furthermore, according to Chapter 5, Section 11 of the Social Services Act, "the social welfare committee should take steps to ensure that persons subjected to criminal acts and their next-of-kin are supported and helped". The provision covers all victims of crime, regardless of age or gender.

Mika clinics in Stockholm, Gothenburg and Malmö receives people from the age of 16 who have experience of sex for payment. The clinics cooperate with authorities to help victims get accommodation and other assistance. Other assistance includes matters such as counselling and emotional support during the legal proceedings.

The need for protection of persons exposed to threats linked to human trafficking are handled in The National Board of Health and Welfare's educational material. People who sell sex may also be exposed to violence and for persons who are victims of violence or abuse in an intimate relationship there is a special responsibility for the social services. The National Board of Health and Welfare's regulations and general advice on domestic violence (SOSFS 2014:4) state that The Social Welfare Committee, if seen necessary, shall offer support and assistance in the form of temporary accommodation. The victim of abuse may also have needs that are of urgent nature, such as a temporary accommodation or immediate need of financial assistance. Therefore, according to the general guidelines in Chapter 7 of SOSFS 2014:4, The Social Welfare Committee should be prepared to handle a case for financial assistance relating to a victim of violence as urgent. Furthermore, if a person has sex for payment and at the same time has an intellectual disability and the need for assistance, the person may be granted contributions under the Social Services Act. It is important to take into account, and to coordinate, the efforts under the Social Services Act is complemented by the Swedish Act concerning Support and Service for Persons with Certain Functional Impairments (1993:387).

Please also see "Assistance to victims", proposal 15 (p. 30) in the June 2016 Report on measures taken.

**36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?**

Social Services Act Chapter 1, Section 1 states; “Social services should be taking into account a person’s responsibility for its own and other persons social situation, focusing on unlocking and developing individuals' and groups' own resources. Activities will build on respect for people's sovereignty and integrity”. The Social welfare committee has a responsibility to inform about the social services in the municipality.

The Police Authority, National Operations Departement has produced an updated method support for working with victims of crime, which includes a special section on victims of trafficking (see **appendix 6**)

**37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?**

This is highly dependent on factors such as citizenship and legal status.

The CABS conducted follow up-visits to Romania in 2016, in order to follow up cases with victims previously returned through the Voluntary Return Programme.

#### **Recovery and reflection period (Article 13)**

**38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.**

A 30-day residence permit, that may be prolonged, may be granted to a person of evidence (victim or witness) for the purpose of recovery and reflection (Chapter 5, Section 15 of the Aliens Act [2005:716]). The victim shall be informed by the person (a police officer or a public prosecutor) leading the criminal investigation of for example trafficking of this possibility. An application is made by the person in charge of the preliminary investigation. Both third country nationals and EU citizens may be granted this permit.

An application for a recovery and reflection period in Sweden is made by the leader of the preliminary investigation (a policeman or a prosecutor). Thus, a preliminary investigation has to be ongoing. The national coordinator’s office has funded the NGOs in the Swedish Civil Society Platform against Trafficking to provide shelter for victims within a pilot project. This is to ensure support and reflection period for potential victims for 30 days prior to them formally entering into the support system and becoming relevant for a temporary residence permit. The pilot has been successful and the funding will continue also for 2017.

Please see section “Recovery and reflection period”, proposal 17-18 (pp. 32) in the June 2016 Report on measures taken.

#### **Residence permit (Article 14)**

**39. If there is a provision in your country’s law that provides for the possibility of issuing a residence permit owing to the victim’s personal situation, how is this interpreted in practice? Please provide examples.**



Examples: Two cases with decisions of the Migration Agency on asylum applications see **appendix 7 and 8**.

Please see section “Residence permit”, proposal 19 (pp. 33) in the June 2016 Report on measures taken for a description of the rules for granting residence permits according to the Aliens Act (2005:716).

In this context, it is appropriate to describe new legislation that refers to the Convention. A temporary act restricting the possibility of being granted a residence permit for protection purposes in Sweden, and the right to family reunification, entered into force on 20 July 2016. The act is in force until 19 July 2019 and aims to temporarily adapt the Swedish asylum regulations to the minimum level according to the EU-acquis. Once the law expires, the corresponding provisions in the Swedish Aliens Act (2005:716) will automatically be applicable again. The temporary act states that refugees and persons eligible for subsidiary protection in Sweden will be granted temporary residence permits instead of permanent residence permits (as is the main rule under the Aliens Act). Refugees who are granted temporary residence permits under the temporary law and who are considered to have well-grounded prospects of obtaining a permanent residence permit will continue to have a right to family reunification with their spouse, cohabitant and/or minor children. Children who are refugees will have a right to reunification with their parents. A beneficiary of subsidiary protection who has been granted a temporary residence permit under the temporary act and who submitted his/her asylum application by 24 November 2015 has the same right to family reunification as a refugee. However, if the application for asylum was submitted after 24 November 2015, the person under subsidiary protection has no right to family reunification. The temporary law also introduced stricter maintenance requirements as a condition for family reunification. Children and families with children are exempt from the application of the temporary act if they submitted their asylum application before the 24 November 2015. Residence permits on the ground of particularly distressing circumstances (humanitarian grounds) are not granted according to the temporary act unless it would be contrary to Swedish commitments under international conventions. The same applies to cases of family reunification. This means mainly the European Convention on Human Rights. The Council of Europe Convention on Action against Trafficking in Human Beings is also referred to. See the preparatory works (Govt Bill 2015/16:174, page 49-55).

In Swedish:

<http://www.regeringen.se/contentassets/075968fdd8c94788977dba14bae16444/forslag-om-att-tillfalligt-begransa-mojligheten-att-fa-uppehallstillstand-i-sverige-prop.-201516174> )

**40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is “co-operation” interpreted and what does it consist of in practice?**

The relevant provision for this provision is Chapter 5, Section 15 of the Aliens' Act (2005:716) which stipulates the following.

A temporary residence permit may be granted, at the request of the leader of the preliminary investigation, to an alien who has been living here, if this is required in order for a preliminary investigation or main hearing to be held in the criminal case. A temporary residence permit for a minimum of six months shall be given at the request of the leader of the preliminary investigation to an alien who is living here if

1. this is required in order for a preliminary investigation or main hearing to be held in the criminal case,
- 2. the alien in question has clearly displayed a willingness to cooperate with the criminal investigation authorities,**

**3. the alien has broken all contacts with the persons who are suspected of a crime that is the subject of the preliminary investigation, and**

4. considerations of public order and safety do not require that the permit should not be granted.

If the alien wishes to have some time for consideration in order to recover and to make a decision as to whether he or she wishes to cooperate with the criminal investigation authorities, then a temporary thirty-day residence permit will be issued at the request of the leader of the preliminary investigation, as long as the conditions stated in items 1 and 4 of para. 1 have been fulfilled.

A residence permit issued pursuant to para. 1 may be extended if so requested by the leader of the preliminary investigation and if the conditions stated therein are still fulfilled. A residence permit issued in accordance with para. 2 may be extended if so requested by the director of the preliminary investigation if, for particular reasons, there is a need for a longer period of consideration and the conditions stated in items 1 and 4 of para. 1 are still fulfilled.

According to Chapter 5, Section 15 of the Swedish Aliens Act, a temporary residence permit can be issued in favour of testifying foreigners. It is required that the person clearly has presented his will to cooperate with the investigating authorities. There is no general answer to what is required for that matter. The interpretation has to be done bearing in mind all the circumstances of the case. A short residence permit can be granted for a person who applies to a recovery or reflection period.

The Migration Agency does not examine the conditions or interpret the requirement of cooperation.

**41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?**

Residence permits are not provided but applied for. The applications are examined by the Swedish Migration Agency. Residence permits are not regarded as remedies per se. Victims of THB who are not Swedish residents and who find themselves in an emergency situation have a right to support by the Social Services according to the Social Services Act.

The Migration Agency cooperates with The Swedish Civil Society Platform against Trafficking who conducts a project with the opportunity to support victims who have not yet decided whether or not to contact the Police on the THB matter.

According to Chapter 2, Section 2 of the Social Services Act (2001: 453), the municipality is ultimately responsible for ensuring that persons staying within its boundaries receive the support and assistance they need. This applies whatever help they need, no matter for what reason.

According to Chapter 5, Section 11, Para 1 of the Social Services Act, "the social welfare committee should take steps to ensure that persons subjected to criminal acts and their next-of-kin are supported and helped". The provision covers all victims of crime, regardless of age or gender.

The necessary measures required for support and help to those that are abused may vary, depending on the individual and the children' needs. The measures must be accustomed in accordance with the

circumstances of the individual case. It is also important that the social services are responsive to what persons, who are in an abusive situation, may need.

### **Compensation and legal redress (Article 15)**

**42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:**

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;**
- b. access to free legal assistance and legal aid during investigations and court proceedings;**
- c. compensation from the perpetrator;**
- d. compensation from the state;**
- e. compensation for unpaid wages to victims of trafficking.**

The Employers Sanctions Directive (Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals) was implemented in Swedish law by a national act that came into force on 1 August 2013 (Lag 2013:644 om rätt till lön och annan ersättning för arbete utfört av en utlänning som inte har rätt att vistas i Sverige). The act regulates the right of illegally employed third-country nationals to remuneration and social security contributions, also in the event that a dispute arises between the employee and the employer. According to this act, a third-country national who has worked in Sweden without being entitled to stay there has a right to receive a salary and other compensation, if relevant. The law does not apply when an employer has checked whether the employee is entitled to stay in Sweden, kept a record of the matter (e.g. copy of residence permit), and has informed the relevant public authority of employing the person in question. In cases in which the law applies and a dispute arises between the employee and the employer, the employee is at least entitled to a remuneration that equals the minimum salary and compensation (according to collective agreements or to what is customary) for the occupation/profession at hand. If the duration of employment cannot be proven by either part, it will be assumed that the third-country national has worked for three months. The employer is also responsible to cover the costs of transferring the outstanding salary to his or her former employee, if the employee has already left Sweden. If an employer is unable to pay, the principals (contract-givers) that have contracted him or her are under certain circumstances responsible to pay.

Migrant workers from the EU or from outside the EU with a work permit in Sweden are treated equally with the rest of the workers in Sweden and are thus offered the same legal protection as Swedish nationals. If a person is not provided with the working and employment conditions to which they have the right under the law, it is possible to turn to a Swedish court of law. If the person is a trade union member and the issue concerns conditions found in the collective agreement, it is possible for the trade union to take the issue directly to the Swedish Labour Court. If the person is not a member, the claim can be taken to the district court. More information can be found here: <http://www.arbetsdomstolen.se/pages/page.asp?lngID=7&lngLangID=1>

It is also possible to approach the Swedish Enforcement Authority in order to establish a debt and to apply for an order to pay. More information can be found here: <http://www.kronofogden.se/Applicationforinjunctiontopay.html>

In certain cases a person can be entitled to legal aid. For more information, please visit the official homepage of the Legal Aid Authority, <http://www.rattshjalp.se/In-English/In-English/>.

Please see section “Compensation and legal redress”, proposal 20 (pp. 35) in the June 2016 Report on Measures taken.

**Please provide examples of compensation awarded and effectively provided to victims of THB.**

Please see statistics, **Section E** below.

**43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?**

The right to compensation to victims are guaranteed by claiming damages in court and by criminal injuries compensation. This right to compensation does not depend on the extent to which the assets of traffickers have been seized or confiscated.

However, Swedish law provides for confiscation of the proceeds of crime, e.g. in cases of THB. 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). In 2016, the provision regarding extended confiscation in the Penal Code was revised. In addition to the situations where extended confiscation has already been required, extended confiscation shall now be applied if any offence for which a penalty of two years of imprisonment or more has been committed and the offence is part of a criminal activity that has been conducted in an organized form. In addition, the provision regarding non-conviction based confiscation (e.g. in cases of death of the perpetrator) has been amended, now allowing for confiscation not only within five years from the commission of the offence, but always within one year of the occurrence of the event that prevents sentencing. This further enhances the possibility to confiscate the proceeds of crime. 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).

The preliminary investigation should as far as possible also aim at seizing the assets of perpetrators with the view to their confiscation. **THB can also be the subject of what is called an extended seizure** according to Chapter 36, Section 1b of the Swedish criminal code. When such a claim is presented it does not have to be proved that the assets or the property originate from the THB offence. It is sufficient that the prosecutor can prove that it is decidedly more than likely that they are an outcome of criminal activity than not.

**44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.**

Criminal injuries compensation may be awarded for offences committed in Sweden regardless of whether the victim is a resident of Sweden or is here temporarily. It is possible to apply for compensation in person or through an authorised representative within three years after completion of the criminal case, even after the victim has left Sweden. Children can always apply until the day they turn 21 years old. (See question 10 g above and also proposal 20 (“Compensation and legal redress”) (p. 36) in the June 2016 Report on measures taken.)

A victim of crime can receive criminal injuries compensation if the crime has been committed in Sweden, so there are thus possibilities for victims of THB to be compensated after their return to the country of origin. The victims listed in the statistic section (E) have been represented by a counsel when they applied for criminal injuries compensation. It is therefore difficult to determine whether the victims were living in their countries of origin when they were granted compensation.

### **Repatriation and return of victims (Article 16)**

**45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (non-refoulement principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?**

#### **Voluntary return programme run by CABS and the IOM**

In 2012, the National Coordinator’s office at the CABS launched a project together with the International Organisation for Migration (IOM) in Helsinki. The purpose of the project was to, over time, establish a permanent and safe national return programme for people subjected to human trafficking for sexual purposes and prostitution in Sweden.

The National Coordinator’s office at the CABS coordinates the collaboration between the Swedish stakeholders and the IOM in Helsinki. A TRM and a manual with information about identification of victims, support and information to victims and safe return have been developed in 2016 within the project in close cooperation with the National Rapporteur, The Swedish Civil Society Platform against Trafficking and others.

Through the project, returning victims have been able to receive support throughout the entire return process because the project organisations:

- Assessed the situation in the returning person’s home country, e.g. his or her family situation.
- Identified what support structures were available, e.g. in the form of safe houses, psycho-social support, healthcare and education opportunities.
- Helped procure the necessary travel documents, e.g. passports.
- Booked airline tickets and organised any onward transport within both Sweden and the home country.
- Arranged, if necessary, assistance or an attendant to accompany the person on the journey, e.g. in transit.
- Organised for the returning person to be met and given help at the airport in the home country.

- Provided transport to a safe house in the home country.
- Supported the returning person by drawing up a realistic plan for reintegration into the home country and followed up on the initiatives on a continuous basis, etc.

The programme is still run as a project and in 2016, 25 cases in total were referred to the programme of whom 6 were children.

The victims were aged 1–80 and were originally from Bulgaria, Romania, Nigeria, Serbia and Ghana. There were 9 women and one girl offered assistance that were subjected to human trafficking for sexual purposes and 7 men and 3 women being exploited for forced begging. 6 children aged 0-17 years were assisted by the project and one was a victim of trafficking for sexual purposes and the others were children to victims or suspected perpetrators. Out of the 25 victims referred to the project, 4 declined assistance or dropped out. 14 victims have returned to their home country and received support from the project and 7 victims are preparing to return.

Link to information on the return programme for victims:

<http://nmtsverige.se/sites/default/files/Att%20atervanda%20hem.pdf>

Link to manual for professionals:

<http://www.lansstyrelsen.se/stockholm/Sv/publikationer/2014/Pages/manual-far-frivilligt-atervandande.aspx>

The return programme is now well established and also well-functioning and will continue also during 2017.

See also answer under question 10 h.

Please see section “Repatriation and return of victims”, proposal 21 (pp. 37) in the June 2016 Report on Measures taken.

**46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?**

No, not to our knowledge.

#### **Corporate liability (Article 22)**

**47. Have there been any developments in your country’s law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.**

The Swedish legislation on corporate fines has not been amended since the last evaluation. However, a Committee of Inquiry has recently proposed an expansion of the scope of application of corporate fines to cover not only entrepreneurs/business activities but also public sector activities that can be equated with business activities and other activities conducted by a legal person if the illegal act was intended to bring the legal person financial benefit. The Committee also proposes that the maximum corporate fine is

increased (from SEK 10 million to SEK 100 million). The report is now to be subject to formal consultation during which stake holders are invited to submit their views on the inquiry report.

Corporate liability applies to legal persons involved in THB. Corporate fine is a criminal law sanction that can be imposed on an entrepreneur for crimes committed by the entrepreneur (if he or she is a natural person), a deputy, an employee or a contractor hired by the entrepreneur. Corporate fines can be imposed if a crime has been committed in the course of the business activities of the entrepreneur under the following conditions:

1. if the entrepreneur has not done what could reasonably be required of it for prevention of the crime; or
2. if the crime was committed by either a person who has the leading position based on a power of representation of the entrepreneur or an authority to make decisions on behalf of the entrepreneur, or by a person who otherwise has had a special responsibility of supervision or control of the business (Chapter 36, Section 7 of the Penal Code).

There is – to the best of our knowledge – no case law where a corporate fine has been imposed in relation to a THB offence.

#### **Aggravating circumstances (Article 24)**

**48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.**

No.

#### **Non-punishment provision (Article 26)**

**49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.**

Please see section “Non-punishment of victims of trafficking in human beings”, proposal 23 (pp. 38) in the June 2016 Report on Measures taken.

#### **Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)**

**50. Does your country’s law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.**

Yes. If the offence was committed in Sweden, Swedish authorities can prosecute and conduct legal proceedings against it. Sweden can request international legal assistance in order to make the plaintiff come to Sweden for the court proceedings. Sweden can also require legal assistance to interrogate the plaintiff in the other country during the preliminary investigation.

In Sweden, international legal cooperation is regulated by the Act (2000:562) on International Legal Assistance in Criminal Matters, which sets out the modalities on providing international legal assistance by the competent bodies. This legislation also prescribes possibilities for Swedish prosecutors and courts to request legal assistance from foreign countries. The competent authorities in Sweden are entitled to

provide international legal assistance even if Sweden does not have any agreement on this subject with the state requesting such assistance. To meet the request for international legal assistance, Swedish authorities are entitled to take all the measures necessary in preliminary investigations or court proceedings. Legal assistance can be requested and provided for both during a preliminary investigation and during a trial. See also question 56.

**51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:**

**a. setting up specialised investigation units and the number of staff involved;**

On 30 October 2015, the Swedish Police Authority made a decision to reinforce its capacity to combat trafficking in human beings. Trafficking is considered to be a serious crime that violates human rights. The decision provides for a set of measures, including to (re-)establish specialised groups in the three urban police regions (Stockholm, Gothenburg and Malmö) with the ability to combat all forms of trafficking and related criminality.

The number of staff as of today: Stockholm 30, Gothenburg 9, Malmö 7 (as of June 2017), region Bergslagen 3, region Mitt 3.

Cases concerning THB are as a rule handled by the three international prosecution offices.

**b. exchange of information with, and obtaining evidence from, other parties;**

An exchange of information and experience takes place between the international prosecution offices.

**c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;**

The use of secret coercive measures is regulated by the Code of Judicial Procedure, namely:

- Investigative techniques (telephone interception, surveillance measures etc).
- Surveillance on the internet
- The use of informants

Wire-tapping is common in investigations concerning THB.

**d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;**

**National Cybercrime Centre**

On 1 October 2015, a national cybercrime centre was created within NOA.

The main tasks of the centre are to:

- act as a national desk function for IT-related crime
- occupy an expert function for the handling of complex cybercrimes, child pornography crimes and adult contact with children for sexual purposes



- take responsibility for the investigation and prevention of the sexual abuse of children in other countries where the crimes are committed by people resident in Sweden as well as by Swedes who induce people in other countries to perform abuse of children, for example via a webcam
- act as a collaborative partner with the Swedish Security Service with regard to threats and investigations relating to critical IT infrastructure
- be the national point of contact for other authorities in matters relating to critical IT infrastructure and complex cybercrime
- act as the international point of contact for foreign law enforcement authorities and other players, e.g. on social media
- manage threats to IT-related critical infrastructure
- interact with the National Forensic Centre (NHC) and the National Fraud Centre (NBC), as well as to be responsible for contacts and the coordination of intelligence within the European Cybercrime Centre (EC3).

The cybercrime centre assists the police regions in collecting advertisements for prostitution from the Internet aimed at the Swedish market in cases relating to Trafficking in human beings for sexual purposes/aggravated procuring.

- e. financial investigations to disrupt criminal money flows and ensure asset recovery;**

When investigating human trafficking the Police Authority always conducts financial investigations as well.

- f. use of joint investigation teams (JITs).**

Yes, the Police Authority set up Joint Investigation Teams when needed. Lately, for example, a team was set up together with Romania.

**52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?**

No.

#### **Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)**

**53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.**

Please see attachment "170203 Metodstöd allmän.pdf", **appendix 9**.

Please see section "Protection of victims and witnesses", proposal 25 (pp. 41) in the June 2016 Report on measures taken.

**54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?**

Yes, victims can be assisted by all of the above.

### **Support during the trial**

If an aggrieved party needs personal support during the trial, he or she is allowed to be accompanied by a suitable person (a support person). During the trial the party will sit next to the prosecutor, who will also be prepared to help.

### **Assistance**

Witness support is available at most courts and they will be able to assist an aggrieved party when he or she 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 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 conducted. They can also provide information about compensation and practical matters, such as the location of the cloakroom and toilet. The witness support person can also refer witnesses and victims of crime to other people and bodies that may also be able to provide support.

Regarding aggrieved party counsel and special representative for children, please see question 10 g above.

### **Procedural measures during the trial**

If a victim of a crime (aggrieved party) due to fear or other reasons cannot freely speak the truth in the presence of the defendant or any person in the audience, or if he or she is interrupted, the Court can decide that the defendant or anyone in the audience may not be present during the hearing. Usually, the defendant is placed in a room nearby, where he or she can listen to the hearing or view it on a screen. If such listening or viewing is not possible, the hearing in its essence shall be reproduced during the procedure in presence of the defendant. Under certain circumstances, a witness testimony can take place in a similar manner in the absence of the defendant.

Under Swedish law, witnesses cannot appear or testify anonymously in court proceedings.

### **Jurisdiction (Article 31)**

**55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).**

No further measures have been taken since the dual criminality requirement for trafficking in human beings was removed in 2010.

### **International co-operation (Article 32)**

**56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.**

In 2015, representatives from NOA's intelligence unit participated in the international police effort to combat human trafficking. The work was conducted primarily within the framework of the European police organisation Europol and the EU Policy Cycle, EMPACT<sup>1</sup>.

There was also a close collaboration between the National Task Force Against Prostitution and Human Trafficking at the CABS, Bulgaria and Romania, as well as the seven police regions. In 2015, the collaboration related primarily to vulnerable EU citizens, where there were more concrete indications of THB for begging and forced labour. NOA also provided support to those police regions conducting investigations into human trafficking.

### **EMPACT human trafficking**

During 2015, nine international meetings were held concerning initiatives to combat human trafficking within the framework of EMPACT human trafficking. These included meetings about forced labour, human trafficking linked to West Africa and financial investigations. In the work focusing on West Africa, the intelligence unit also contributed to the production by EMPACT of a manual designed to act as support to the law enforcement authorities in their work to combat human trafficking. The manual focuses in particular on support to victims of human trafficking from Nigeria.

### **Collaboration with the Bulgarian police authority**

In recent years it has been common for Bulgarians to be recruited to come to Sweden to pick berries. In connection with this, information came to the attention of the police of suspicions of, among other things, trafficking in human beings for forced labour and begging, as well as – in 2015 – of links to trafficking in human beings for sexual purposes. The close cooperation that the intelligence unit had previously enjoyed with the Nordic liaison office in Sofia continued in 2015.

This close cooperation with Bulgarian police has led to a clear reduction in the amount of reported cases of trafficking for forced labour linked to berry picking.

In 2015, the police in the West Sweden region investigated a case involving trafficking in human beings for the purpose of begging. Among other things, it became apparent that the injured parties who were being exploited for begging on behalf of the perpetrators were particularly vulnerable as they had physical disabilities. Both the victims and the perpetrators originated from Bulgaria.

### **Collaboration with the Bulgarian police authority**

The number of tip-offs and information given to the police relating to THB for begging purposes linked to vulnerable EU citizens from Romania increased during 2015. On these issues, the intelligence unit maintained continuous collaboration with the Romanian liaison police in Copenhagen.

In 2015, the Swedish police invited the Romanian police to come to Sweden like it did in 2014 for an exchange of knowledge and experience in the field of human trafficking linked to vulnerable EU citizens.

The intelligence unit was responsible for the visit, which lasted for 30 days. As well as NOA's intelligence unit, the Romanian police officers also paid study visits to the South Sweden, the West Sweden and the Stockholm police regions.

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<sup>1</sup> <https://www.europol.europa.eu/content/eu-policy-cycle-empact>

The Swedish government participate together with the Nordic, the Baltic and the countries within the Baltic Sea region in issues of human trafficking for sexual and other purposes. The cooperation takes place within the framework of the Council of the Baltic States (CBSS) and the Nordic Council of Ministers (NCM).

### **Council of the Baltic States (CBSS)**

The Swedish government takes part in the CBSS Task Force against Trafficking in Human Beings (TF-THB) and in activities in line with the Strategy to combat trafficking in Human Beings for 2015-2017.

Within the framework of the Council of the Baltic States (CBSS), the Swedish government has been part of organising training for diplomatic and consular personnel of the CBSS member countries to enhance the ability to detect and handle cases of suspected human trafficking. The training programme resulted in a manual that supports the processing cases of trafficking in human beings.

A Swedish governmental actor, the CABS, has been a partner in different projects such as the ADSTRINGO project to address trafficking for labour exploitation and in the STROM project (Strengthening the Role of Municipalities in the Work against Trafficking in Human Beings) in developing guidelines for local authorities on the treatment of human trafficking victims.

### **Nordic Council of Ministers (NCM)**

The Swedish government also participates within the framework of the (NCM) on issues of human trafficking for sexual and other purposes.

The Nordic Council of Ministers implements a program on human trafficking 2015-2018 in cooperation with partners in the Baltic region. Partners include the Baltic Sea Council (CBSS), the International Organization for Migration (IOM) and the authorities in Estonia, Latvia and Lithuania as well as authorities in the Nordic countries. The purpose of the program is through concrete initiatives to contribute to the prevention of trafficking, traffickers prosecuted and that victims of trafficking are protected and helped. Initiatives also aim at strengthening cooperation and networking between actors in the region, creating platforms for exchange of knowledge and experiences.

### **The Swedish Ambassador at Large for Combating Trafficking in Persons**

The Swedish Ambassador at Large for Combating Trafficking in Persons has visited a large number of countries around the world since he started his assignment. Meetings have been conducted with members of governments, other high ranking governmental officials, members of parliaments and civil society regarding Swedish experience on combating human trafficking, especially trafficking for sexual exploitation and demand reduction. The ambassador is at the moment discussing the possibility for Sweden to work together with France on a TIP-project in the Southeast of Europe towards 11 countries.

Please see section “International co-operation”, proposal 11 (p. 21) in the June 2016 Report on Measures taken.

### **Measures related to endangered or missing persons (Article 33)**

**57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your**

**authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.**

Please see section “Protection of victims and witnesses”, proposal 25 (pp. 41) in the June 2016 Report on measures taken.

**58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?**

Yes. The European Union has a joint helpline for notification of missing children (116 000). Since 2013 it is handled by SOS Alarm. The number is open for calls 24 hours a day, every day of the year, and can be reached from any EU-country.

The cooperation of the Nordic governments and their agencies on questions concerning the exploitation or abuse of children should be strengthened further, see question 1 and measure no 3 in the Action plan to protect children.

The Ministry for foreign affairs is responsible for the Hague Convention on the Civil Aspects of International Child Abduction.

The CABS leads the National Task Force against Prostitution and Trafficking (NMT). NMT offers operational method support to municipalities, governmental authorities and NGOs in human trafficking cases through its Hotline: 020-390 000 and through their website [www.nmtsverige.se](http://www.nmtsverige.se) (see also question 1 above).

### **Co-operation with civil society (Article 35)**

**59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.**

In the NRM developed by the CABS it is formulated that the cooperation with the civil society is crucial. As stated earlier, NGOs have a crucial role in the work against THB in Sweden although it is the responsibility of the municipalities and social services to offer people who are exploited and all victims of crime, including trafficking in human beings, assistance. The ultimate responsibility should always be put on state and municipal bodies. However, the cooperation between social services (state/municipal actors) and NGOs is important, one of the main reasons being that social services do not always have the knowledge required on issues such as THB. Thus, the assistance given by NGOs in the National Support System function as a complement to the existing state/municipal run services in cases where presumed victims have turned to or been identified by an NGO. Additionally, municipalities can use the services offered by the NGOs by financing the victims stay at a shelter.

Apart from cooperation within the frame of developing a NRM and National Support Program, the NGOs are included in the Information Network, run by CABS, which gathers NGOs actors as well as State actors three times a year.

Whenever CABS and, in a broader sense other authorities, arrange trainings for professionals, the NGOs are invited to speak.

The cooperation between the CABS and NGOs is truly intertwined. Cooperation is seen as a necessity in order to improve and strengthen the work against THB in Sweden.

The CABS notes that authorities in general are aware of the fact that victims may rather be assisted by an NGO than an authority, at least in the very early stage of the victim support process.

Please see section “Comprehensive approach and co-operation”, proposal 5 (pp. 8) in the June 2016 Report on Measures taken.

#### **Relationship with other international instruments (Article 40)**

#### **60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.**

There are no specific agreements in accordance with Article 40.2.

#### **61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.**

Please see answer to question 39. Two cases with decisions of the Migration Agency, see **appendix 7 and 8**.

#### **D. Final questions**

#### **62. Which bodies and organisations contributed to responding to this questionnaire?**

##### **Ministry of Justice**

Division for Criminal Law

Division for Police Issues

*The Swedish Police Authority, National Operations Department*

Division for crime policy

*The Crime Victim Compensation and Support Authority*

*The Swedish National Council for Crime Prevention*

Section for Migration and Asylum Policy and Section for Migration Law.

*Swedish Migration Agency*

Division for Family Law and the Law of Contracts, Torts and Personal Property

Division for Procedural Law and Court Issues

*Swedish National Courts Administration*

Division for Prosecution Issues

*Swedish Prosecution Authority*

**Ministry of Employment**

Division for Labour Law and Work Environment  
International Division

**Ministry of Finance**

Division for Public Procurement  
Tax and Customs Department

**Ministry of Health and Social Affairs**

Division for Gender Equality  
Division for Family and Social Services  
Division for Public Health and Health Care  
Legal Secretariat  
*The Country Administrative Board of Stockholm (CABS)*

**Ministry for Foreign Affairs**

Ministry of Enterprise and Innovation  
Department for Housing and Transport  
Division for Transport Markets and Regulations  
*The Swedish Transport Agency*

**Ministry of Culture**

Division for Discrimination Issues

**63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?**

Deputy Director Erland Koch, Division for Criminal Law, Ministry of Justice  
Legal Adviser Lisa Nilheim, Division for Criminal Law, Ministry of Justice

**E. Statistics on THB (per year, starting with 2010)**

**Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**

**Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.**

**Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).**

**Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims given refugee status and subsidiary/complementary protection.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of investigations into THB cases.

Number of prosecutions of THB cases.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Number of judgments resulting in the confiscation of assets.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

Number of convictions for the use of services of a victim of THB.

Please see attachements "FIN Number of convictions" 2010-2015. Official numbers for 2016 will be finalised later in 2016.

See also the statistics from the CABS on cases where they have been involved during 2016, regarding potential victims of THB;

<http://www.lansstyrelsen.se/Stockholm/Sv/nyheter/2017/Sidor/antal-fall-av-misstankt-manniskohandel-okade-under-2016.aspx?keyword=nmt>

The Swedish National Council for Crime Prevention (Brå)

The Swedish National Council for Crime Prevention (Brå), an authority under the Ministry of Justice, collects and publishes Sweden's official crime statistics. The number of reported offences regarding traffic in human beings (THB) in Sweden is low, however far from every offence is reported. Data on reported THB is to a great extent related to the efforts and focus within the police and does not represent the whole picture of the actual crime levels. The data is not available divided by gender.



**Number of reported offences (source: Brå)**

Year	Sexual purposes		Other purposes	
	<i>Victim 18 y or older</i>		<i>Victim 18 y or older</i>	<i>Victim under 18 yo</i>
2010	25	7	30	22
2011	25	10	43	20
2012	12	9	35	13
2013	29	11	32	10
2014	26	5	48	14
2015	47	11	91	30

The years 2013 – 2015 the category "Other purposes" is available in subdivided data<sup>2</sup>:

Reported offences – "Other purposes" subdivided					
<i>Victim 18 yo or older</i>	<i>FL</i>	<i>B</i>	<i>OT</i>	<i>WS</i>	<i>OP</i>
2013	26	5	1	0	No data
2014	10	18	0	0	20
2015	17	50	0	0	24
<i>Victim under 18 yo</i>					
2013	5	4	1	0	No data
2014	3	5	1	0	5
2015	4	5	0	1	20

**Number of investigations initiated (source: Brå)**

Year	Sexual purposes		Other purposes	
	<i>Victim 18 y or older</i>	<i>Victim under 18 yo</i>	<i>18 år eller äldre</i>	<i>Victim under 18 yo</i>
2010	No data	No data	No data	No data
2011	No data	No data	No data	No data
2012	No data	No data	No data	No data
2013	No data	No data	No data	No data
2014	26	6	47	9
2015	37	7	66	21

The category "Other purposes" subdivided<sup>3</sup>:

<sup>2</sup> FL: forced labour, B: begging, OT: organ trading, WS: war service, OP: other purposes

<sup>3</sup> FL: forced labour, B: begging, OT: organ trading, WS: war service, OP: other purposes

<b>Investigations initiated – "Other purposes" subdivided</b>					
<i>Victim 18 yo or older</i>	<i>FL</i>	<i>B</i>	<i>OT</i>	<i>WS</i>	<i>OP</i>
2014	15	14	1	0	17
2015	12	43	0	0	11
<i>Victim under 18 yo</i>					
2014	2	5	0	0	2
2015	2	8	0	0	11

**Number of prosecutions (source: Brå)**

<b>Year</b>	<b>Sexual purposes</b>		<b>Other purposes</b>	
	<i>Victim 18 y or older</i>	<i>Victim under 18 yo</i>	<i>Victim 18 y or older</i>	<i>Victim under 18 yo</i>
2010	0	7	7	1
2011	6	0	5	4
2012	7	0	7	1
2013	2	0	0	0
2014	0	0	1	0
2015	1	0	0	0

**Number of conviction decisions (source: Brå)**

<b>Year</b>	<b>All types of THB (not available divided by purpose)</b>	
	<i>Prison</i>	<i>Other sanctions</i>
2010	6	0
2011	2	0
2012	9	0
2013	2	0
2014	0	0
2015	2	0

The Crime Victim Compensation and Support Authority

**Criminal injuries compensation (provided from the state) 2010-2016**

- Statistics from The Swedish Crime Victim Compensation and support Authority
- a total of 11 victims
- The indicated age is the age of the victim when the compensation was awarded.

**2010**

1. Dnr 7740/2010, Female, 18 years old, Slovakia, THB for sexual exploitation, 7 350 Euro
- 2012**
2. Dnr 587/2012 + 5366/2012, Female, 19 years old, Nigeria, THB for sexual exploitation, 24 850 Euro
  3. Dnr 1113/2012 + 5176/2012, Female, 23 years old, Nigeria, THB for sexual exploitation, 29 850 Euro
  4. Dnr 9794/2012, Female, 22 years old, Romania, THB for sexual exploitation and gross procuring, 17 850 Euro
- 2013**
5. Dnr 1213/2013, Female, 20 years old, Lithuania, THB for sexual exploitation and gross procuring, 7 750 Euro
  6. Dnr 1268/2013, Female, 26 years old, Romania, THB for sexual exploitation and gross procuring, 17 850 Euro
- 2016**
7. 5747/2016, Male, 69 years old, Bulgaria, THB for begging, 4 350 Euro
  8. 5748/2016, Male, 66 years old, Bulgaria, THB for begging, 5 850 Euro
  9. 5749/2016, Male, 63 years old, Bulgaria, THB for begging, 4 350 Euro
  10. 5750/2016, Male, 61 years old, Bulgaria, THB for begging, 5 850 Euro
  11. 6728/2016, Female, 17 years old, Romania, THB for forced labour and theft, 4 400 Euro

The Crime Victim Compensation and Support Authority has only information regarding the number of applications for criminal injuries compensation. It is not possible to find out the number of decisions concerning damages by the courts or the type of crime the damage concerns.

### The Swedish Migration Agency

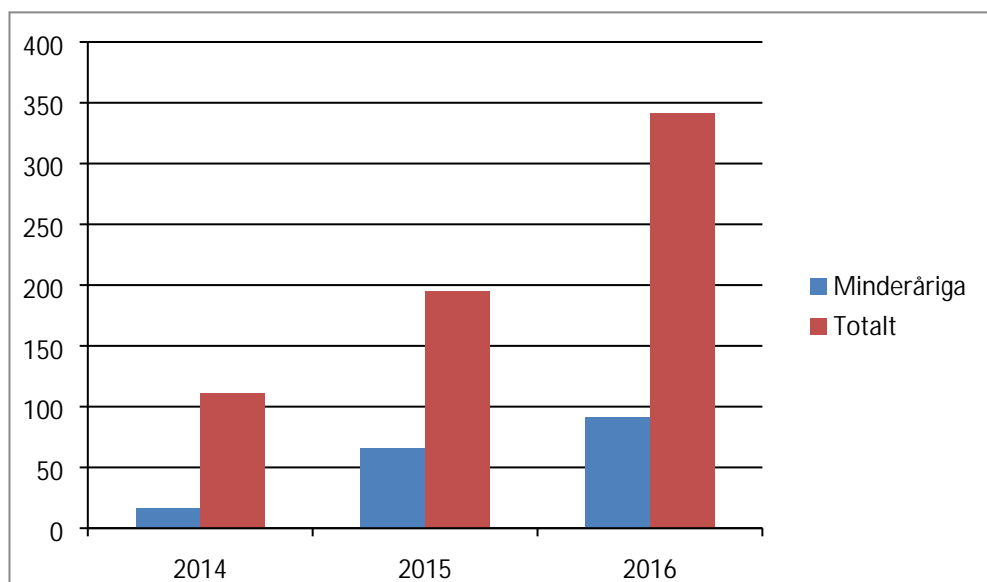
The Swedish Migration Agency's internal reports from 2016 shows 42 citizens of Nigeria, 35 citizens of China, 25 from Somalia and 18 from Mongolia, Vietnam and Syria. During 2015 the largest groups were 19 persons from Nigeria, 19 from Afghanistan, 15 Morocco, 13 Mongolia, 13 Somalia and 9 Eritrea.

During 2016 the number of internal reports about suspected cases of THB has increased evenly throughout the year. In total, 341 individual reports have been submitted, of which 91 concerned children. In 2015, 195 reports were submitted, of which 66 children. Thus, the increase in total was 74, 9 % and the increase on children was 37,9 %.

Of the 341 individual cases in 2016, 172 persons were exposed to THB in Sweden and about 20 of them also during the way to Sweden. The rest were exposed to THB during the way to Sweden and a minor part of them were also exposed in their home countries.

The internal reports are cases where the units within the Agency have taken measures in accordance with the internal Handbook on Migration Cases, for example a police report or a notice to the police. The reports are compiled and sent twice a year to the Police (NOA). The reports contain also suspected THB that has taken place outside the EU.

One explanation for the increase in reports is the large number of asylum seekers arriving in Sweden primarily during the second half of 2015. They are still registered within the Migration Agency's reception system during 2016. Another reason for the increase is that the Migration Agency has actively increased the competence among the staff during 2016 to identify suspected victims of THB – see Question 31.



### **Granted temporary residence permits in 2016**

During 2016, 13 persons were granted temporary residence permits for a reflection period of 30 days, after application from an official in charge of a preliminary investigation. Nine of those were about THB and four were about other crimes. The same year 47 persons were granted temporary residence permits as a person of evidence for six months. Fifteen of those were suspected victims of THB, the rest concerned other crimes. Of fifteen suspected victims of THB three were children.