



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

### **Recommendation CP(2018)28 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden**

*adopted at the 23rd meeting of the Committee of the Parties  
on 9 November 2018*

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

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

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

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

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

Recalling Committee of the Parties' Recommendation CP(2014)12 of 7 July 2014 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden and the report of the Swedish authorities on measures taken to comply with this recommendation, submitted on 23 June 2016;

Having examined the second report concerning the implementation of the Convention by Sweden adopted by GRETA at its 31st meeting (19-23 March 2018), as well as the comments of the Swedish Government received on 18 May 2018;

1. Welcomes the progress made since the first round of evaluation in the following areas:
  - the further development of the institutional framework for combating trafficking in human beings (THB), by setting up specialised anti-trafficking police units in six of the seven police regions;
  - the adoption of a National Referral Mechanism *defining the roles and responsibilities of different actors who may come into contact with victims of trafficking with regard to their identification, assistance and protection*;
  - the establishment of the National Support Programme which is implemented by the Platform Swedish Civil Society against Human Trafficking and allows presumed victims of trafficking who have not been formally identified to benefit from assistance;

- the steps taken to carry out research on different aspects of human trafficking, including trafficking in children and the exploitation of EU citizens in berry picking and forced begging;
- the adoption of the new Criminal Injuries Compensation Act which extends the deadlines for submitting compensation claims and the provision of information materials to victims of THB on how to claim compensation;
- the efforts made in the area of *international co-operation*, including co-operation with governmental and non-governmental actors in countries of origin and transit.

2. Recommends that the Swedish authorities take measures to address the following issues for immediate action identified in GRETA's report:

- take further steps to provide regular training on THB for different types of exploitation to all relevant professionals, including medical staff and labour inspectors;
- intensify the efforts to prevent trafficking in children, in particular by:
  - raising public awareness about the risks and different manifestations of child trafficking, including trafficking for the purpose of forced criminality, forced begging and forced marriage;
  - strengthening efforts to prevent unaccompanied and separated migrant and asylum-seeking children from going missing from care, including by timely appointment of guardians, as well as better training and supervision of guardians and staff working in homes for such children;
  - improving the exchange of information on missing unaccompanied children between police forces and local authorities;
  - systematically carrying out police investigations into disappearances of unaccompanied and separated children and strengthening follow up and alert systems on reports of missing children;
  - sensitising and training child welfare professionals across the country on risks of trafficking and effective prevention measures;
  - raising awareness by including THB as a topic in the national school curricula, accompanied by appropriate training of teachers;
- take steps to improve the identification of victims of trafficking, by ensuring that:
  - formal identification of victims of THB, upon which assistance measures largely depend, is not made conditional on their co-operation in the investigation and criminal proceedings or the initiation of criminal proceedings;
  - the police, labour inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking;
  - increased attention is paid to the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres;
- ensure more effective and timely identification of child victims of trafficking with a view to providing them with appropriate assistance, and in particular:

- 
- conduct expeditious registration of asylum-seeking children who are at risk of disappearing;
  - ensure the timely appointment of guardians and adequate resourcing of the guardianship system in all municipalities, including limiting the numbers of children assigned to a guardian;
  - ensure that the child's views are taken into account in asylum interviews, at which they should always be accompanied by a guardian and/or lawyer;
  - routinely consider the possibility of child-specific forms of persecution, including trafficking, when interviewing asylum-seeking children;
  - proactively identify unaccompanied and separated boys at risk of being trafficked for sexual exploitation and forced criminality;
  - proactively identify unaccompanied and separated asylum-seeking children who might have become victims of THB for the purpose of forced marriage on their way to Sweden, including any related sexual exploitation;
  - make sure that no violence or abuse occurs at places of accommodation for unaccompanied asylum-seeking or irregular migrant children;
  - ensure that adolescent victims of trafficking who are transitioning to adulthood continue to receive specialised support and assistance;
- ensure that a recovery and reflection period is provided to all foreign persons in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking, regardless of whether they co-operate with the law enforcement authorities in criminal proceedings or not;
  - strengthen efforts to ensure that victims of THB are not punished for offences they have been compelled to commit, in compliance with the non-punishment clause contained in Article 26 of the Convention. The adoption of an explicit non-punishment provision and/or guidance for its use, along with training about the non-punishment principle for police, prosecutors and judges, would facilitate the effective implementation of Article 26 of the Convention;
  - take measures to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:
    - ensuring that units investigating THB offences are properly resourced;
    - continuing to improve the knowledge of investigators, prosecutors and judges about the seriousness of THB, the severe impact of exploitation on the victims and the need to respect their human rights;
    - ensuring that THB cases are systematically prosecuted by prosecutors in the international prosecution offices;
    - making full use of the existing legislation, including in view of safeguarding the victims' rights in the criminal proceedings;
    - strengthening efforts to investigate and prosecute cases of trafficking for the purpose of labour exploitation.

3. Requests the Government of Sweden to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **9 November 2019**.
4. Recommends that the Government of Sweden take measures to implement the further conclusions of GRETA's second evaluation report.
5. Invites the Government of Sweden to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.