



GRETA
GROUP OF EXPERTS
ON ACTION AGAINST
TRAFFICKING IN HUMAN BEINGS

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Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) has been set up pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, 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 to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new 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 the second 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. 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.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Sweden took place in 2012-2013. Following the receipt of Sweden's reply to GRETA's first questionnaire on 1 June 2012, a country evaluation visit was organised from 27 to 31 May 2013. The draft report on Sweden was examined at GRETA's 18th meeting (4-8 November 2013) and the final report was adopted at GRETA's 19th meeting (17-21 March 2014). Following the receipt of the Swedish authorities' comments, GRETA's final report was published on 27 May 2014.¹

2. In its first report on Sweden, GRETA welcomed the steps taken by the Swedish authorities to combat trafficking in human beings (THB) and support victims of trafficking, including the adoption of relevant legislation and the setting up of co-ordinating structures and specialised units. Noting that the focus of anti-trafficking action in Sweden had been on combating prostitution and trafficking for the purpose of sexual exploitation, GRETA urged the Swedish authorities to adopt a comprehensive approach to anti-trafficking action by paying increased attention to trafficking for the purpose of labour exploitation as well as trafficking for forced begging and forced criminality. GRETA also urged the Swedish authorities to set up a National Referral Mechanism which gives a formal role in the identification process to frontline actors who may come into contact with victims of trafficking, such as NGOs, labour inspectors, social workers and officials dealing with irregular migrants and asylum seekers. Further, GRETA urged the Swedish authorities to ensure that access to assistance for victims of trafficking is not made conditional on their co-operation in the investigation and criminal proceedings. Moreover, GRETA called on the Swedish authorities to address the problem of unaccompanied children going missing, by providing suitable safe accommodation and adequately trained supervisors or foster parents, and to ensure the timely identification of victims of trafficking among such children. GRETA welcomed the efforts to make compensation available to victims of trafficking, but urged the authorities to ensure that human trafficking offences for all types of exploitation are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions.

3. On the basis of GRETA's report, on 7 July 2014 the Committee of the Parties to the Convention adopted a recommendation to the Swedish authorities, requesting them to report back on the measures taken to comply with this recommendation by 7 July 2016.² The report submitted by the Swedish authorities was considered at the 19th meeting of the Committee of the Parties (23 June 2016). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.³

4. On 10 November 2016, GRETA launched the second round of evaluation of the Convention in respect of Sweden by sending the questionnaire for this round to the Swedish authorities. The deadline for submitting the reply to the questionnaire was 10 April 2017 and Sweden submitted its reply on this date.⁴

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Swedish authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to Sweden took place from 8 to 12 May 2017 in order to hold meetings with relevant actors, collect additional information and assess the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Siobhán Mullally, President of GRETA;
- Mr Rudolf Christoffersen, member of GRETA;
- Mr Mats Lindberg, Administrator in the Secretariat of the Convention.

¹ Available at : <http://rm.coe.int/doc/090000168063c456>

² Available at : <http://rm.coe.int/doc/09000016806c067f>

³ Available at : <http://rm.coe.int/doc/09000016806c067f>

⁴ Available at : <http://rm.coe.int/doc/090000168070acc5>

6. During the visit, the GRETA delegation met representatives of the County Administrative Board of Stockholm, which acts as Sweden's co-ordinating body of action against human trafficking. It also met the Ambassador-at-Large for combating trafficking in human beings, Mr Per-Anders Sunesson, and officials from the Ministry of Justice, the Ministry of Health and Social Affairs, the Ministry of Education, the Ministry of Employment, the Ministry of Foreign Affairs, the Police Authority, the Prosecution Authority, the Migration Agency, the National Board of Health and Welfare, the National Board of Institutional Care, the Crime Victim Compensation and Support Authority, the National Agency for Education, the Work Environment Agency, and the Swedish International Development Agency. Discussions were also held with members of the Swedish Parliament's Committee on Justice and Committee on the Labour Market, as well as with representatives of the Office of the Children's Ombudsman.

7. In addition to holding meetings in Stockholm, the delegation travelled to Malmö where it met the newly established specialised anti-trafficking police unit and the Migration Agency's local asylum applications unit.

8. Separate meetings were held with representatives of non-governmental organisations, lawyers, researchers and the Council of Baltic Sea States (CBSS).

9. In the course of the visit, the delegation visited a shelter for women exploited in prostitution and female victims of trafficking in Stockholm, as well as a residential care home for unaccompanied children in Malmö.

10. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.

11. GRETA wishes to place on record the co-operation provided by the Swedish authorities and in particular by the contact person appointed by the Swedish authorities to liaise with GRETA, Mr Erland Koch, Deputy Director, Division for Criminal Law of the Ministry of Justice, as well as Ms Lisa Nilheim and Ms Eva-Lena Wahlin, Legal Advisors at the Ministry of Justice.

12. The draft of the present report was approved by GRETA at its 30th meeting (20-24 November 2017) and was submitted to the Swedish authorities for comments on 13 December 2017. The authorities' comments were received on 13 February 2018 and were taken into account by GRETA when adopting the final report at its 31st meeting (19-23 March 2018). The report covers the situation up to 22 March 2018; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made since the first report, the issues which require immediate action and the other areas where further action is needed (see pages 49-54).

II. Main developments in the implementation of the Convention by Sweden

1. Emerging trends in trafficking in human beings and types of exploitation

13. Sweden is primarily a country of destination for victims of trafficking in human beings and to some extent also a country of transit and origin. In the absence of a formally established system for the identification of victims (see paragraph 103), the statistics collected by the National Council for Crime Prevention (Brå) refer to reported offences, rather than to presumed or identified victims. According to statistics of Brå, in 2014, there were 93 reported offences of THB, of which 31 concerned trafficking for sexual purposes and 62 for "other" purposes⁵ (including 13 for forced labour, 23 for forced begging, 1 for organ removal, and 25 for other, unspecified, purposes). In 2015, there were 179 reported offences, of which 58 for sexual purposes and 121 for "other" purposes (including 21 for forced labour, 55 for forced begging, 1 for military service⁶ and 44 for other purposes). In 2016, the number of reported THB offences was 197, of which 81 for sexual purposes and 116 for "other" purposes (including 27 for forced labour, 33 for forced begging, 1 for organ removal, 3 for military service and 52 for other purposes). In 2017, there were 214 reported THB offences, of which 82 for sexual purposes and 132 for "other" purposes (including 39 for forced labour, 40 for forced begging, 2 for organ removal, 1 for military service and 50 for other purposes). The available statistics are not disaggregated by sex. Out of the total number of reported cases, those concerning children were 19 in 2014 (5 for sexual and 14 for "other" purposes), 41 in 2015 (11 for sexual and 30 for "other" purposes), 65 in 2016 (16 for sexual and 49 for "other" purposes) and 62 in 2017 (23 for sexual and 39 for "other" purposes). According to data provided by the National Rapporteur, the number of persons deemed to be victims of THB on reasonable grounds was much lower: in 2015, 2 victims of THB for sexual purposes; in 2016, 7 victims (2 for sexual purposes and 5 for "other" purposes); and in 2017, 12 victims (2 for sexual purposes and 10 for "other" purposes, namely forced begging).

14. The number of reported offences of THB for the purpose of labour exploitation has increased over the last three years, but nevertheless sexual exploitation offences remain the largest group. An increase has been observed in victims subjected to THB for multiple purposes. In 2015, there was a sharp increase in the number of asylum seekers and migrants arriving in Sweden from war-torn conflict regions in the Middle East and Asia, peaking at 162,877 asylum seekers in 2015, including about 35,369 unaccompanied children. This unexpected increase posed initial difficulties to the Swedish authorities, who in 2016 started applying stricter asylum rules, including as regards family reunifications. The Swedish authorities have noted vulnerabilities among the people who were smuggled into or otherwise fled to Sweden and there were indications that some of them could be subjected to human trafficking for different forms of exploitation. The authorities have also observed an increase in victims who have been subjected to THB prior to arriving in Sweden. Concerns were expressed to GRETA that many unaccompanied children were trafficked or at risk of trafficking, particularly for sexual exploitation and forced criminality (see paragraph 124). GRETA notes that the above-mentioned statistics on reported offences concerning children probably do not reflect the real scale of child trafficking in Sweden, given the high number of unaccompanied and separated children disappearing.

⁵ The term "other purposes" is used by the Swedish authorities to cover forced labour, forced begging, removal of organs, military service, forced marriage and other, unspecified purposes.

⁶ "Military service" in this context refers to travel from Sweden to other countries in order to take part in illegal acts of violence or in armed conflict, such as the conflicts fought in Syria and Iraq in the reporting period.

15. There are no official statistics on the victims' countries of origin, but according to the Police Authority, the main countries of origin of girls and women recruited for the purpose of prostitution were Romania, Bulgaria, Russia, Ukraine, Lithuania, Poland, Spain and Nigeria. In the cases of THB for the purpose of forced labour, the presumed victims originated from Bangladesh, Bulgaria, Cameroon, Ecuador, Kenya, Lebanon, Mongolia, Nigeria, Poland, Senegal, Uganda, Ukraine and Vietnam. The majority of the presumed victims referred to in the Migration Agency's internal reports (see paragraphs 52 and 106) in 2015 and 2016 were from Nigeria (61), China (35), Somalia (38) and Mongolia (31). As regards EU nationals, according to available data on temporary residence permits, participation in the Voluntary Return Programme and information from the Platform Swedish Civil Society against Trafficking, the majority of the presumed victims were from Bulgaria and Romania. Further, the Platform reported three Swedish victims in 2014 and five in 2015.

2. Developments in the legal framework

16. As regards the criminalisation of THB, following an inquiry into the practical application of the anti-trafficking legislation, a number of proposals for amendments to the Criminal Code (CC) were submitted in October 2016 regarding the means used to commit THB and the intent to exploit and in order to strengthen the child perspective. The inquiry proposed to broaden the criminal liability for exploitation in cases of forced labour, labour exploitation, exploitation for begging and forced criminality. Other proposals were made concerning the exploitation of people in vulnerable situations and the handling of THB cases by law enforcement authorities in an effective and appropriate manner. Having consulted a number of relevant stakeholders, the Government presented a bill with amendments to the *Riksdag* (Parliament) on 6 March 2018 (see paragraph 173).

17. Further, a new Criminal Injuries Compensation Act entered into force on 1 July 2014. It extended the time-limit for applying for compensation from two to three years and in the case of child victims, until the child reaches the age of 21 years.

18. In 2016, the CC provision on extended confiscation was revised, making it applicable to offences for which a penalty of at least two years of imprisonment is foreseen and which form part of organised crime.

19. On 20 July 2016 Act 2016:752, introducing a temporarily more restrictive asylum policy, entered into force. It has implications for the issuing of temporary residence permits to victims of trafficking and is discussed in further detail in paragraphs 151 and 153.

20. The Swedish Government ratified the Protocol to the ILO Convention on Forced Labour (N° 29) on 14 June 2017.

21. The above-mentioned legal developments are discussed in further detail in later parts of this report (see paragraphs 151, 158 and 195).

3. Developments in the institutional framework

22. At the time of GRETA's second visit, the County Administrative Board of Stockholm (CABS) continued to function as National Co-ordinator against Prostitution and Trafficking. The CABS led the National Task Force against Prostitution and Trafficking which offered operational support to government agencies, municipalities and NGOs in THB cases through its hotline (020-390 000) and a website.⁷ At the time of GRETA's visit, the CABS had five national level mandates. Work against prostitution and THB was one of them, but at least three of the other mandates were also of relevance to THB. These concerned unaccompanied children who disappear, inclusion of Roma and vulnerable EU citizens.⁸ The CABS was also responsible for the Voluntary Return Programme in which victims of THB could take part. Since 1 January 2018, the new Gender Equality Agency has the national co-ordinating responsibility as regards work against trafficking in human beings and all related assignments of CABS have been transferred to this agency (see paragraphs 30-32).

23. The Police Authority underwent a major reorganisation in 2015, with the 21 previously independent police authorities being merged into a single police authority divided into seven regions.⁹ Specialised anti-trafficking police units have been established in six of Sweden's seven police regions (see paragraph 188).

24. The three International Prosecution Offices which handle THB cases were merged into one as of 1 January 2018.

25. The CABS had appointed Regional Co-ordinators against THB in six of the country's seven police regions. These regional co-ordinators, co-financed by the CABS and the municipalities, are employed by the municipal social services and are mandated to support local actors in cases of THB and to ensure that victims of sexual exploitation and/or THB receive the necessary support. They provide a link between the national and the local levels, especially the Police and the Social Services, and work on increasing co-operation between the local authorities and NGOs.

26. Since 1 January 2015 the Migration Agency has also been reorganised, with subdivisions in six regions, largely corresponding to the police regions. In addition to the Migration Agency's central co-ordinator against THB, regional anti-THB co-ordinators have been appointed.

⁷ www.nmtsverige.se

⁸ 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 in Sweden. Both CABS and civil society have published reports on the situation of vulnerable EU citizens, many of whom are Roma originating from Romania and Bulgaria and some of whom may be victims of forced begging. The reports are available at: <http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2014/R2014-10-Utsatta-EU-medborgare-i-Sverige-webbpdf.pdf> and <https://www.civilrightsdefenders.org/files/Report-CRD-Vulnerable-EU-Citizens-low.pdf>

⁹ These regions may be further sub-divided, for example, Police Region South (with Malmö as its central point) is divided into five police areas.

27. The function of National Rapporteur on THB continues to be performed by an official of the Police Authority. GRETA has already stressed in its first report that the National Rapporteur should be a *de jure* independent function and not placed inside an institution the work of which s/he is to monitor.¹⁰ In GRETA's view, the key features of National Rapporteurs' mechanisms in the sense of Article 29, paragraph 4, of the Convention¹¹ should be the ability to critically monitor the efforts and effectiveness of all state institutions, including national co-ordinators, and to that end maintain a constant exchange with civil society, the research community and other relevant stakeholders. The human rights-based approach to anti-trafficking policies advocated by the Convention requires adequate monitoring and evaluation. A structural separation between monitoring and executive functions enables an objective evaluation of the implementation of anti-human trafficking legislation, policy and activities, identification of lacunae and shortcomings, and the formulation of comprehensive legal and policy recommendations.¹² **GRETA considers that the Swedish authorities should examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions.**

28. In May 2016 the Swedish Government appointed an Ambassador-at-large for combating human trafficking, Mr Per-Anders Sunesson, with a view to strengthening Sweden's international profile in the fight against THB and ensuring that particular attention is paid to the gender equality perspective in international efforts to combat THB.

29. The Platform Swedish Civil Society against Human Trafficking was formally registered on 31 March 2017 as an umbrella organisation of NGOs working against THB and supporting victims of THB. An informal NGO network had previously existed, but the registration of the Platform turned it into a formal organisation with 20 members, an elected board, task forces and thematic working groups. The Platform co-ordinates the assistance given to victims of THB, conducts knowledge and information exchanges and acts as a representative of civil society in exchanges with the authorities. It organises four thematic meetings per year to which relevant experts are invited and provides training for public sector staff, such as the social services and the Migration Board.

30. In September 2016 the Government announced its decision to transfer all functions related to co-ordinating action against human trafficking from the CABS to the new Gender Equality Agency, which started operating on 1 January 2018, based in Gothenburg.¹³ The Swedish authorities have stressed that the Gender Equality Agency's task would encompass the co-ordination of national action against human trafficking for all purposes of exploitation and not just sexual exploitation. One of the Government's arguments for this move is that anti-trafficking work would have a set budget and ensured continuity, compared with the relatively short-term financing of the CABS.

31. Most interlocutors met during GRETA's visit to Sweden expressed serious concerns about the transfer of co-ordination of anti-trafficking action from the CABS to the new agency. Doubts were expressed about the operational, as opposite to strategic, capacities of the new agency in the area of trafficking. The Swedish Agency for Public Management¹⁴ has expressed concerns about the loss of anti-THB competencies as a result of the move and has recommended to maintain the CABS' mandate for anti-THB co-ordination because it is well-established, functional and in order to avoid disruptions and spending resources on building new structures.

¹⁰ See GRETA's recommendation in paragraph 66 of GRETA's first report.

¹¹ "Each Party shall consider appointing National Rapporteurs or other mechanisms for monitoring the anti-trafficking activities of State institutions and the implementation of national legislation requirements."

¹² In this context, see also the Summary report on the Consultative Meeting on Strengthening Partnerships with National Rapporteurs on Trafficking in Persons and Equivalent Mechanisms organised by the UN Special Rapporteur on trafficking in persons, especially in women and children, in Berlin, 23-24 May 2013.

¹³ The setting up of a gender equality agency was proposed by a Gender Equality Enquiry in 2015 (Swedish Government Official Reports series 2015:86).

¹⁴ <http://www.statskontoret.se/globalassets/publikationer/2016/201621.pdf>

32. The Swedish authorities have indicated that the new Gender Equality Agency will address all forms of THB. However, GRETA is concerned about the implications of the decision to transfer the mandate for anti-trafficking action to the new Gender Equality Agency in Gothenburg since the primary focus of the new agency will be trafficking for the purpose of sexual exploitation, given that its creation is linked to the new National Strategy to Prevent and Combat Men's Violence against Women. The complexity of trafficking in human beings requires a range of legal and operational measures to be implemented against it. Trafficking for the purposes of forced labour, forced begging and forced criminality affects women, men and children and the Council of Europe Convention on Action against Trafficking in Human Beings requires States Parties to address the full range of human trafficking situations, in accordance with the non-discrimination principle contained in Article 3 of the Convention. In the context of the current migration and refugee situation in Europe, unaccompanied and separated children are particularly at risk of trafficking for all forms of exploitation, as is noted in the recently adopted Council of Europe Action Plan on protecting refugee and migrant children. In its comments on GRETA's draft second evaluation report, the Swedish Government explained that the Gender Equality Agency will perform the same tasks and operational measures concerning prostitution and trafficking as those for which the CABS was responsible, including support to governmental authorities, NGOs, the National Task Force against Prostitution and Trafficking, the regional co-ordinators and the Voluntary Return Programme. To ensure a smooth transfer of competencies, the CABS has been asked to assist the Gender Equality Agency in its task to combat prostitution and THB until the end of 2018. **GRETA considers that the Swedish authorities should keep under review the work of the new Gender Equality Agency, in order to ensure that it effectively addresses all forms of THB, both in terms of combatting it and assisting its victims.**

4. National Action Plans

33. In its first report GRETA urged the Swedish authorities to take further steps to ensure that national action to combat THB is comprehensive, including by means of adopting a national action plan against all forms of THB.

34. In June 2016 the Swedish Government adopted a National Action Plan for 2016-2018 to protect children from human trafficking, exploitation and sexual abuse, which is the continuation of a similar action plan for 2014-2015. The new action plan contains 23 measures. Further, the Swedish Government has recently adopted a new National Action Plan against prostitution and trafficking in human beings. It includes eight areas of action: co-ordination between agencies and other actors; preventive work; improved ability to detect prostitution and human trafficking; legislative measures; stronger protection and support; more effective law enforcement; strengthening knowledge and method development; and increased international co-operation. The new Plan puts forth strategic goals and provides an overview of the legal framework and the tasks of relevant stakeholders, but does not provide for concrete actions and there is no indication of a budget, timeframe or responsibilities for the implementation of the Plan. Further, the new Plan does not cover a specified time period. GRETA was informed that the Platform Swedish Civil Society against Trafficking was invited to provide suggestions for the priorities of the new Plan, but it is not clear to what extent the input of civil society was taken into account in the preparation of the Plan.

35. Further, in January 2017, the Swedish Government presented a new National Security Strategy which addresses a number of threats to society, including organised crime, in the context of which THB is mentioned. The strategy foresees preventive measures against organised crime, to be implemented with the participation of municipalities, schools, civil society and the business sector, in co-operation and co-ordination with the national authorities.

36. A 10-year National Strategy to Prevent and Combat Men's Violence against Women was launched on 1 January 2017. The strategy does not contain specific activities against trafficking, but refers to the need to engage men and boys in preventive work against violence against women, which includes prostitution and trafficking for sexual purposes.

37. GRETA welcomes the recent adoption of the National Action Plan against prostitution and trafficking in human beings, as well as the adoption of the 2016-2018 National Action Plan to protect children from human trafficking, exploitation and sexual abuse. However, GRETA notes that these plans focus on sexual exploitation and is concerned that not all forms of human trafficking are sufficiently addressed. **GRETA considers that the Swedish authorities should ensure that action against THB is comprehensive and addresses all victims of trafficking for all forms of exploitation, taking into account the particular vulnerability of irregular migrants and asylum seekers. The authorities should strengthen action against THB for the purpose of labour exploitation, by reviewing the legislative framework, improving the identification of, and assistance to, victims of THB for the purpose of labour exploitation, and involving civil society, trade unions, labour inspectorates and the private sector. The national action plan should aim to address all forms of THB, define concrete activities and stakeholders responsible for their implementation, envisage budgetary resources, and be accompanied by a mechanism for monitoring the implementation of the activities.**

5. Training of relevant professionals

38. In its first report, GRETA urged the Swedish authorities to take further steps to provide regular training on THB for all types of exploitation to all relevant professionals (in particular, judges, prosecutors, police, Migration Agency staff, social workers, labour inspectors, lawyers, trade union officials and NGOs contracted as service providers) to enable them to better identify victims of THB for different types of exploitation and to assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers.

39. The Police Authority has made available on its Intranet a course on detecting and investigating THB. Preliminary investigation leaders and investigators are offered an advanced course on police work against THB in conjunction with the Swedish National Police Academy and Uppsala University. In addition, each year a two-week course on surveillance and target searching on the Internet is offered in conjunction with the Swedish National Police Academy and the Blekinge Institute of Technology. The course includes a special chapter on children as victims of trafficking. Overall, some 40-50 police officers per year have received specialised anti-THB training in Sweden on a national level since 2010. In addition, all police regions provide training about THB to their staff, sometimes with the support of the Police Authority's Department of National Operations (NOA).

40. Training of prosecutors within the three International Prosecution Offices was conducted in 2017 by means of two-day seminars. The Swedish Prosecution Authority offers e-learning aimed at providing basic knowledge on THB to other prosecutors.

41. The Judicial Training Academy does not provide training specifically on THB, but offers annual courses on the Criminal Code. In 2014 the theme of the annual course was organised crime, including a part dedicated to trafficking. A two-day training course on issues related to children in legal proceedings is another course available for judges. Participation in these courses is voluntary.

42. In October 2016 the Crime Victim Compensation and Support Authority and the County Administrative Board of Västra Götaland organised a seminar on human trafficking. It covered legislation against THB and the new National Referral Mechanism (NRM) manual (see paragraph 102). Some 130 participants from the Police Authority, NGOs, social services and the Migration Agency took part. In May 2017, the Crime Victim Compensation and Support Authority organised another seminar on human trafficking, in Malmö, which covered legislation against THB, investigation of THB cases, and regional co-ordination in the south of Sweden. Almost 100 participants from district courts, NGOs, the Police Authority, social services, the Migration Agency and law firms took part in this seminar.

43. In 2016 the CABS conducted several training activities for relevant professionals on the new NRM, with participation of the Police Authority, Migration Agency, the Social Services and NGOs. The CABS has also developed an interactive training tool launched in March 2017, with a focus on THB in children.

44. In 2015, the Swedish Migration Agency organised two conferences together with the counties of Jämtland and Östergötland and the CABS on "Unaccompanied children, returnees and trafficking". Participants included social workers, guardians, school staff and staff from the Swedish Migration Agency. It also published in 2016 a web-based information material on THB for guardians and in November 2016 provided online training about THB, which has been completed by 983 Migration Agency employees.

45. The Swedish Migration Agency also provides training on THB to Swedish embassy staff, especially in countries considered at higher risk of receiving visa applications for THB victims, such as in China, Thailand, Ethiopia and Kenya. The staff of 25 embassies were trained in 2015. Sweden has outsourced the processing of visa application to the company Visa Facilitation Service (VFS).

46. Staff of special homes for secure institutional care of adolescents with severe behavioural issues (see paragraph 135), operated by the National Board of Institutional Care, received training on THB by the CABS in 2014.

47. The first ever training on THB for labour inspectors took place in the week of GRETA's visit in May 2017.

48. Despite the above-mentioned training, GRETA notes that several professional groups have not yet received training on THB. GRETA urges the Swedish authorities to take further steps to provide regular training on THB for different types of exploitation to all relevant professionals, including medical staff and labour inspectors.

49. GRETA also considers that additional training should be provided to police officers, migration staff and asylum officers to enable them to proactively identify victims of trafficking, as well as to prosecutors and judges. Further, training should be provided to private companies hired to carry out public sector services, such as the Visa Facilitation Service.

6. Data collection and research

50. In its first report, GRETA considered that for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Swedish authorities should further develop a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, including prosecutors, courts, the Crime Victim Compensation and Support Authority and NGOs, providing assistance to victims of THB, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). GRETA further considered that the Swedish authorities should conduct and support research on trafficking-related issues as an important source of information for future policy measures, in particular regarding non-sexual types of exploitation, trafficking in children and among vulnerable groups, such as the Roma, as well as trafficking within Sweden.

51. The National Council for Crime Prevention (Brå) continues to collect and publish statistics on crimes, including on THB. As noted in paragraph 13, these statistics refer to reported offences, rather than to identified victims. Statistics on reported THB offences include six exploitation categories: sexual exploitation, forced labour, begging, organ removal, military service and "other purposes". The statistics are disaggregated into children and adults, but not by sex. Data on convicted persons is divided by age, sex and type of sanction. The Swedish authorities have indicated that since GRETA's first visit, a specific form has been developed by the CABS in order to collect statistical information from a range of actors.¹⁵ The template is sent to civil society actors and includes information on victims, their country of origin, age, sex, form of exploitation, temporary residence permits and returns. As of 2014, relevant data on THB collected by the NGO Platform is included in the statistics. However, GRETA was informed that not all members of the NGO Platform provide information and therefore not all THB victims who receive assistance from NGOs are counted in the statistics.

52. The Swedish Migration Agency collects data on temporary residence permits. Furthermore, it keeps statistics on the number of internal reports on suspected THB cases (i.e. reports by staff to their superiors about suspected victims of trafficking). The internal reports are compiled and sent to the CABS twice a year.

53. Despite the above-mentioned template for collecting data on THB, GRETA notes that the statistics provided by the Swedish authorities are not disaggregated by sex and country of origin of the victims. **While welcoming the inclusion in the statistics of data on victims of trafficking assisted by NGOs, GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Swedish authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.**

54. In 2015, the Swedish Government assigned the CABS to map children who have been trafficked or are suspected to be victims of THB.¹⁶ The report, which was published in December 2015, reviews how cases of suspected trafficking in children were handled by the authorities and in criminal investigations. The report identified 210 children with whom the Swedish social and migration authorities and NGOs had come into contact, where suspicions arose that the child was, had been or risked being subjected to THB. The report identified factors such as the children's background, residence status, the type of THB suspected, reasons for the suspicions and responses taken by the authorities. Several areas of child protection and legal responses were identified as needing strengthening, and corresponding recommendations were made in the report. Taking into account the recommendations of the report, the Swedish Prosecution Authority is in the process of studying the need for changes with a view to improving the quality of investigations of suspected THB. Further, the Government has asked the Police Authority to develop its capacity to combat THB and to investigate and prevent sexual offences against children.

¹⁵ The form is available in Swedish at:

<https://docs.google.com/forms/d/e/1FAIpQLSdGlmm65QyXI4LOteTaiKxiXQTcI3MCI7yK2IS1Vyw6Cb5e5w/viewform?embedded=true%22+target%3D%22+blank%22%3E>

¹⁶ Människohandel med barn, Nationell kartläggning 2012-2015, available at

<http://www.lansstyrelsen.se/Stockholm/Sv/publikationer/2015/Pages/manniskohandel-med-barn---nationell-kartlaggning.aspx>

55. Both the CABS and civil society have published reports about EU citizens vulnerable to THB in Sweden and their exploitation in berry picking and forced begging.¹⁷

56. Further, the Government has commissioned the CABS to carry out a systematic examination of all police reports of suspected cases of trafficking of children in 2015–2016, and to subsequently carry out an in-depth study of about 10 selected cases (for the results, see paragraph 191).

57. The Crime Victims Compensation and Support Authority has allocated approximately 120,000 Euro to a research project called "The Many Faces of Trafficking in Human Beings: A Crime Victim Approach to the Variations of Human Trafficking". The project carried out by Örebro University has multiple aims, namely to investigate the Swedish legislation on THB and its impact on court decisions, to analyse these verdicts in the light of Sweden's international commitments and to find good practice from other countries on how to prevent THB and how to protect victims. The project is on-going at the time of writing.

58. In 2016 the Crime Victim Fund allocated approximately 37,000 Euro to a research project by the University of Lund entitled "Swedish High School Students Report on Experiences of Human Trafficking for Sexual Exploitation". The survey-based research consists of studies of socio-demographic factors, mental health and different types of risk behaviour among the students. The project is on-going at the time of writing.

59. **GRETA welcomes the research undertaken in Sweden, which has covered the areas suggested in GRETA's first evaluation report, and invites the Swedish authorities to continue providing funding and support for research projects on THB. Areas where further research could be promoted include trafficking in children, trafficking for the purposes of forced criminality and begging, trafficking of EU nationals, and trafficking for the purpose of labour exploitation.**

¹⁷ Available at: <http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2014/R2014-10-Utsatta-EU-medborgare-i-Sverige-webbpdf.pdf> and <https://www.civilrightsdefenders.org/files/Report-CRD-Vulnerable-EU-Citizens-low.pdf>

III. Article-by-article findings

1. Prevention of trafficking in human beings

a. Measures to raise awareness (Article 5)

60. In its first report GRETA considered that the Swedish authorities should strengthen their awareness-raising efforts as regards THB for the purposes of all types of exploitation.

61. In October 2016, the CABS launched a campaign called "*Du avgör*" ("You Decide"), including a film, the aim of which was to disseminate information about the links between the purchase of sexual services and THB.¹⁸ The Swedish authorities reported that the campaign received a lot of attention and during the first months after its launch reached more than 1,6 million people through social media and news publications.

62. Another national campaign, entitled "Travel Courage", was launched by the CABS in 2014 with the aim of raising awareness of sexual exploitation of children abroad (see paragraph 78).

63. There have not been any campaigns or other awareness-raising measures as concerns THB for exploitation purposes other than sexual. Many interlocutors noted with concern the lack of awareness of trafficking for the purpose of forced criminality and forced begging, and of the risks of trafficking for the purpose of sexual exploitation of men and boys, particularly unaccompanied and separated migrant and asylum-seeking boys.

64. **GRETA considers that the Swedish authorities should strengthen their efforts to raise public awareness of THB for all types of exploitation. Steps should be taken to raise awareness of the risk of trafficking faced by unaccompanied and separated migrant and asylum-seeking children, including of trafficking for the purpose of forced criminality, as well as the risks of sexual exploitation of men and boys.**

b. Measures to prevent THB for labour exploitation (Article 5)

65. In its first report, GRETA urged the Swedish authorities to take further steps to ensure that national action to combat THB is comprehensive, by paying increased attention to human trafficking for the purpose of labour exploitation.

66. In order to improve the Swedish authorities' knowledge and capacity to address trafficking for the purpose of labour exploitation, the CABS initiated the project "Addressing Trafficking for Labour Exploitation in Sweden", in co-operation with the Council of the Baltic Sea States' Task Force against THB. The project aimed to stimulate dialogue and exchange of experience between Sweden, Finland, Belgium and the United Kingdom in order to prevent trafficking for the purpose of labour exploitation, as well as to increase the capacity and mandate of the authorities combating this form of trafficking.

¹⁸ <http://nmtsverige.se/duavgor>

67. The Swedish authorities have taken steps to provide information about the labour market to foreign workers. The Swedish Work Environment Authority (WEA) makes information about working conditions and terms of employment available in a range of foreign languages to persons coming to work in Sweden on a temporary basis. Targeted information is provided in sectors with a large concentration of migrant workers, such as construction and restaurants,¹⁹ as well as berry picking²⁰ and the forest industry. Further, to prevent illegal employment and THB, the Swedish Migration Agency and other authorities²¹ provide information on residence permits and work permits on their websites. The Swedish Institute has set up an Internet site with guidance about working in Sweden.²² Information is also targeted at employers, describing under what conditions they can legally hire third-country nationals.

68. A Government inquiry on measures to strengthen migrant workers' position on the labour market in December 2016 proposed additional penalties against employers who violate the laws on employment of third-country nationals. The inquiry's report was circulated to relevant authorities and organisations.²³ The Swedish authorities have indicated that the proposals regarding the criminal provisions were met with criticism whereas some of the other proposals, for example concerning possibilities to waive withdrawal of work permits, resulted in amendments to the Aliens Act.

69. GRETA understands that, following concerns that the work permit system was being abused by traffickers, in 2016 the relevant procedures were revised and now there is a process of interviewing migrant workers who are already in Sweden when an application to prolong their work permits is submitted. The procedure is described in the guidelines for identifying presumed victims of THB, included in the Migration Agency's internal Handbook on Migration (see paragraph 106).

70. The Work Environment Authority (WEA) ensures that legislation regulating the work environment and working hours is complied with by companies and organisations. WEA has control and verification powers in the wider context of illegal employment, but detecting illegal employment or trafficking for the purpose of labour exploitation are not the focus of this agency. There are some 600 WEA inspections in total in Sweden. They carry out mainly pre-announced inspections, which rarely take place at night or at weekends. The inspectors can be accompanied by interpreters if need be. Inspections of private households or in places of self-employment are possible, but in practice rarely take place. Agriculture, berry picking, hotels, construction and car washes are considered as sectors at particular risk of THB. As noted in paragraph 47, WEA inspectors have not received sufficient training to enable them to detect victims of trafficking for the purpose of labour exploitation. Further, GRETA was informed of reports of possible trafficking for the purpose of labour exploitation occurring in diplomatic households, but no specific measures have been taken to address this problem.

71. Workplace inspections are also carried out by the Swedish Tax Agency, which focuses on issues such as undeclared employment, undeclared income and tax avoidance. In addition, the Tax Agency has an explicit mandate to inspect workplaces that are required to keep workplace attendance records or cash registers, and in the framework of such inspections, employees can be asked to identify themselves.

72. The Migration Agency may control whether a person who has been admitted to Sweden for work purposes has taken up employment and whether the employer adheres to the working conditions as foreseen by the employment contract.

¹⁹ www.safeatwork.se

²⁰ Berry pickers make up one of the largest professional groups to be awarded temporary residence permits for work among third-country nationals.

²¹ Information is available amongst other at the websites www.verksamt.se and www.safeatwork.se.

²² <http://work.sweden.se>

²³ Swedish Government Official Reports series 2016:91.

73. Illegal employment is a criminal offence and the police are tasked to carry out control and law enforcement measures in accordance with the Code of Judicial Procedure, including searches of premises, but only in case of a concrete suspicion of an offence. The Tax Agency, the WEA and the police can carry out joint inspections.

74. Trade unions ensure compliance with the rules of collective agreements and monitor working conditions. By way of example, the Swedish Municipal Workers' Union provides information in different languages to persons with temporary employment in Sweden, mainly in the sectors of agriculture and horticulture. GRETA was informed by trade union representatives that it was not uncommon for third-country nationals to be asked to pay fees to agencies which provide them with temporary work and residence permits in Sweden.

75. The operation of temporary work agencies in Sweden is regulated by Act 1993:440. However, such agencies do not require a licence to operate and there is no public sector supervision of their work. Further, Act 2012:854 regulates the renting out of employees for temporary work.²⁴ There is an umbrella organisation for temporary work agencies and companies renting out staff for temporary work which supervises the activities of its members.²⁵

76. **GRETA considers that the Swedish authorities should make further efforts to prevent trafficking for the purpose of labour exploitation, in particular by:**

- **continuing to sensitise relevant officials, including labour inspectors, police officers, prosecutors and judges, about THB for the purpose of labour exploitation, as well as the rights of victims;**
- **ensuring that on-going training is provided to WEA and Tax Agency inspectors to enable proactive detection of human trafficking cases, and that labour inspections are properly resourced, frequent, unannounced and targeted at sectors which show a high potential for human trafficking;**
- **strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;**
- **taking steps to prevent possible THB exploitation in diplomatic households, including through interviews with household staff and monitoring of the terms and conditions of employment of staff;**
- **working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights²⁶ and Recommendation CM/Rec(2016)3 on human rights and business.²⁷**

²⁴ https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-2012854-om-uthyrning-av-arbetstagare_sfs-2012-854 (in Swedish)

²⁵ <https://www.bemanningsforetagen.se/auktorisationer/tillsyn> (in Swedish).

²⁶ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

²⁷ [Recommendation CM/Rec\(2016\)3](#) of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies.

c. Measures to prevent trafficking in children (Article 5)

77. As noted in paragraphs 34, a National Action Plan to protect children from human trafficking, exploitation and sexual abuse was adopted for the period 2016-2018. It foresees stronger public sector and civil society co-ordination and co-operation, improved understanding of the reasons behind unaccompanied child migrants disappearing (see paragraph 81), a study on particularly vulnerable groups of children, the production of an information brochure with guidance for investigating transnational cases of THB or sexual abuse of children, and support to social and health services professionals to help them identify and assist child victims of THB or sexual abuse. The plan also includes interaction with travel agencies regarding prevention of child exploitation in connection with tourism. Other actions aim to address the vulnerability of children and young people to online sexual abuse, the examination of police reports of suspected THB in children (see paragraph 191) with a view to analysing the reasons for the low number of prosecutions, and improving the capacity of the police and prosecutors to investigate and prosecute offences against children, including those committed online.

78. The previously mentioned national campaign "Travel Courage", which was launched by the CABS in 2014 with a view to raising awareness of sexual exploitation of children abroad, has continued under the 2016-2018 National Action Plan. According to one survey, awareness of child sexual exploitation and the fact that Swedish citizens who sexually exploit children abroad can be prosecuted in Sweden has increased as a result of the campaign.

79. The National Board of Health and Welfare has developed web-based training and brochures on the risks of sexual exploitation, one of which focuses on children. However, there are no materials about THB for school teachers and the topic of THB is not covered in the national school curricula.

80. During recent years, the number of unaccompanied and separated children arriving in Sweden has increased. Some 35,000 unaccompanied children (of whom around 90% were boys) applied for asylum in Sweden in 2015, compared to approximately 7,000 in 2014. Faced with increased demand, the Swedish authorities took steps to increase their capacity to receive asylum seekers, including through the expansion of homes for asylum-seeking children. In 2016, the number of unaccompanied children claiming asylum dropped to 2,200. Unaccompanied and separated children are provided with temporary housing in the municipality of arrival. The social services place the child in a transit shelter until such time as the child can move to the assigned municipality. The Social Services Administration in the assigned municipality is responsible for placing the child in suitable housing, usually a foster home or a shelter/treatment home. However, the assigned municipality can refer the child to a shelter in another municipality. Many unaccompanied and separated children are placed with relatives who are already resident in Sweden, but continue to be supported by the Social Services. Concerns were raised with GRETA at the lack of follow up on family reunification to ensure the best interests of the child are effectively protected, and limited resources made available for family tracing, as well as the impact of new restrictions on family reunification since 2016 (see paragraph 151).

81. In 2016 the CABS conducted a mapping of unaccompanied children who went missing in the period 2013-2016. According to the report "Lost in Migration", 1,829 unaccompanied children (4% of the total of 45,000 who received a municipality assignment) were reported missing by the Swedish Migration Agency on 31 May 2016.²⁸ According to a study by the Children's Ombudsman published in December 2017, 1,736 unaccompanied children disappeared in Sweden between January 2014 and October 2017.²⁹ Serious concerns were expressed to the GRETA delegation at the lack of follow up or investigation of migrant and refugee children going missing. The UN Committee on the Rights of the Child has criticised the lack of investigations into missing unaccompanied and asylum-seeking children and the many cases of unaccompanied children disappearing every year, most of which are insufficiently investigated.³⁰ Unaccompanied children in the arrival phase are especially at risk of going missing. GRETA was informed that there were many instances of unaccompanied or separated children being exploited while travelling to Sweden, sometimes before they were in contact with the authorities. Reasons for children absconding from care and disappearing include the coming to an end of assistance measures when they turn 18, limited access to asylum or subsidiary protection and reduced possibilities to be granted permanent resident permits or to benefit from family reunification, in particular following the introduction of the Temporary Act on Migration in 2016.

82. As part of the Government programme regarding unaccompanied children who go missing, a working group led by CABS was set up in autumn 2016 with the task of developing proposals to address this problem. The group consists of representatives of the Children's Ombudsman, the County Councils, the Migration Agency, the Police Authority, local and regional authorities, the National Agency for Education and the National Board of Health and Welfare. In its report the working group proposed, *inter alia*, that a suitable national authority such as the police be tasked with national data collection on missing children and that an independent national rapporteur be tasked with analysing the data and submitting annual reports to the Government.³¹ The working group concluded that due to lack of co-ordination, institutions involved with unaccompanied children focus only on their own tasks and do not sufficiently take the best interests of the child into account. To remedy this, the group proposed the creation of a post at national level to co-ordinate the work of different governmental departments dealing with unaccompanied children. Other proposals included the preparation of an analysis of the consequences of the new asylum legislation (see paragraph 151) for children and the introduction of deadlines for asylum decisions concerning unaccompanied children. The working group also suggested a review of the guardian *ad litem* function and measures to address mental health problems among unaccompanied child asylum seekers.

83. Recalling that Article 5, paragraph 5, of the Convention, requires Parties to take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment, GRETA urges the Swedish authorities to intensify their 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;**

²⁸ *Lost in Migration, a Report on Missing Unaccompanied Minors in Sweden*, Länsstyrelsen i Stockholm (CABS), 2016:28, page 13.

²⁹ Children's Ombudsman, *Ensamkommande barn som försvinner*, December 2017. A summary in English is available at: <https://www.barnombudsmannen.se/globalassets/dokument-for-nedladdning/english/publications/children-who-disappear-in-sweden.pdf>

³⁰ UN Committee on the Rights of the Child, 6 March 2015 Concluding observation of the fifth period report of Sweden, Paragraph 49 (a), page 11.

³¹ Available in Swedish at: <http://www.lansstyrelsen.se/Stockholm/SiteCollectionDocuments/Sv/publikationer/2017/pa-flykt-och-f%C3%B6rsvunnen-sammanstallning-av-atgardsforslag.pdf>

- **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.**

84. **GRETA also considers that the Swedish authorities should review the restrictions placed on family reunification in the 2016 Temporary Act on Migration, so as to enable legal forms of migration for children and reduce vulnerability to trafficking.**

d. Measures to prevent trafficking in human beings for the purpose of organ removal (Article 5)

85. GRETA notes that while human trafficking for the purpose of organ removal as defined by the Convention and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs³² are two distinct crimes, they bear certain similarities and share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.³³ Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

86. The Transplantation Act (1995:831) sets the requirements for removing organs or other biological material from living or dead persons. Removal of biological material which does not regenerate is only allowed from a living donor who is related to the receiver or in another way is especially close to the donor. According to the Act on Genetic Integrity (2006:351), a person who takes, hands over, receives or procures biological material from a living or a deceased person for profit may be punished by a fine or imprisonment of up to two years. The same penalty shall be imposed on a person who uses or takes advantage of such material for transplantation purposes despite having knowledge that the material has been taken, handed over, received or procured for profit.

87. Scandiatransplant is the organ exchange organisation for Denmark, Finland, Iceland, Norway and Sweden. It is owned by the 10 hospitals performing organ transplantation in these countries. About 2000 patients per year receive transplanted organs through Scandiatransplant. Regional waiting lists are used for patients requiring transplants.

³² Opened for signature in Santiago de Compostela on 25 March 2015.

³³ See "[Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs](#)", [Joint Council of Europe/United Nations Study](#) (2009), in particular pages 55-56; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

88. Medical staff are not obliged to report to the police or prosecution suspicions of THB for the purpose of organ removal. Medical staff have a duty to report to a Social Welfare Board any suspicions that children are at risk of being harmed (pursuant to Chapter 14, section 1, Social Services Act [2001:453]). The Health and Social Care Inspectorate (IVO) shall make an application for prosecution if health-care professionals are reasonably suspected of having committed a crime for which imprisonment is prescribed (pursuant to Chapter 7, section 29, Patient Safety Act [2010:659]). This obligation includes violations of the provisions of the Act on Genetic Integrity.

89. No training about THB for the purpose of organ removal has been provided to professionals involved in organ transplants. **GRETA considers that the Swedish authorities should ensure that, as part of their training, medical and other health care professionals involved in organ transplantations are sensitised about THB for the purpose of organ removal.**

90. GRETA was informed by the Swedish authorities that Sweden was in the process of reviewing its legislation in view of possibly signing the Council of Europe Convention against Trafficking in Human Organs. **GRETA encourages the Swedish authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal.**

e. Measures to discourage demand (Article 6)

91. The Swedish authorities have indicated that the ban on the purchase of sexual services introduced in 1999 has proved to act as a deterrent and an important instrument for preventing and combating prostitution and human trafficking for sexual purposes. On 7 December 2017 the Government proposed that the offence of purchase of sexual services be exempted from the requirement of dual criminality. There is strong political and public support in Sweden for the ban on the purchase of sexual services. The authorities have stressed that the ban has reduced the prostitution market in Sweden and thereby demand for sexual services provided by victims of THB, and has contributed to making the purchase of sex socially unacceptable. Perpetrators apprehended by the police can be obliged to testify in court in cases of THB for sexual exploitation. On the other hand, research by the CABS³⁴ and the Swedish Association for Sexual Education (RFSU)³⁵ about the effects of the ban on purchasing sex shows that while there has been a clear reduction in street prostitution, the offer of sexual services on the Internet has markedly increased. There is also research highlighting some negative consequences of the criminalisation of the purchase of sexual services, such as weakened safety procedures, fear of being subjected to police surveillance and difficulties faced by NGOs and social agencies in implementing harm reduction measures.³⁶ GRETA notes that it will be important to analyse the impact of criminalising the purchase of sexual services on the identification of trafficking victims, the protection and assistance provided to them, and the prosecution of traffickers.

92. In 2014 a working group was assigned the task to evaluate the effect of the increase in the maximum penalty for the purchase of sex that was introduced in 2011 (from six months up to one year's imprisonment). The enquiry proposed changes in the scales of penalties.

³⁴ <http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/manniska-och-samhalle/jamstalldhet/prostitution/SUMMARY-Prostitution-kartlaggning-2014.pdf>

³⁵ *Förbud mot köp av sexuell tjänst i Sverige*, overview compiled by Charlotta Holmström, pages 15-16. http://www.rfsu.se/Bildbank/Dokument/Policys%20etc/Forbud_mot_kop_av_sexuell_tjanst_kunskapsversikt.pdf?epslanguage=SV

³⁶ DemandAT Project, Preventing exploitation and trafficking in the sex work sector, European Policy Brief, June 2017, available at: http://www.demandat.eu/sites/default/files/DemandAT_PolicyBrief_Preventing%20Vulnerability.pdf

93. As part of the "You Decide" campaign (see paragraph 61), the CABS co-operated with hotel and taxi companies in order to raise awareness of THB among their staff. GRETA was informed that hotels in Malmö and Lund regions had formed a network against THB, forced prostitution and drug dealing. Hotel staff are trained on indicators of the above crimes. The Scandic hotel chain requires that all staff with customer contacts undergo a 60-minutes e-learning course about THB and prostitution. The Police Authority has engaged in training of hotel staff and the hotel network enjoys good contacts and co-operates closely with the police, and its member hotels have reported suspect behaviour among hotel guests to the police. Similar hotel co-operation is on-going in the Stockholm area.

94. The Swedish Police Authority's decision of 30 October 2015 to reinforce its capacity to combat trafficking in human beings aimed, *inter alia*, at investigating offences committed by buyers of sexual services as well as clients of services from victims of trafficking for the purpose of forced labour.

95. In August 2015, the Swedish Government launched a national Action Plan on Business and Human Rights, which aims to translate the UN Guiding Principles on Business and Human Rights into practical action at national level.³⁷ Further, in June 2016 the Swedish Government adopted a National Procurement Strategy which stresses that public procurement should be used to encourage companies to respect human rights, including through their supply chains.³⁸

96. GRETA considers that the Swedish authorities should continue to strengthen the comprehensive approach envisaged in Article 6 of the Convention, by adopting measures to discourage demand that fosters all forms of exploitation that leads to human trafficking, in partnership with civil society, trade unions and the private sector. This should include measures to promote awareness among businesses, strengthen corporate social responsibility and require businesses to report publicly on measures to reduce human trafficking or forced labour in their supply chains.

f. Border measures (Article 7)

97. Police officers working at the borders have access to guidance and indicators on the identification of victims of THB, such as the Frontex Handbook on the identification of victims of trafficking in the context of border control. As of 2017, there is a new training curriculum for the border police which covers THB and the treatment of vulnerable persons.

98. Border police officers have a more explicit mandate than other members of the police force to check residence permits of foreigners suspected of staying irregularly in Sweden. They are also tasked with finding migrants for whom an expulsion order has been issued. Border guards conducting internal border control have identified victims of THB in the berry picking, restaurant, construction and agricultural sectors, as well as for the purpose of begging. A multidisciplinary approach is followed in such cases, involving border guards, the Public Employment Service, the Economic Crime Authority, the Social Insurance Agency, the Migration Agency, the Tax Agency and other relevant agencies.

99. As noted in paragraph 45, Sweden has outsourced the visa application procedure to the company Visa Facilitation Service (VFS). While the actual decisions about granting visas are taken at Swedish diplomatic missions abroad, the responsibility for making sure that visa applications are complete lies with the VFS, which also delivers the actual visa sticker when a visa has been granted. Thus only the company representatives and not the embassy staff as a rule come into direct contact with the applicants.

³⁷ Available at: <http://www.government.se/4a84f5/contentassets/822dc47952124734b60daf1865e39343/action-plan-for-business-and-human-rights.pdf>

³⁸ Available in Swedish at: <http://www.regeringen.se/49eaf7/globalassets/regeringen/dokument/finansdepartementet/pdf/2016/upphandlingsstrategin/nationella-upphandlingsstrategin.pdf>

100. **GRETA considers that the Swedish authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration flows. Written information should be provided to foreign nationals, in a language that they can understand, about the risks of THB and about their rights and where to secure advice and assistance. GRETA refers in this context to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders.³⁹**

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification (Article 10)

101. In its first report, GRETA urged the Swedish authorities to set up a formalised national referral mechanism defining clear procedures and roles of all frontline actors who may come into contact with victims of trafficking. In this context, the Swedish authorities were asked to strengthen the multi-agency involvement in the decision-making process by increasing the involvement of NGOs, labour inspectors, social workers and officials dealing with irregular migrants and asylum seekers, and to strengthen identification efforts as regards forms of exploitation other than sexual exploitation. GRETA stressed that identification should not be conditional on victims' co-operation in criminal proceedings, and the problem of unaccompanied irregular or asylum-seeking children going missing should be addressed.

102. In 2016, the CABS launched a manual on how to act in the case of suspicion of THB.⁴⁰ The manual was developed in co-operation with the International Centre for Migration Policy Development (ICMPD), the National Task Force and the Platform Swedish Civil Society against Human Trafficking. It sets up a National Referral Mechanism (NRM) defining the roles and responsibilities of different actors who may come into contact with victims of THB with regard to their identification, assistance and protection, in particular the police, social services, the Migration Agency, NGOs, shelters, prosecutors, lawyers and psychologists. The manual is divided into five steps: identification; initial support and protection; long term support and social inclusion; return; and criminal proceedings. It provides contact information of the relevant actors. The National Co-ordinator and the CABS act as first contact point, providing operative support to, NGOs and any professionals who may come into contact with victims of trafficking.

103. According to the NRM, a victim of human trafficking can be initially identified by any person with knowledge in the field. That person may then refer the victim to the CAB (National Secretariat against Prostitution and Human Trafficking), the Police Authority or the social services. A person can also self-identify as a victim of trafficking, for example by contacting the hotline operated by the CABS. Further, many presumed victims of THB contact NGOs. However, the formal identification of a person as a victim of THB continues to be the prerogative of the Police. The assessment of whether there are "reasonable grounds" to consider a person a victim of trafficking follows the criteria for launching a criminal investigation.

³⁹ http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf

⁴⁰ <http://nmtsverige.se/sites/default/files/National-referral-machanism-trafficking.pdf>

104. In practice, most of the initial referrals of presumed victims of THB are carried out by regional co-ordinators in the municipalities' social services or Migration Agency staff. This is due to the Swedish administrative structure that gives municipalities broad independence, including the responsibility for giving people in need various forms of support and protection, regardless of citizenship. It has been a priority for the National Co-ordinator's office to disseminate the NRM on a municipal level and to train local stakeholders in Sweden's 290 municipalities in its use. By the time of GRETA's visit to Sweden some 500 persons from the Migration Agency, the Policy Authority, the Social Services, municipalities and NGOs had been trained in the use of the NRM.

105. As noted in paragraph 73, the police can only make work place inspections in case of suspicion of violations. GRETA was informed of legislative amendments under discussion to allow the police to carry out work place inspections even without specific information about suspected THB.

106. The Migration Agency is responsible not only for asylum applications, but also for granting work permits to third-country nationals. It has produced guidelines for identifying presumed victims of THB in the asylum process, as well as among applicants for work permits, which are published in an internal handbook. As noted in paragraph 14, the number of asylum seekers reached 162,877 in 2015. In 2013, there were 121 internal reports by the Migration Agency on possible trafficking of asylum seekers (including 13 children); 111 reports in 2014 (including 16 children); 195 reports in 2015 (including 66 children); 341 reports in 2016 (including 91 children) and 444 reports in 2017 (including 107 children). The Migration Agency pays particular attention to some sectors considered to be at risk, such as massage parlours, nail bars and restaurants. This has led to an increase in the number of presumed cases of THB for labour exploitation: 102 persons were identified as presumed victims of THB in 2016 compared to 36 persons in 2015. In the majority of cases the police was notified. However, in about one quarter of the cases a formal report to the police was not submitted, but the police was informed of suspicions of exploitation having taken place abroad in the past. The lack of information about the perpetrators or the actual location of the exploitation made it difficult to investigate these cases or to complete a formal report and referral.

107. GRETA welcomes the adoption of a National Referral Mechanism and the training provided to relevant professionals, which enables them to better detect and identify victims of trafficking. Nevertheless, GRETA urges the Swedish authorities to take steps to ensure 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.**

b. Assistance measures (Article 12)

108. In its first report, GRETA urged the Swedish authorities to strengthen their efforts to provide assistance to presumed victims of trafficking, and in particular to ensure that, in practice, access to assistance for presumed victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings; to provide safe and suitable accommodation to all presumed victims of trafficking for all types of exploitation, depending on their needs. GRETA further considered that the Swedish authorities should introduce a set of common quality standards for assistance provided to victims of trafficking by all service providers and ensure effective supervision of their observance in all municipalities.

109. The law governing the provision of assistance to victims of THB remains as described in GRETA's first report. The Act on Social Services, the Aliens Act and the Act on Health and Medical Care contain provisions relevant to the assistance to victims of THB. The municipalities are responsible for providing the assistance set out in the legislation, including sheltered housing, financial assistance, interpretation and psychosocial support, but in practice NGOs are involved in providing the assistance (see paragraphs 111-117). The municipal social services are responsible for preparing an individual treatment plan for each victim of THB. Chapter 4 of the Act on Social Services states that "persons unable to provide for their needs or to obtain provision for them in any other way" are entitled to assistance from the social welfare. Chapter 5 of the Act states that "the social welfare committee should take steps to ensure that persons subjected to criminal acts and their next-of-kin are supported and helped", which would include formally identified victims of THB.⁴¹ However, as previously noted, formal identification requires that the victim co-operates with the criminal investigation.

110. Persons granted temporary residence permits for the duration of the reflection period according to Chapter 5, Section 15, of the Aliens Act have access to health and medical care and social assistance in accordance with the Social Act (2001:453). The quality of support and assistance given by the social services to victims of trafficking, including children, is supervised by the National Board of Health and Welfare. Care and social assistance provided by the municipalities may be reimbursed by the state through the Migration Agency, upon application.

111. In 2016, the CABS started financing a project called the National Support Programme (NSP), which is implemented by the Platform Swedish Civil Society against Human Trafficking. This project covers the provision of assistance to victims of THB, including safe accommodation, food, psychological support, legal counselling and information, help in contacting public authorities and/or reporting to the police. Presumed victims of THB who have not necessarily been formally identified by the police can be included in the NSP. Assistance under the NSP can only be applied for and given by accredited service providers who fulfil certain minimum standards and use standardised needs assessment instruments. Starting in 2016, the Platform Swedish Civil Society against Human Trafficking has been in the process of certifying service providers in order to ensure quality of interventions, using jointly developed guidelines and structured assessment templates. About half of the victims of THB assisted by the Platform were referred to it by the public authorities, while the others got into contact with the Platform directly.

112. The budget of the NSP can finance 30 days of assistances for victims of trafficking, extendable by a further 90 days in cases in which the presumed victims do not wish to formalise their victim status by reporting to the police or cannot get formal victim status, for example because they were exploited before arriving Sweden. Many of these victims are seeking asylum. An accredited service provider has to apply to the NSP for an informal identification of a person as a victim of trafficking before NSP funds can be used to support the person concerned. The NSP support is complementary to the support provided by the Social Services and should be individually tailored. The NSP can offer a secure return arrangement for victims who cannot or do not want to profit from the repatriation programme offered by the CABS in co-operation with IOM (see paragraph 166-168). GRETA was informed that the NSP funds are not sufficient to finance all assistance measures needed, which is why NGOs seek additional financing from donors. As a result of the transfer of the anti-trafficking portfolio from the CABS to the new Gender Equality Agency (see paragraphs 30-32), the latter became responsible for granting NSP funds to the Platform Swedish Civil Society against Human Trafficking. However, there were some delays in the granting of NSP funds by the Gender Equality Agency, resulting in the absence of such funding in January and February 2018, forcing the Platform to freeze its NSP-funded support to victims of THB during that period.

⁴¹ For more details, see paragraph 144 of the first GRETA report.

113. There are seven certified shelters within the NSP programme, with another three being reviewed with a view to certification. The Salvation Army operates two NSP-certified shelters for female victims of sexual exploitation and their children in the Stockholm area, and the NGO Talita operates one in the Stockholm area and another in the Gothenburg area. GRETA visited the Talita shelter in Stockholm. It has three single rooms for long-term stays (up to one year) and one single room for shorter term stays. Staff comprise two full-time staff members who have been trained as trauma therapists specialised in sexual abuse, as well as three part-time staff. In addition, Talita runs a flat with two places in which trafficking victims can live after their stay at the main shelter, while continuing to receive therapy. Since the shelter opened in 2012 Talita has hosted some 12 women per year, plus some 10 emergency cases. Apart from therapy, the women are given lessons about Swedish society. Work practice can be arranged at a cleaning company which has agreed to try to offer this.

114. The NGO Unga Kvinnors Värn operates a certified shelter in Stockholm and the NGO Räddningsmissionen runs a shelter in Gothenburg. The NGO Hela Människan in Malmö operates an NSP-certified shelter called Noomi, which offers accommodation to women who are victims of violence or otherwise need support, including female victims of THB and their children. So far, all the victims supported at Noomi have been victims of sexual exploitation, but assistance can also be given to victims of other forms of exploitation.

115. In April 2017 the Salvation Army opened the first shelter for male victims of THB in Sweden, located in the Gothenburg area. Previously all male victims were referred to shelters offering assistance to persons with addictions and this practice will presumably continue as the Salvation Army shelter cannot meet all the needs for accommodating men. The Salvation Army offers reintegration and repatriation support to victims who cannot profit from the repatriation programme offered by the CABS in co-operation with IOM.

116. The Platform Swedish Civil Society against Human Trafficking reported having assisted the following number of presumed victims of THB: 18 in 2014; 47 in 2015; 22 in 2016 and 6 by the end of May in 2017. In addition, 16 presumed victims were supported with funding from the NSP, bringing the total number of victims supported by the Platform to 109, of whom four were men and nine children. However, as noted in paragraph 51, not all presumed victims of THB assisted by NGOs members of the Platform are included in these statistics. About half of the presumed victims reported by the Platform contact the police, in which case their cases are most often included in the police statistics on formally identified victims.

117. Furthermore, the NGO Foundation against Trafficking (which is part of the Platform Swedish Civil Society against Human Trafficking) provides various forms of support to victims of trafficking, including legal advice, accommodation costs, health care, equipment for children and help with obtaining documentation. It runs two funds, one for adult victims and one for their children, referred to as "secondary victims" of THB. The funds are maintained through voluntary donations. The NGO provides support to men, women and children, but in practice most often to mothers with children. In 2014 it supported 28 persons, in 2015, 41 and in 2016, 45.⁴² Further, the Foundation ran a pilot project with 13 beneficiaries, designed to help victims achieve an independent life. The project included work practice in four participating companies, micro loans, and study scholarships.

118. The CABS has developed rehabilitation programmes for victims of trafficking for sexual exploitation and prostitution.⁴³

⁴² Some victims may appear in the statistics for more than one year.

⁴³ See paragraph 151 of the first GRETA report.

119. **GRETA welcomes the possibility for NGOs to provide assistance to presumed victims of trafficking, by means of the National Support Programme, which in practice allows presumed victims of trafficking who have not been formally identified to benefit from assistance, as well as the establishment of the first specialised shelter for male victims of THB. Nevertheless, GRETA considers that the Swedish authorities should take further steps to ensure that all victims of trafficking receive specialised assistance and support as required by Article 12, paragraphs 1 and 2, of the Convention, including by:**

- **ensuring that in the absence of sufficient NSP funds to cover all victims' needs, co-operation with the criminal investigation is not be a precondition for assistance from municipalities;**
- **further developing the range of assistance measures for male victims of THB, including psychological support.**

c. Identification and assistance of child victims of THB (Articles 10 and 12)

120. In the first report, GRETA urged the Swedish authorities to set up a formalised national referral mechanism which includes children, to address the problem of unaccompanied children going missing by providing suitable safe accommodation and adequately trained supervisors or foster parents, and to ensure the timely identification of victims of THB among such children. GRETA also urged the Swedish authorities to ensure that all child victims of THB benefit from the assistance measures provided for under the Convention, including appropriate accommodation, specialised support services and access to education.

121. The manual referred to in paragraph 102 applies both to adult and child victims of THB. In spring 2017 the CABS launched an interactive training tool for professionals, focusing on THB in children and their identification.

122. The Swedish Migration Agency is tasked with identifying possible child victims of THB among asylum seekers and making sure that the law enforcement and social authorities are notified regardless of whether the child wishes to report the case. The Agency's internal handbook contains indicators for child trafficking. There are also guidelines for reporting child abuse in accordance with the Social Services Act, according to which the Migration Agency must communicate any suspicions of child trafficking through a report to the social services. The latter have a general responsibility for the welfare of unaccompanied children applying for asylum, which includes locating family members.

123. Apart from detected presumed child victims of THB among asylum seekers, other presumed child victims are reported through the CABS hotline, by NGOs or by the regional co-ordinators. In 2016, the CABS reported 50 cases of presumed child victims of THB, including from EU countries, such as Romania, as well as Sweden. Some NGOs performing outreach work on the streets of Stockholm report to the CABS and/or the police cases of children in a street situation.

124. However, GRETA notes that the work of the police in identifying child victims of THB does not appear to be proactive. The only case of trafficking in children which led to a conviction was discovered by the police by chance when they were investigating another criminal offence. Despite the significant numbers of unaccompanied and separated migrant and refugee children disappearing in 2015-16, and concerns expressed by NGOs and social workers at the heightened risks of trafficking, limited steps have been taken by police to identify child victims. GRETA was also informed of increasing numbers of boys (usually migrant or asylum-seeking children), being trafficked for the purpose of forced criminality (particularly sale of illicit drugs), but not being identified as victims of trafficking. Failure to recognise the risks of trafficking for the purpose of sexual exploitation faced by unaccompanied and separated migrant and asylum-seeking boys was also noted.

125. The assistance under the NSP covers also children of victims of THB. GRETA was informed of an increase in the number of victims of trafficking with children, who are also at risk of THB, but receive limited assistance. Some NGOs, such as the Foundation against Trafficking, pay particular attention to the children of victims, whom they refer to as "secondary victims" (see paragraph 117).

126. In 2016 the National Board of Health and Welfare issued guidelines entitled "Unaccompanied Children - Handbook on Social Welfare Board's Responsibilities and Duties", which sets out the protocol to be followed by social workers when there is a suspicion of THB or other crimes against unaccompanied children. In March 2017 a knowledge centre was established at the National Board of Health and Welfare on issues concerning unaccompanied children and young people. The centre was created to strengthen national efforts to develop and disseminate knowledge, methods and working practices to professionals who encounter and work with unaccompanied children and young people, such as social workers, legal guardians and health-care professionals.

127. According to the Act on Guardians Ad Litem for Unaccompanied Children (2005:429) unaccompanied children shall be provided with a guardian *ad litem* ("god mor"). Guardians *ad litem* are appointed for children who do not have a residence permit whereas specially appointed custodians are appointed for Swedish children or children with permanent residence permits whose parents cannot take care of them. Guardians are appointed by the municipalities whereas courts appoint specially appointed custodians. The child is as a rule consulted about the appointment of a guardian *ad litem*. If a child is granted asylum in Sweden, a specially appointed custodian will normally be appointed instead of the guardian *ad litem*.⁴⁴

128. There is a legal requirement for municipalities to provide training for guardians *ad litem*, including legal training, financial accounting and training in how to interact with vulnerable children. At the beginning of 2016 the Swedish Migration Agency published information and a brochure on THB specifically addressed to guardians.⁴⁵ Further, the Municipality of Helsingborg has produced guidelines for guardians *ad litem* active in that municipality.⁴⁶ The payment of guardians varies, but in 2016 and the beginning of 2017 municipalities typically paid 3,000 SEK (about 300 Euros) per month and per child, based on an anticipated work load of some 15 hours per month. When relevant, guardians *ad litem* are also tasked to help the child prepare for a return to the country of origin. However, criticism has been expressed by staff of social services, that some guardians *ad litem* are responsible for too many children, limiting their capacity to safeguard the best interests of the child. The situation worsened significantly in 2015, with the increase in number of unaccompanied and separated migrant and asylum-seeking children arriving in Sweden and considerable delays in appointment of guardians. In July 2016 the Government commissioned the country administrative boards to improve the supervision of guardians of unaccompanied children. Delays in the appointment of guardians were found, caused partly by a lack of municipal resources allocated to the guardianship authorities. Since then, there has been an improvement in the timely appointment of guardians, due to the increased resources allocated and the decreased number of unaccompanied children arriving in Sweden. However, municipal authorities have expressed concern at the lack of interpreters available and the varying standards of interpretation, adding to difficulties in communicating effectively with unaccompanied children.⁴⁷ Concerns at the lack of adequate interpretation facilities were also noted by the UN Committee on the Rights of the Child, which indicated that guardians are not always accompanied by an interpreter when meeting with a child.⁴⁸

⁴⁴ See GRETA's first report, paragraphs 137 and 138.

⁴⁵ <https://www.migrationsverket.se/Andra-aktorer/Gode-man/Gode-mannens-roll/Manniskohandel.html> (in Swedish)

⁴⁶ Available in Swedish at: https://helsingborg.se/wp-content/uploads/2015/10/Information_god_man_for_ensamkommande_barn_och_ungdomar_Helsingborgs_kommun_2015.pdf

⁴⁷ *Report on Missing Unaccompanied Minors in Sweden*, Länsstyrelsen i Stockholm (CABS), 2016:28, pages 20 and 31, as well as in the report by the National Board of Health and Welfare about the situation of the municipal social services faced with a significantly increased number of unaccompanied children (*Analys av situation i socialtjänsten. Läget under hösten 2016 – delrapport 2*), pages 7 and 20. <http://www.socialstyrelsen.se/Lists/Artikelkatalog/Attachments/20450/2016-12-35.pdf> (in Swedish)

⁴⁸ CRC/C/SWE/CO/5, page 11.

129. GRETA also notes the concerns raised about inconsistencies in the standards of care provided in homes for asylum-seeking children, lack of training provided to staff, and limiting capacity to identify and safeguard possible child victims of trafficking. In 2016 a Human Rights Watch report on unaccompanied children in Sweden highlighted inconsistencies in training provided to staff of group homes and varying standards across the country, in particular, in the context of significant increases in numbers of children arriving in 2015. The report noted incidences of inappropriate accommodation facilities and lack of attention to gender, age and vulnerability, as well as limited interpretation or cultural mediation services.⁴⁹

130. According to the NRM, when social services or some other governmental authority come into contact with an unaccompanied child, an investigation should be carried out as to whether the child is a victim of trafficking. The social services, as part of an early risk assessment, are to make an evaluation of the child's situation, background and needs and collaborate with the police if there is an on-going police investigation, regardless of whether the child is seeking asylum or not. If the child is not seeking asylum, contact must be established with the relevant embassy, which will contact the responsible governmental authority in the country of origin. When the child is seeking asylum, the contact with the country of origin is made through the Swedish Migration Agency.

131. Children without a residence permit have the same right to access education as children residing legally in Sweden. However, school is not mandatory for children without a residence permit and it is up to the parents or guardian to decide whether the child should attend school and, if so, where. Concern has been expressed at the lack of follow up to ensure that unaccompanied migrant and asylum-seeking children attend school as well as delays of up to six months before children can start going to school. The National Agency for Education has published support material for schools on how to provide education to children without a residence permit in the best possible way.

132. During its second visit to Sweden GRETA visited a residential care home for unaccompanied children in Malmö run by the Labour and Social Services (*Arbets-och socialförvaltningen*) of the Municipality of Malmö where child victims of THB could be accommodated. The home opened in January 2016 and has 14 staff, mostly social workers by training, with some training on THB. At the time of GRETA's visit there were 15 boys resident at the home, who were attending school. Staff from the NGO Save the Children helped the children with homework and organised various activities. The facilities of the home were in good condition. Children's movement in and out of the home was supervised by staff in order to try to keep track of their whereabouts and ensure school attendance. Visits by non-staff members were controlled. Since August 2016 no children have gone missing from the home. If children do abscond, it is reported to the police and the Social Services. Concern was expressed, however, at the lack of follow up by the police and lack of investigations into cases of missing children. Staff were not aware of any police investigations into the cases of the 1829 missing unaccompanied or separated migrant and asylum-seeking children since 2015.

133. In 2017 the Children's Ombudsman published a report about asylum-seeking children which highlights shortcomings in the way children's asylum applications are processed and concludes that the child's perspective is neglected in the Aliens Act in that child-specific forms of persecution, including forced labour and trafficking, are not considered as grounds for asylum. Similar concerns have been raised by the UN Committee on the Rights of the Child in its concluding observations on Sweden's fifth periodic report.⁵⁰

⁴⁹ Seeking Refuge, Unaccompanied Children in Sweden, Human Rights Watch 2016
<https://www.hrw.org/report/2016/06/09/seeking-refuge/unaccompanied-children-sweden>

⁵⁰ CRC/C/SWE/CO/5, page 11.

134. Representatives of the Children's Ombudsman expressed concern that asylum-seeking children have occasionally stayed up to a month at transit centres before being registered and some disappeared in the meantime. Another concern is the long waiting time for asylum decisions concerning children. In unaccompanied children's first interviews with the Migration Agency, the asylum-seeking children are not accompanied by a guardian or lawyer, making it difficult for them to speak about possible trafficking experiences or other abuse. For example, one girl reportedly requested that only women be present at the Migration Agency interview, but this request was refused, resulting in her only at a later occasion revealing that she had been subjected to forced marriage. In December 2017, the Children's Ombudsman published a report on his discussions with absconded children who have returned. A significant proportion of the children interviewed referred to violence, threats, abuse and violation of their personal integrity at the places of accommodation. Many of the children had experienced extremely difficult circumstances after absconding from institutional accommodation (also see paragraph 81).⁵¹

135. The National Board of Institutional Care (SIS) operates 24 homes for secure institutional care for children with severe behavioural issues (e.g. drug abuse, violent behaviour, mental health problems) when more open forms of institutional or foster care have failed. The children are given various forms of therapy and other forms of treatment, as well as education. GRETA was informed that many of the children placed in such secure homes are awaiting decisions on their asylum applications or their applications have been rejected, but they cannot be deported for different reasons. From 2012 to 2017 there were approximately 800 unaccompanied children accommodated in secure institutional care homes, mostly from North Africa (Morocco, Algeria and Libya). Since 2016 boys from Afghanistan, Eritrea, Somalia and Syria have constituted the largest group. Staff members have the right to hold residents in secluded areas and to carry out body searches and inspections. As there could be victims of trafficking among the children, SIS staff members have received training, organised by the CABS, on THB in 2014 and in cases of suspicion of THB they notify the social services, but have no information on the follow up by social services or police, or any on-going investigations into cases of missing children.

136. Where there is doubt as to whether an asylum seeker is a child or an adult, the Migration Agency must make an assessment of the person's age. Usually the age is assessed based on the young person's statements, available documentation, interviews and physical impressions and as a rule the Migration Agency accepts the age stated by the person. A young person is treated as a child unless it is considered "obvious" that he/she is over 18 years of age. Following amendments to the Aliens Act in force since 1 May 2017, the Migration Agency is obliged to address the issue of age assessment earlier in the asylum process, amongst other reasons to avoid adult asylum seekers being placed in accommodation for children. The Migration Agency has an obligation to inform the child of the possibility to undergo a medical examination to establish his/her age. However, it does not impose such examinations. The National Board of Forensic Medicine in Sweden is mandated to carry out medical assessments of unaccompanied young asylum seekers on request from the Migration Agency. The methods used include a combination of x-ray of the wisdom teeth and a Magnetic Resonance Imaging scan of the knee joints. Such examinations require the consent of the applicant and his/her legal guardian. GRETA notes that age assessment may also be useful when an asylum seeker claims to be older than his/her visible age. **GRETA invites the Swedish authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and in cases of doubt ensuring the presumption of childhood is respected and special protection measures taken, in line with Article 10, paragraphs 3 and 4 of the Convention, and General Comment No. 6 of the UN Committee on the Rights of the Child.**⁵²

⁵¹ English summary of Children's Ombudsman's Report on Unaccompanied Children who disappear in Sweden, page 2, available at <https://www.barnombudsmannen.se/globalassets/dokument-for-nedladdning/english/publications/children-who-disappear-in-sweden.pdf>.

⁵² [General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin](#), Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

137. The Migration Agency has identified 132 cases of mainly Syrian and Afghan children (129 girls and three boys) married to adults. Some of the girls were pregnant or with a child. In some cases the marriage had taken place in countries of transit, e.g. in Lebanon. The Migration Agency has informed the Social Services in all cases where it found out that children were married to adults and in some cases had been left by the Social Services to live together, but it is unclear whether there was a follow-up and what, if any, action was taken. Concern was expressed to GRETA at the lack of follow up measures when unaccompanied or separated children were reunited with their families and inadequate resources or staffing to ensure the best interests of the child were protected.

138. **While acknowledging the challenges faced by the Swedish authorities due to the sharp increase in the arrival of asylum seekers, GRETA urges the Swedish authorities to ensure more effective and timely identification of child victims of trafficking with a view to providing them with appropriate assistance, and in particular to:**

- **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;**
- **prevent violence or abuse 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.**

139. **Further, GRETA considers that specific consideration should be given to the needs of children of adult victims of trafficking.**

d. Protection of private life (Article 11)

140. The Police Data Act (2010:361), the Prosecutors Data Act (2015:433) and the Court Data Act (2015:728) apply to the processing of personal data by police, prosecutors and courts respectively. Further, a preliminary investigation concerning THB is classified as secret and if a case is prosecuted the identity of both adults and child victims is classified as secret, throughout the court proceedings.

141. The Public Access to Information and Secrecy Act (2009:400) provides that the authorities, such as social services, police, prosecutors and courts, must protect data of child victims of THB from public scrutiny. Courts can declare such data confidential and exclude the public from court hearings.

142. Data of presumed THB victims are also protected by the Public Access to Information and Secrecy Act (2009:400),⁵³ as well as by the Alien Data Protection Act (2016:27) and the Alien Data Protection Decree (2016:30).

143. Certain professionals, such as doctors, are obliged to report crimes they become aware of if the crime is punishable with a certain severity. The offence of THB belongs to this group of crimes.

e. Recovery and reflection period (Article 13)

144. In its first report, GRETA expressed concern that even though Swedish legislation does not make the recovery and reflection period conditional on the victim's participation in the criminal investigation, applying for such a period is only possible through an investigating officer, which may result in a requirement, in practice, that the possible victim participates in the criminal investigation. GRETA urged the Swedish authorities to ensure that a recovery and reflection period is provided to all persons in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking. Further, GRETA considered that victims of THB should be allowed to apply for the recovery and reflection period in person or through the social services or NGOs that have detected them. All victims of trafficking should be systematically informed of the possibility of benefitting from a recovery and reflection period and should be effectively granted such a period.

145. The legislation on the recovery and reflection period has not changed since GRETA's first evaluation. Pursuant to Section 15 of Chapter 5 of the Aliens Act, victims of all crimes (not only THB) can be granted a temporary residence permit for the duration of 30 days in order to recover from the crime they suffered and reflect upon co-operation with the authorities in charge of the criminal investigation. Application for the recovery and reflection period can only be filed by an investigating officer provided the stay of the person concerned is necessary to enable a preliminary investigation or hearing in a criminal case, and if considerations of public policy and security do not indicate to the contrary. Both third-country nationals and EU/EEA citizens may be granted this 30-day permit.⁵⁴

146. In 2014, the Migration Agency granted 30-day temporary residence permits to 22 victims of THB at the request of the authorities in charge of preliminary criminal investigations. In 2015, 12 such permits were issued to victims of crimes in general. In 2016, the number of temporary residence permits granted was 13 (of which nine to victims of THB and the rest to victims of other crimes).

147. As noted in paragraph 112, under the National Support Programme, the Platform Swedish Civil Society against Human Trafficking can provide assistance to presumed victims of THB for up to 30 days without the need to report the case to the police, with the possibility of pronging the assistance measures for another 90 days. NGOs refer to this as a "*de facto* recovery and reflection period".

148. While welcoming the possibility introduced through the NSP to provide assistance to presumed victims of trafficking without requiring them to co-operate in the investigation, GRETA is concerned that the granting of a formal recovery and reflection period remains the prerogative of the authorities in charge of the criminal investigation. GRETA once again urges the Swedish authorities to 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.

⁵³ On 1 October 2016, some clarifications were introduced in the Public Access to Information and Secrecy Act, which increased the possibilities of keeping the identity of victims of THB (in particular child victims) and some other crimes confidential, amongst other in the context of court proceedings.

⁵⁴ See paragraphs 156-157 of GRETA's first report.

f. Residence permits (Article 14)

149. In its first report, GRETA considered that the Swedish authorities should ensure that victims of trafficking, regardless of the form of exploitation, can fully benefit in practice from the right to obtain a renewable residence permit when a victim is unable to co-operate with the authorities, and that the authorities should raise awareness of this possibility amongst relevant professionals and victims.

150. As noted in GRETA's first report, the Aliens Act provides the possibility for victims of THB to be issued a residence permit both on the basis of their co-operation with the authorities (Chapter 5, Section 15) and on the basis of their personal situation (Chapter 5, Section 6).⁵⁵

151. Temporary legislation (Act 2016:752) 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. It is applied retroactively with 24 November 2015 as the cut-off date and will be in force for three years from its adoption, its impact being evaluated after two years. Pursuant to it, subsidiary protection is granted for 13 months with a possible extension of two years. Family reunification is only possible for those granted asylum and not for those granted subsidiary protection. Refugees and persons eligible for subsidiary protection are granted temporary residence permits instead of permanent residence permits. Permanent residence permits may exceptionally be granted to children if this is required due to the child's health. Chapter 5, Section 6, of the Aliens Act providing for the possibility to grant a residence permit to a foreigner where "an overall assessment of his/her situation reveal such exceptionally distressing circumstances that he/she should be allowed to stay" has been suspended under the temporary legislation, unless the removal of the person in question would be contrary to Sweden's international obligations. In response to GRETA's request for clarification regarding the application of the restrictions introduced, the Swedish authorities have indicated that there is no coding system which makes it possible to distinguish between asylum and residence permits granted due to particularly distressing circumstances. This makes it difficult to analyse the application of the stricter rules.

152. In 2014, the Migration Agency granted 48 temporary residence permits to victims of THB. In 2015 the Migration Agency granted 29 temporary residence permits for victims and/or witnesses in THB cases; two children were granted temporary residence permits according to Chapter 5, Section 15 of the Aliens Act at the request of the police or Prosecutor, having specified THB as a cause for application. In 2016, 25 temporary residence permits were granted to presumed victims or witnesses of THB. In 2017, 86 temporary residence permits were granted to presumed victims or witnesses of THB. GRETA notes the relatively low number of residence permits granted to victims of THB in the reporting period and stresses that there are situations in which victims might be afraid to co-operate in the criminal investigation because of threats from the traffickers. Granting a residence permit on account of the personal situation of the victim takes in a range of situations, such as the victim's safety, state of health and family situation, and tallies with the human-rights based approach to combating THB.

⁵⁵ See paragraphs 164-166 of GRETA's first report.

153. According to the Swedish authorities, being a victim of THB, in itself, does not constitute grounds for being granted asylum, but may provide grounds for an asylum or protection claim, if all elements of the refugee definition or requirements of subsidiary protection are met. GRETA was informed that victims of trafficking are more likely to be granted subsidiary protection than asylum, as the nexus with a Refugee Convention ground is not readily recognised in trafficking-related asylum claims. Concerns were also raised about the limited awareness of child-specific forms of persecution, including child trafficking. GRETA was not provided with data on the numbers of victims of trafficking granted asylum or subsidiary protection, or the numbers of protection claims recognised on grounds of trafficking. The Swedish authorities have provided GRETA with two examples of cases in which children were granted asylum in Sweden partly based on the applicants having been victims of THB. The first case concerned an Afghan boy who had been sexually exploited in Afghanistan. He submitted his asylum application before the temporary stricter asylum rules entered into force in 2016 and was granted a permanent residence permit. The second case concerned a Nigerian girl who had first arrived in Italy and had later been moved to Sweden and forced into prostitution. She submitted her asylum application after the stricter asylum rules entered into force and was granted a three-year temporary residence permit, with the possibility of re-applying, on the grounds of her vulnerable position in Nigeria and risk of being re-trafficked if returned to Nigeria. It is not possible to know from the records how many victims of THB were granted asylum or subsidiary protection in Sweden as there is no coding system enabling the tracing of such information.

154. In two cases involving presumed victims of THB from Nigeria, the victims' return to Italy under the "Dublin" procedure was stopped. In the first case the Migration Court overruled the decision of the Migration Agency to return the person to Italy on humanitarian grounds.⁵⁶ In the second case, the return of a Nigerian woman to Italy was stopped through an application for an interim measure (Rule 39)⁵⁷ to the European Court of Human Rights.⁵⁸ Due to the interim measure the return to Italy was delayed long enough for the time-limit for such returns under the Dublin Regulation to expire.⁵⁹ Given that the asylum application would thus be examined by Sweden, on 12 September 2017 the Court decided to strike out the case.⁶⁰ In these two cases the persons concerned were not formally identified as victims of THB but gained the right to have their asylum applications examined by Sweden. GRETA was informed that occasionally the sovereignty clause of the Dublin Regulation III is applied and possible victims of trafficking are not transferred. GRETA stresses the State's obligation to identify victims of trafficking among asylum seekers who are subject to the Dublin Regulation procedure, in order to avoid any risk of reprisals from traffickers or re-trafficking and to ensure that the State's obligations to provide a recovery and reflection period, assistance and protection to victims in accordance with Articles 12 and 13 of the Convention are fulfilled, and that victims of trafficking are ensured effective access to protection. GRETA notes that Article 17.1 of the Dublin Regulation III permits States to unilaterally take responsibility for the determination of an asylum claim, even where the objective responsibility criteria allow for a request to be submitted to another Member State of the EU.

155. GRETA considers that the Swedish authorities should ensure that victims of trafficking, regardless of the form of exploitation, can fully benefit in practice from the right to obtain a renewable residence permit when a victim is unable to co-operate with the authorities and in this context refers to the UNHCR 2006 Guidelines on the application of refugee status to victims of trafficking.⁶¹

⁵⁶ Decision UM 6918-15 by the Migration Court in Stockholm. Decisions by the Migration Agency can be appealed to one of the six Migration courts in Sweden (independent, but administratively part of the corresponding county administrative court), whose decisions can in turn be appealed to the Migration Court of Appeal (independent, but administratively placed within the Administrative Court of Appeal).

⁵⁷ http://www.echr.coe.int/Documents/FS_Interim_measures_ENG.pdf

⁵⁸ C.A. and P.A. v. Sweden, application n° 75348/16.

⁵⁹ Decision published on 5 October 2017 and available at: <http://hudoc.echr.coe.int/eng?i=001-177732>

⁶⁰ <http://hudoc.echr.coe.int/eng?i=001-177732>

⁶¹ UNHCR, Guidelines on International Protection: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking, HCR/GIP/06/07, 7 April 2006.

g. Compensation and legal redress (Article 15)

156. In its first report, GRETA considered that the Swedish authorities should strengthen their efforts to facilitate and guarantee access to compensation for all victims of trafficking, by ensuring that they are systematically informed, in a language that they can understand, of the right to seek compensation and the procedures to be followed, by enabling victims of trafficking to exercise their right to compensation from the perpetrator or from the state, and by ensuring their effective access to legal aid.

157. As explained in GRETA's first report, pursuant to the Code of Judicial Procedure, the injured party in criminal proceedings may lodge a private claim for compensation of damages to be paid by the offender in conjunction with the prosecution of the offence. When making such a claim, the prosecutor, upon request by the injured party, prepares and presents this party's action, provided that this will not result in any major disruption to the prosecution and the claim is not manifestly ill-founded. Such a claim is decided in accordance with the Tort Liability Act. If the claim is not heard in conjunction with the criminal trial, victims of crime may make a separate claim for compensation/damages from the perpetrator under the same act, which is permissible within 10 years from the injury or damage suffered, or longer, in case the limitation period from the bringing of charges for the offence in question is longer than 10 years. No data is available concerning compensation granted to victims of THB by courts.

158. A new Criminal Injuries Compensation Act entered into force on 1 July 2014. Pursuant to it, the time-limit for applying for compensation from the State has been extended from two to three years and in the case of child victims, until the child reaches the age of 21 years, regardless of his/her age at the time of the offence. State compensation may be granted if either the offender is unable to pay and there is no insurance to cover the injuries or it is not possible to identify the offender.⁶² If the suspect has been identified, a conviction or a summary imposition of a fine is required in principle. If the offender is unknown, there must be an inquiry which confirms that a person has been subjected to a criminal act. Victims of THB can receive criminal injuries compensation if the crime was committed in Sweden, even after their return to their countries of origin.

159. The Swedish Crime Victim Compensation and Support authority handles applications on criminal injuries compensation. It may compensate a victim for expenses for legal assistance sought for the application for compensation, but such compensation is rarely granted. The compensation claim forms are available in Swedish and English but victims can use any language to fill them in and the authority is obliged to have them translated if needed. Information on how to apply for criminal injuries compensation is available in 15 languages on the website of the Crime Victim Compensation and Support Authority and in brochures. The Authority has also developed child-friendly information, available in nine languages on a dedicated website.⁶³

160. GRETA was informed that in 2013 State compensation was granted to two victims of THB for the purpose of sexual exploitation, respectively for 7,750 and 17,850 Euros. In 2016 four Bulgarian men who had been trafficked for the purpose of forced begging were awarded compensation ranging from 4,350 to 5,850 Euros.⁶⁴ Further, a 17-year old Romanian girl who had been trafficked for the purpose of forced labour and forced criminality was awarded compensation of 4,400 Euros. In 2017, a Romanian woman who had been trafficked for the purpose of sexual exploitation was awarded 12,350 Euros.

⁶² See paragraph 76 of GRETA's first report.

⁶³ <https://www.jagvillveta.se/>

⁶⁴ Following an appeal in this case, one of the defendants was acquitted, but all victims were to keep the State compensation they had received based on the District Court decision.

161. A victim of THB should be provided with free legal assistance in connection with a criminal investigation or court proceedings. In criminal cases the court can, after a preliminary investigation has been initiated, appoint a counsel for the injured party who is paid by the State. If the accused is convicted, s/he may have to repay the costs for the injured party's counsel to the State. The counsel shall inform the victim about the possibilities to claim damages from the perpetrator or obtain compensation from the State. The counsel can 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 lawyer is usually representing the victim in the civil case. The counsel's mandate ceases after the hearing and does not include help in ensuring actual receipt of damages or other compensation.

162. Under the Legal Aid Act, any person may, under certain circumstances, including with regard to the person's financial situation, be entitled to legal assistance in any legal matter except in criminal cases. Legal advice may be given, for example, when applying for damages in civil cases. However, according to research, legal assistance is not offered in many cases. The reason is that a claim for damages is usually handled within the criminal case, where the victim has a counsel who helps with the claim. Any person with an annual income of less than 75,000 SEK (about 7,500 Euros) can apply for one hour of legal assistance at the fixed rate of 1,342 SEK (about 140 Euros) + VAT, after which a second hour of legal advice is paid for by the State. Under certain circumstances the Legal Aid Authority may cover parts of the legal costs, but the conditions are rather restrictive.⁶⁵ To be considered, the applicant must not have legal assistance insurance and must have a reasonable likelihood of being successful in pursuing his or her case. There are also limitations linked to the residency of the applicant. According to a Swedish law firm which has provided legal advice to presumed victims of THB, it is in practice very difficult for a victim of THB to be granted legal assistance.

163. A presumed victim of trafficking may also receive free legal aid under the National Support Programme, subject to availability of funds and the complexity of the case. Legal aid is provided by law firms with experience in supporting trafficking victims or asylum seekers, but the public funding granted is seldom sufficient to cover the actual number of hours of legal aid provided. If victims of THB are first registered as asylum seekers, they are entitled to legal aid only if their asylum claims are not manifestly ill-founded. This legal aid is paid for by the Migration Agency, based on the estimated needs.

164. GRETA welcomes the provisions in the new Criminal Injuries Compensation Act, expanding the deadlines for victims to launch compensation claims, as well as the information materials made available by the Crime Victim Compensation and Support Authority. Nevertheless, **GRETA considers that the Swedish authorities should continue their efforts to facilitate and guarantee victims access to compensation from the perpetrator or from the State, by ensuring their effective access to legal aid. In this context, the terms and conditions for granting legal aid to victims of trafficking should be reviewed.**

h. Repatriation and return of victims (Article 16)

165. In its first report, GRETA considered that the Swedish authorities should take further steps to ensure compliance with *non-refoulement* obligations (as per Article 40(4) of the Convention) and to strengthen co-operation with countries of origin of victims of trafficking in order to ensure safe and preferably voluntary return as well as effective reintegration of victims.

⁶⁵ For more information, see the website of the Legal Aid Authority: <http://www.rattshjalp.se/In-English/In-English/>

166. In 2012, the CABS started running a Voluntary Return Programme for victims of THB and their children. Initially this programme covered only victims of sexual exploitation, but later it was extended to victims of THB for other purposes. The programme covers voluntary returns of foreign victims of THB regardless of citizenship. The National Co-ordinator's office at the CABS co-ordinates the collaboration between the Swedish stakeholders and IOM in Helsinki. Through the programme, the situation in the returnee's home country is assessed, including his/her family situation and whether support structures are available, including safe accommodation, psycho-social support, health-care and education opportunities. Financial support of up to 5,000 USD (about 4,250 Euros) can be made available for the first three months after return, the precise amount depending on the needs of the returnee. The programme covers the arranging of necessary travel documents, the booking of airline tickets and organising other travel in Sweden or in the country of destination. The returnee may be accompanied during transfers or the entire travel and will be met on arrival in the home country. For each returnee, a plan for reintegration in the home country is prepared and followed.

167. In 2016, 25 victims of THB and their children were referred to the Voluntary Return Programme, originating from Bulgaria, Romania, Nigeria, Serbia and Ghana. Of these, nine women and one girl were victims of THB for sexual exploitation, whereas seven men and three women were exploited for forced begging. There were five children of victims or of suspected perpetrators. Out of the 25 victims referred to the project, four declined assistance or dropped out, 14 returned to their home countries and received support, and seven victims were still preparing to return at the time of writing. In the case of children, IOM involves the social services in order to guarantee safe return that the best interest of the child is fully respected. In 2017, a total of 65 cases were referred to the Voluntary Return Programme, originating from Bulgaria (78%), Romania (14%), the Russian Federation, Spain and Ukraine. Among the 65 victims there were 28 women, 4 girls, 30 men and 3 boys. The majority of the victims were exploited for the purpose of begging.

168. The Migration Agency has employed liaison officers in Tbilisi, Amman, Nairobi, Kabul and Rabat, who co-operate with local authorities and others who can be of assistance in the voluntary return process. In practice, there are not many cases of failed asylum seekers who are victims of THB and who wish to return voluntarily. Non-voluntary returns are submitted to the police for execution. There are no statistics available concerning the number of non-voluntary returns of victims of THB. A review of the Migration Agency's return process was published in October 2017, but it does not address victims of THB in particular. Concerns have been raised about the impact of the move to the new Gender Equality Agency on the Voluntary Return Programme and the capacity of the Agency to ensure that the State's obligations under the Convention are met.

169. **GRETA invites the Swedish authorities to:**

- **ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;**
- **continue to develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;**
- **ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention.**

170. **GRETA also considers that the Swedish authorities should keep under review the capacity of the new Gender Equality Agency to ensure that the co-ordination of anti-trafficking action in relation to returns of victims of trafficking effectively vindicates Sweden's obligations under Article 16, in particular with regard to children.**

3. Substantive criminal law

a. Criminalisation of THB (Article 18)

171. As noted in paragraph 45 of the first GRETA report, the Swedish CC defines the offence of THB as follows:

Chapter 4, Section 1(a):

"A person who, in other cases than those referred to in Section 1 (kidnapping), by unlawful coercion, deceit, exploitation of another person's vulnerable situation or by other such improper means recruits, transports, transfers, harbours or receives a person with the intent that he or she shall be exploited for sexual purposes, the removal of organs, military service, forced labour or other activity in a situation that places that person in distress, shall be sentenced for trafficking in human beings to imprisonment, for at least two years and at most 10 years. A person who commits an act referred to in the first paragraph against a person who is under 18 years of age shall be sentenced for THB even if none of the improper means described in that paragraph was used. If an offence referred to in the first or second paragraph is less serious, the sentence shall be imprisonment for at most 4 years."⁶⁶

172. In 2014, the Government commissioned an enquiry into the application of the anti-trafficking provisions in the CC and the result was published in October 2016.⁶⁷ The enquiry examined whether there is a need to amend the anti-THB provisions of the CC, including as regards forced labour or economic exploitation of people in vulnerable situations. As part of this examination, the application by police and prosecutors of existing legislation in THB cases was reviewed, as were the penalty scales for THB. The enquiry recommended amendments to the CC, including as regards the degree of coercion mentioned in the first line of the THB definition. Carelessness by the perpetrator in relation to whether the victim is a child or not is to be punished more severely according to the proposal. It is further proposed to introduce new provisions on forced labour.

173. As noted in paragraph 16, the Government presented a bill with proposed amendments to the CC in March 2018. The overall aim of the amendments is to strengthen criminal law protection against THB and increase the number of convictions for THB offences. In particular, it is proposed that not all improper means used to commit THB would need to be accompanied by circumstances in which the victim had no real or acceptable alternative but to submit to the trafficking exploitation. It is also proposed that the minimum penalty for a THB offence, which is assessed as less gross, would be set at six months' imprisonment rather than the current general minimum imprisonment penalty of 14 days. In addition, the Government proposes the introduction of a new criminal provision on exploitation of human beings (*människoexploatering*), the aim of which it is to strengthen criminal law protection against exploitation of persons for work or begging, in cases not covered by the scope of the anti-THB provision. The proposed provision would criminalise, in cases other than those referred to in chapter 4, section 1 (kidnapping) or 1 (a) of the CC (human trafficking), the exploitation of a person for forced labour, labour under clearly unreasonable conditions or begging by use of improper means, such as unlawful coercion, deceit or misuse of a person's difficult situation. The proposed penalty for the offence of human exploitation is imprisonment of up to four years or, if the offence is serious, imprisonment for at least two and at most 10 years. **GRETA would like to be kept informed of the status of the amendments to the CC.**

⁶⁶ Non-official translation.

⁶⁷ Available at <http://www.regeringen.se/4aa976/contentassets/2d1bc398fdf44b769b1d0c5b30d4a436/ett-starkt-strafttsligt-skydd-mot-manniskohandel-och-annat-utnyttjande-av-utsatta-personer-sou-2016-70.pdf> with a summary in English beginning on page 21.

174. Exploitation for criminal activities can be considered as a purpose of THB according to the CC read in conjunction with its preparatory works which refer to situations in which victims are placed under distress and induced to beg or steal.⁶⁸ The Swedish authorities have indicated that while forced marriage and illegal adoption are not stated explicitly in the forms of exploitation under Chapter 4, Section 1(a) of the CC, they could under certain circumstances be covered by the term "other activity in a situation that places that person in distress". The preparatory works of the CC provide as an example of a person exploited in a situation of distress a young person being sexual exploited and used in domestic labour in the framework of a forced marriage.⁶⁹ Forced marriage is since 2014 a stand-alone offence under the CC (Chapter 4, Section 4 c), as is deceiving somebody to travel to another country for the purpose of being coerced into marriage (Chapter 4, Section 4 d). On 9 March 2017 the Government decided to commission a public enquiry into whether legislative changes or changes to the implementation of existing rules will be necessary to better prevent child marriages, forced marriages and honour crimes.⁷⁰ The final report with the results of the enquiry is expected by September 2018. **GRETA would like to be kept informed of the outcome of this enquiry.**

175. In its first report, GRETA considered that the Swedish authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account. The Swedish authorities have indicated that aggravating circumstances are taken into account by prosecutors and judges when assessing the gravity of any crime, including THB, considering whether the criminal act has implicated a serious offence against the life, health or security of another person (Chapter 29, Sections 1 and 2, of the CC), and the situations mentioned in Article 24 of the Convention are covered by these sections which contain a non-exhaustive list of aggravating circumstances. The authorities have stated that particular attention is paid to cases in which perpetrators have taken advantage of another person's vulnerable situation and cases in which the victim is a child, including such when the offence was likely to harm the security and confidence of a child in its relationship to a closely related person or when the person enjoying that confidence has abused it. Abuse of public office for committing THB also falls under these provisions. If a THB offence is committed within the framework of a criminal organisation, this may be considered an aggravating circumstance according to Chapter 29, Section 2, point 6, of the CC.

b. Criminalisation of the use of services of a victim (Article 19)

176. In its first report GRETA invited the Swedish authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

177. The use of services of a victim of THB with the knowledge that the person is a victim is still not criminalised as a separate offence by Swedish legislation. According to the Swedish authorities, a number of other provisions are relevant as they allow the punishment of users of services extorted from victims of trafficking, in particular the ban on purchasing sexual services and offences against the working environment.⁷¹

⁶⁸ Outside the reporting period, the Svea Court of Appeal upheld the convictions of two persons for human trafficking (Case RH 2010:34). The offenders had brought two 16-year old boys from Romania to Sweden where they were forced to commit thefts. The court considered that the defendants had taken control over the children for the purpose of exploiting their vulnerable situation to persuade them to participate in criminal activities.

⁶⁹ Govt. bill. 2003/04: 111, p. 67

⁷⁰ Available in Swedish at:

http://www.regeringen.se/493c40/contentassets/54e2b6cbcbca48789abd51d9863d599e/kommittedirektiv-2017_25.pdf

⁷¹ See paragraph 190 of GRETA's first report.

178. GRETA refers to the recommendation in paragraph 96 concerning the need to make more efforts to discourage demand for the services of trafficked persons. **GRETA invites the Swedish authorities to consider establishing as a criminal offence the use of services which are the object of all forms of trafficking exploitation, with the knowledge that the person is a victim of trafficking in human beings.**

c. Corporate liability (Article 22)

179. The Swedish legislation on corporate fines has not been amended since the first evaluation by GRETA. A corporate fine can be imposed on an entrepreneur for crimes committed by the entrepreneur (if he/she is a natural person), a deputy, an employee or a contractor hired by the entrepreneur. Corporate fines are not designed as a criminal penalty as such, but as a special legal consequence of a criminal act and can be a supplement to individual criminal liability. Corporate fines can be imposed if a crime has been committed in the course of the business activities of the entrepreneur and (1) the latter has not taken reasonable measures to prevent it or (2) the crime was committed by either a person who has a 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 CC). According to the Swedish authorities, in the few THB cases involving legal entities, the companies have been small, and the owners liable to prosecution as individuals and sentencing to long punishments. Under the specific conditions of those cases the prosecutor has not considered it appropriate to also apply for a corporate fine.

180. A Committee of Enquiry 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 of Enquiry also proposes that the maximum corporate fine is increased from SEK 10 million (about 1 million Euros) to SEK 100 million (about 10 million Euros). A Government bill based on the proposals of the Committee of Enquiry is expected to be presented to Parliament in the spring of 2019. **GRETA would like to be kept informed of any developments in the legislation on corporate liability following the proposals by the Committee of Enquiry.**

181. **GRETA considers that the Swedish authorities should review the effectiveness of the legal provisions on corporate liability in relation to THB offences, examine the reasons why no legal entities have been prosecuted for trafficking-related acts and, in the light of the findings, take measures to ensure that the criminal liability of legal entities can be acted upon in practice.**

d. Non-punishment of victims of trafficking in human beings (Article 26)

182. In its first report, GRETA urged the Swedish authorities to strengthen their efforts to ensure that victims of THB are not punished for offences they were forced to commit, including immigration-related offences, in compliance with the non-punishment clause contained in Article 26 of the Convention.

183. There is no specific provision in Swedish law on the non-punishment of victims of THB for unlawful activities they were compelled to commit. According to the authorities, exemption from criminal responsibility may be determined on the grounds of necessary defence and state of necessity and the injury caused to another. As stipulated in Chapter 24, Section 4, of the CC, the necessity requirement is met when danger threatens life, health, property or some other important interest protected by the law. Pursuant to Chapter 20, Section 7, of the Code of Judicial Procedure, the prosecution may be waived when no compelling public or private interest is disregarded.⁷²

⁷² For more details, see paragraphs 195-197 of GRETA's first report.

184. The Swedish authorities underline that THB crimes are usually handled by a small group of specialised prosecutors in the international prosecution offices, who are well aware of the victims' plight and who hold discretionary powers to decide whether or not to pursue an investigation or order an indictment. On the other hand, a research report based on a systematic examination of all police reports of suspected cases of trafficking of children in 2015-2016 (see paragraph 191) indicates that not all THB cases are handled by specialised prosecutors, and non-specialised prosecutors do not have significant experience of the application of non-punishment provision in a THB context.⁷³

185. However, in the opinion of the Platform Swedish Civil Society against Human Trafficking, there is still insufficient awareness of the non-punishment provision among the police, prosecutors and judges. GRETA was informed of cases of unaccompanied or separated children and young adults (primarily from Afghanistan and Morocco) apprehended for petty crimes or drug dealing and treated as offenders despite strong indicators suggesting that they have been trafficked.

186. **GRETA once again urges the Swedish authorities to strengthen their 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.** Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.⁷⁴

4. Investigation, prosecution and procedural law

a. Measures related to effective investigations (Articles 1, 27 and 29)

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

188. As noted in paragraph 23, specialised anti-trafficking police units have recently been established in six of the seven police regions and the intention is to establish such units in each of Sweden's seven police regions. On average there are about 10 staff members in each specialised unit, but they do not deal only with THB offences. For example, the anti-THB police unit in Gothenburg dedicates some 60-70% of its time to trafficking cases and the rest to investigating other forms of organised crime. According to a research report based on a systematic examination of all police reports of suspected cases of trafficking of children in 2015-2016, suspected THB offences are not necessarily investigated by a specialised anti-THB police. Further, according to the research, there have been cases in which the police did not investigate cases reported to them by guardians of suspected child trafficking. Representatives of the Migration Agency, the social services and lawyers representing presumed victims of trafficking told GRETA that they had notified the police in a number of cases of their suspicions of THB offences, but they were not aware of what, if anything, the police had done as a follow-up.

⁷³ *Människohandel med barn – en genomlysning av polisärenden 2015-2016* (Trafficking in children, analysis of police cases 2015-2016).

⁷⁴ <http://www.osce.org/secretariat/101002?download=true>

189. There are a total of 10 prosecutors in Sweden who are specialised in THB cases and are employed by the three international public prosecution offices. Though THB cases should be dealt with by specialised prosecutors, this does not always happen in practice (see paragraph 191). According to the research report referred to in paragraphs 54 and 191 concerning presumed child victims of THB, prosecutors tend to require strong evidence before bringing charges of THB, including a testimony from the victim and evidence gathered through special investigative means.

190. Preliminary investigations are conducted either by the police or by prosecutors. If there is cause to believe a THB crime has been committed, it must be investigated *ex officio*, regardless of whether a crime has been reported. Generally speaking, prosecutors lead investigations which are more difficult or have advanced to a certain stage. A prosecutor should lead investigations involving sexual offences against children or when witnesses under 15 years of age are to be heard.

191. The previously mentioned study of police reports of suspected cases of trafficking in children analysed 68 cases from 2015 and the first half of 2016.⁷⁵ The majority of the cases concerned THB "for other purposes", in particular forced marriage. In 40% of the cases the Migration Agency contacted the police about suspicions of THB and in 20% of the cases, the social services did so. A preliminary investigation was opened in 84% of the cases, but charges were pressed in only one case. In 66% of the cases the preliminary investigation was not concluded because it was not considered that a crime had been committed or it was impossible to gather sufficient evidence. The police led the preliminary investigations in 45% of the cases, whereas 28% of the cases were led by general prosecutors and 25% of the cases by a prosecutor from an international prosecution office. Most of the police officers and prosecutors investigating the cases had previously been in charge of only one or no preliminary investigation into THB. The presumed child victims were interviewed by police investigators in 50% of the cases and in 30% of the cases investigated by a non-specialised prosecutor, as opposed to 90% of the cases investigated by a specialised prosecutor. In this context GRETA, refers to the Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice.⁷⁶

⁷⁵ *Människohandel med barn – en genomlysning av polisärenden 2015-2016* (Trafficking in children, analysis of police cases 2015-2016).

⁷⁶ [Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice](#) (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies)

192. In 2014, three persons were prosecuted for THB and one was sentenced to four years' imprisonment for THB for the purpose of sexual exploitation, grave procuring and fraud. In 2015, two persons were prosecuted and convicted of THB for the purpose of sexual exploitation and were sentenced to two years and two months' and two years and six months' imprisonment respectively. In 2016, three persons were prosecuted for THB for the purpose of sexual exploitation; two were sentenced to three years and six months' imprisonment. Further, in 2016, four persons were convicted of THB for the purpose of forced begging. In 2017, four persons were prosecuted for THB for the purpose of sexual exploitation. In the first case, the three of the defendants were Swedish and Nigerian respectively and two of them were sentenced to three years and five months of imprisonment, and the third defendant to 8 months of imprisonment.⁷⁷ The fourth person (Bulgarian) was prosecuted in a separate case in which the THB charges were eventually dropped, but he was sentenced to 10 months of imprisonment for pimping.⁷⁸ Moreover, in November 2017, two Bulgarian citizens were sentenced by the District Court of Örebro to four years and two months' imprisonment for THB for the purpose of forced begging.⁷⁹ There has been only one successful prosecution in a case of THB for the purpose of forced labour, in 2012, concerning berry pickers.⁸⁰ One decisive element of that case was that the traffickers had taken possession of the victims' passports. There has been only one sentence for THB involving a child victim of THB, given by the District Court of Örebro on 15 July 2016.⁸¹ The Gothenburg Appeal Court raised the punishment to three years and six months' imprisonment for each defendant and ordered them to jointly pay 125,000 SEK (about 12,500 Euros) in damages.⁸²

193. GRETA notes with concern that the number of prosecutions for THB remains low and the number of convictions is even lower. GRETA was informed that although the CC was amended in 2010, abolishing the requirement for a court to prove that the trafficker exercises power and control over the victim, judges continue to refer to this requirement and tend to dismiss cases in which such control cannot be proved.⁸³ The Swedish authorities have referred to difficulties in enforcing the anti-THB legislation. Inquiries concerning THB often require extensive investigations, including financial investigations. Most of the investigated cases have concerned trafficking for the purpose of sexual exploitation. It is more difficult to start legal proceedings in cases of trafficking for the purpose of forced labour. GRETA was told that in order to establish criminal liability for THB, it must be proven that the perpetrator intended to exploit the victim and in cases where the recruitment, transport and/or exploitation took place outside Sweden this may be hard to prove. It can also be difficult to prove that the perpetrator used improper means in dealing with the victim. If there is not sufficient evidence to bring charges for THB, prosecutors bring charges for other offences, such as usury, fraud or pimping. However, if the charges are changed from THB to pimping, the victim is usually treated only as a witness, with negative consequences for his/her rights, including compensation.

⁷⁷ Sentence in Gothenburg District Court, 11 December 2017, Case No. B 11431-17.

⁷⁸ Sentence in Gothenburg District Court, 11 December 2017, Case No. B 11431-17.

⁷⁹ Örebro District Court, Case reference B 351-17, 21 November 2017.

⁸⁰ The verdict in which two defendants were sentenced for THB for the purpose of forced labour (berry picking) is from 2012 (case reference B 2220-11). The District Court of Hudiksvall concluded that the defendants had recruited, transported, harboured and, in one case, received, the Bulgarian victims, with the purpose of exploiting them for forced labour. The defendants had taken control over the victims by retaining their identification documents.

⁸¹ Case reference B 1208-16.

⁸² Case reference B 2042-16.

⁸³ According to an article published in *Nordisk tidskrift för kriminalvetenskap* in May 2017 under the title *På spaning efter det offer som ej flytt: bemästrande av människohandelsoffer och viljans inverkan på lagstiftningen*, "[T]he limited number of convictions in THB cases in Sweden is not primarily due to resource constraints but to the perceptions of THB held by the Swedish criminal courts and the courts' notions of what it means to control a victim and the types of evidence required to prove this."

194. As explained in GRETA's first report, special investigative techniques are allowed if a certain minimum sentence is foreseen for the crime in question, which is the case for THB. The use of special investigative techniques such as telephone interception, surveillance measures (including of the Internet) and informants is regulated by the Code of Judicial Procedure. Their use must be authorised by courts, but the Code of Judicial Procedure was amended in 2015, enabling a prosecutor to issue temporary permission for the use of certain special investigative means.⁸⁴

195. The preliminary investigation should as far as possible 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 CC. When such a claim is presented it does not have to be proved that the assets or the property originate from the THB offence, but it is sufficient that the prosecutor can prove that it is decidedly more likely that they are an outcome of a criminal activity than not. Swedish law provides for confiscation of the proceeds of crime, including in cases of THB. Confiscation is considered a special legal effect of crime (Chapter 1, Section 8, of the CC) and is applied to proceeds and equipment used or intended for use in criminal offences. As noted in paragraph 18, the CC provision on extended confiscation was revised in 2016, making it applicable to offences for which a penalty of at least two years of imprisonment is foreseen and the offence at the same time is part of organised crime. Statistics on the value of confiscated assets are not systematically collected by the court system or any other authority.

196. On 1 October 2015, a national cybercrime centre was created within the Police Authority's Department of National Operations (NOA). The centre acts as a national desk of expertise for IT-related crime, including complex cybercrimes, child pornography crimes and adult contact with children for sexual purposes. NOA is assigned investigations and prevention of sexual abuse of children in other countries, when 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. The cybercrime centre assists the police regions in collecting advertisements for prostitution from the Internet aimed at the Swedish market in cases relating to THB for sexual purposes/aggravated procuring. There have been investigations into cases of online sexual abuse through live streaming, but they were not investigated as THB offences.

197. Sweden has participated in three Joint Investigation Teams (JITs) which were concluded in 2017, one with Bulgaria concerning THB for prostitution, one with Spain and Finland regarding money laundering of proceeds from THB, and another one with Bulgaria regarding forced begging. GRETA was informed of an investigation in Gothenburg in relation to Ukrainian women, trafficked for the purpose of sexual exploitation, but the investigation was closed since the suspects were not identified.

⁸⁴ The amended Code of Judicial Procedure (Chapter 27, Section 21 a) came into force on 1 January 2015. The amended rules are temporary, but the Government has proposed that they be made permanent and the scope of the permitted secret coercive measures expanded. The substantive conditions for secret interception of electronic communications, secret surveillance of electronic communications or secret camera surveillance are the same, whether it is a court decision or an interim decision by a prosecutor. The regulation shall be used only in exceptional cases where the purpose of the secret measure is likely to be lost if a court decision is to be awaited. It should be used in particular at times when it is not possible to conduct a court trial during the court's opening hours.

198. GRETA welcomes the establishment of specialised anti-trafficking police units in six of the seven police regions and notes the proposed amendments to the CC which may impact the number of sentences in THB cases. **However, GRETA remains concerned by the low number of investigations, prosecutions and convictions in THB cases, and in particular the near absence of convictions for THB for the purpose of labour exploitation and child trafficking. GRETA once again urges the Swedish authorities to 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.**

b. Protection of witnesses and victims (Articles 28 and 30)

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

200. Pursuant to the Act on Public Access to Information and Secrecy, personal and financial information concerning the injured party may be kept secret in cases concerning THB if it can be assumed that disclosure of information would cause damage or harm to the injured party or a person closely related to him/her. Courts may hold hearings *in camera* and in such cases the court may also impose a duty of confidentiality on those attending the hearing. However, in its first report GRETA noted that at all stages the identity of the injured party is disclosed. Further, GRETA was informed that in practice judges make use of secrecy provisions in rape cases, but to a much lesser extent in THB cases, suggesting a lack of understanding of the trauma endured by victims of THB.

201. If a victim of a crime due to fear cannot freely speak in the presence of the defendant or any other person in a court hearing in the audience, the court can decide to remove the defendant or other person from the hearing. Usually, the defendant is placed in a room nearby, where he/she can listen to the hearing or view it on a screen. If this is not possible, the hearing in its essence is reproduced during the procedure in the presence of the defendant. Under certain circumstances, a witness testimony can take place in a similar manner in the absence of the defendant.

202. A victim of THB may be supported by a social worker, psychologist and/or NGO representative or any other such support person of his or her choice during the criminal investigations and court hearings. Further, a witness support person is available at most courts, who will be able to assist an aggrieved party or witness when he/she attends the court for a trial. A witness support person must swear an oath of confidentiality. The witness support person will primarily be a fellow human being but can also explain how the criminal procedure is conducted.⁸⁵

203. A representative of the social services must always be present when a child is heard in an investigation and the child should be heard in a special children's house (*Barnahus*) where police officers, social services, paediatricians and psychologists work together with children who are victims of violence and sexual exploitation. However, in practice not all presumed child victims of THB are interviewed in a *Barnahus*.

204. According to the previously-mentioned study of police reports of cases of suspected child trafficking, risk assessments were made in only a small number of the analysed cases in which preliminary investigations were carried out and it was clear that in some cases the children remained in a risky situation, if the circumstances in the initial reports to the police were to be believed. The police themselves admit that routines for risk assessments in this context are lacking.⁸⁶

205. **GRETA considers that the Swedish authorities should:**

- **strengthen the procedural measures available for protecting victims and witnesses within the meaning of the Convention;**
- **step up protection specific to child victims of trafficking, regardless of the type of exploitation;**
- **train law enforcement authorities in assessing the risks faced by victims and to provide the police with adequate human resources and procedural means to ensure the protection of victims and witnesses who might be threatened in the framework of the investigations they are leading.**

c. Jurisdiction (Article 31)

206. The Swedish authorities can prosecute THB cases if the crime was committed in Sweden, regardless of the country in which the complaint was submitted. The CC provides that THB offences committed outside of Sweden shall be adjudged by a Swedish court and according to Swedish law where the crime was committed by a Swedish citizen or an alien domiciled in Sweden; or by an alien not domiciled in Sweden who, after having committed the crime, has become a Swedish citizen or has acquired domicile in Sweden or who is a Danish, Finnish, Icelandic, or Norwegian citizen and is present in Sweden; or by any other foreigner who is present in Sweden and the crime under Swedish Law can result in imprisonment for more than six months. Since 2010, there has been no dual criminality requirement for THB.

⁸⁵ For further details about the functions of support person and witness support person respectively, see paragraphs 216 and 217 of GRETA's first report.

⁸⁶ *Människohandel med barn – en genomlysning av polisärenden 2015-2016* (Trafficking in Children, an analysis of cases reported to the police 2015-2016,) page 44.

5. International co-operation and co-operation with civil society

a. International co-operation (Articles 32 and 33)

207. Pursuant to the Act on International Legal Assistance in Criminal Matters (2000:562), the competent authorities 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 any requests for international legal assistance, the Swedish authorities are entitled to take all the measures necessary in preliminary investigations or court proceedings.

208. GRETA was informed of close co-operation with the authorities of Bulgaria and Romania, including the setting up of JITs (see also paragraph 197). The police in Malmö have monthly meetings with their colleagues in Denmark. Similar meetings are held with the police in Germany. GRETA was also informed of co-operation between the Swedish Embassy and other Schengen visa-issuing embassies in Beijing in relation to trafficking of Chinese nationals from one particular canton. Information about this issue was shared with EUROPOL. Further, Sweden takes part in the EMPACT (Europol's European multidisciplinary platform against criminal threats) co-operation against THB.

209. The Swedish International Development Agency (SIDA) provides funding for projects related to comparing THB and includes anti-THB measures in some of its activities. For example, SIDA's regional strategy for Asia and the Pacific Area explicitly mentions action against THB. SIDA has provided targeted support through the IOM to lawyers supporting victims of THB in Belarus and Turkey. SIDA has also supported international and national NGOs (e.g. AWEN in Albania) which implement projects with anti-trafficking components.

210. Sweden uses the EU joint helpline for notification of missing children (116 000). Since 2013 the 24-hour helpline is handled by SOS Alarm, supervised by the Ministry of Health and Social Affairs. GRETA was informed that many of the missing unaccompanied and separated migrant and asylum-seeking children are likely to have travelled to Norway or Finland. GRETA did not receive any information on international co-operation measures taken to trace these missing children, despite concerns raised by NGOs and social workers as to risks of trafficking (see also paragraphs 14 and 31).

211. GRETA welcomes the engagement of the Swedish authorities in international co-operation, including co-operation with governmental and non-governmental actors in countries of origin and transit, and invites the authorities of Sweden to continue strengthening international co-operation in the investigation and prosecution of THB cases, including through the setting up of Joint Investigation Teams.

212. Further, GRETA considers that the Swedish authorities should take steps to strengthen international co-operation in the search for missing children, where there are indications of risks of trafficking.

b. Co-operation with civil society (Article 35)

213. The Swedish authorities have emphasised that co-operation with civil society plays a crucial role in detecting and assisting victims of THB. Specialised NGOs often possess knowledge about THB and victims which municipal-level social services do not, and therefore co-operation with NGOs is very valuable. Presumed victims of THB often turn to NGOs rather than the authorities for help and such support can be partly financed by the National Support Programme (see paragraph 111). NGOs are included in the Information Network run by the CABS which gathers NGOs and State actors three times a year. Further, NGOs are invited as trainers to training sessions organised by the CABS.

214. The Platform Swedish Civil Society against Human Trafficking is appreciative of the support for its work by the National Co-ordinator and the CABS, but regrets the scarcity of public funding for anti-THB work carried out by NGOs, except for short-term funding of victim assistance under the National Support Programme. As noted in paragraph 34, the authorities invited the Platform to make suggestions in writing in the context of preparing the new National Action Plan, but there was no discussion and it is not clear whether the suggestions were taken on board.

215. GRETA welcomes the creation of the Platform Swedish Civil Society against Human Trafficking and the constructive co-operation between the Platform and the authorities, as well as the setting up of the National Support Programme. However, GRETA notes the limited involvement of the Platform in the preparation of the new National Action Plan against prostitution and trafficking in human beings.

216. **GRETA invites the Swedish authorities to secure sufficient and continuous funding for the National Support Programme, including after the transfer of the co-ordination of anti-trafficking action to the new Gender Equality Agency, as well as to provide funding for other anti-trafficking activities by civil society in the areas of prevention of human trafficking and protection of victims' rights.**

IV. Conclusions

217. Since the adoption of GRETA's first report on Sweden in March 2014, progress has been made in a number of areas.

218. The Swedish authorities have continued to develop the legal and institutional framework for combating trafficking in human beings, including the establishment of specialised anti-trafficking police units in six of the seven police regions. The adoption of the 2016-2018 National Action Plan to protect children from human trafficking, exploitation and sexual abuse, as well as the recent adoption of the National Action Plan against prostitution and trafficking in human beings, focus on sexual exploitation and therefore not all forms of human trafficking are sufficiently addressed.

219. GRETA welcomes the research commissioned by the Swedish authorities on different aspects of human trafficking, including on trafficking in children and on EU citizens vulnerable to human trafficking in Sweden and their exploitation in berry picking and forced begging.

220. The Swedish authorities have made efforts to raise awareness of sexual exploitation of children abroad as well as disseminate information about the links between the purchase of sexual services and human trafficking. Moreover, steps have been taken to prevent and combat human trafficking for the purpose of labour exploitation, including through providing information about the Swedish labour market to foreign workers and reviewing the procedure for issuing work permits.

221. The development 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 is a step forward. Training tools have been developed and training has been provided to relevant professionals to enable them to better detect and identify victims of trafficking.

222. GRETA welcomes the creation of the Platform Swedish Civil Society against Human Trafficking and the setting up of the National Support Programme, which is implemented by the Platform and allows presumed victims of trafficking who have not been formally identified to benefit from assistance. Furthermore, the first specialised shelter for male victims of human trafficking was set up by the Salvation Army in April 2017.

223. Another positive development is the adoption of the new Criminal Injuries Compensation Act, which expands the deadlines for victims to launch compensation claims, accompanied by the provision of information materials to victims of trafficking on how to claim compensation.

224. Moreover, GRETA commends Sweden's engagement in international co-operation, including co-operation with governmental and non-governmental actors in countries of origin and transit.

225. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Swedish authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

Issues for immediate action

- **GRETA urges the Swedish authorities to take further steps to provide regular training on THB for different types of exploitation to all relevant professionals, including medical staff and labour inspectors (paragraph 48);**
- **Recalling that Article 5, paragraph 5, of the Convention, requires Parties to take specific measures to reduce children's vulnerability to trafficking, notably by creating a protective environment, GRETA urges the Swedish authorities to intensify their 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 (paragraph 83);**
- **GRETA urges the Swedish authorities to take steps to ensure 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 (paragraph 107);**
- **GRETA urges the Swedish authorities to ensure more effective and timely identification of child victims of trafficking with a view to providing them with appropriate assistance, and in particular to:**
 - **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 (paragraph 138);**
- **GRETA once again urges the Swedish authorities to 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 (paragraph 148);**
- **GRETA once again urges the Swedish authorities to strengthen their 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 (paragraph 186);**
- **GRETA once again urges the Swedish authorities to 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 (paragraph 198).**

Further conclusions

- GRETA considers that the Swedish authorities should examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions (paragraph 27);
- GRETA considers that the Swedish authorities should keep under review the work of the new Gender Equality Agency, in order to ensure that it effectively addresses all forms of THB, both in terms of combatting it and assisting its victims (paragraph 32);

- GRETA considers that the Swedish authorities should ensure that action against THB is comprehensive and addresses all victims of trafficking for all forms of exploitation, taking into account the particular vulnerability of irregular migrants and asylum seekers. The authorities should strengthen action against THB for the purpose of labour exploitation, by reviewing the legislative framework, improving the identification of, and assistance to, victims of THB for the purpose of labour exploitation, and involving civil society, trade unions, labour inspectorates and the private sector. The national action plan should aim to address all forms of THB, define concrete activities and stakeholders responsible for their implementation, envisage budgetary resources, and be accompanied by a mechanism for monitoring the implementation of the activities (paragraph 37)
- GRETA considers that additional training should be provided to police officers, migration staff and asylum officers to enable them to proactively identify victims of trafficking, as well as to prosecutors and judges. Further, training should be provided to private companies hired to carry out public sector services, such as the Visa Facilitation Service (paragraph 49);
- GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Swedish authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 53);
- GRETA invites the Swedish authorities to continue providing funding and support for research projects on THB. Areas where further research could be promoted include trafficking in children, trafficking for the purposes of forced criminality and begging, trafficking of EU nationals, and trafficking for the purpose of labour exploitation (paragraph 59);
- GRETA considers that the Swedish authorities should strengthen their efforts to raise public awareness of THB for all types of exploitation. Steps should be taken to raise awareness of the risk of trafficking faced by unaccompanied and separated migrant and asylum-seeking children, including of trafficking for the purpose of forced criminality, as well as the risks of sexual exploitation of men and boys (paragraph 64);
- GRETA considers that the Swedish authorities should make further efforts to prevent trafficking for the purpose of labour exploitation, in particular by:
 - continuing to sensitise relevant officials, in particular labour inspectors, police officers, prosecutors and judges, about THB for the purpose of labour exploitation, as well as the rights of victims;
 - ensuring that on-going training is provided to WEA and Tax Agency inspectors to enable proactive detection of human trafficking cases, and that labour inspections are properly resourced, frequent, unannounced and targeted at sectors which show a high potential for human trafficking;
 - strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;
 - taking steps to prevent possible THB exploitation in diplomatic households, including through interviews with household staff and monitoring of terms and conditions of employment of staff;

- working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business (paragraph 76);
- GRETA considers that the Swedish authorities should review the restrictions placed on family reunification in the 2016 Temporary Act on Migration, so as to enable legal forms of migration for children and reduce vulnerability to trafficking (paragraph 84);
- GRETA considers that the Swedish authorities should ensure that, as part of their training, medical and other health care professionals involved in organ transplantations are sensitised about THB for the purpose of organ removal (paragraph 89);
- GRETA encourages the Swedish authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal (paragraph 90);
- GRETA considers that the Swedish authorities should continue to strengthen the comprehensive approach envisaged in Article 6 of the Convention, by adopting measures to discourage demand that fosters all forms of exploitation that leads to human trafficking, in partnership with civil society, trade unions and the private sector. This should include measures to promote awareness among businesses, strengthen corporate social responsibility and require businesses to report publicly on measures to reduce human trafficking or forced labour in their supply chains (paragraph 96);
- GRETA considers that the Swedish authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration flows. Written information should be provided to foreign nationals, in a language that they can understand, about the risks of THB and about their rights and where to secure advice and assistance. GRETA refers in this context to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders (paragraph 100);
- GRETA considers that the Swedish authorities should take further steps to ensure that all victims of trafficking receive specialised assistance and support as required by Article 12, paragraphs 1 and 2, of the Convention, including by:
 - ensuring that in the absence of sufficient NSP funds to cover all victims' needs, co-operation with the criminal investigation is not be a precondition for assistance from municipalities;
 - further developing the range of assistance measures for male victims of THB, including psychological support (paragraph 119);
- GRETA invites the Swedish authorities to review the age assessment procedures, ensuring that the best interests of the child are effectively protected, and in cases of doubt ensuring the presumption of childhood is respected and special protection measures taken, in line with Article 10, paragraphs 3 and 4 of the Convention, and General Comment No. 6 of the UN Committee on the Rights of the Child (paragraph 136);
- GRETA considers that specific consideration should be given to the needs of children of adult victims of trafficking (paragraph 139);
- GRETA considers that the Swedish authorities should ensure that victims of trafficking, regardless of the form of exploitation, can fully benefit in practice from the right to obtain a renewable residence permit when a victim is unable to co-operate with the authorities and in this context refers to the UNHCR 2006 Guidelines on the application of refugee status to victims of trafficking (paragraph 155);

- GRETA considers that the Swedish authorities should continue their efforts to facilitate and guarantee victims access to compensation from the perpetrator or from the State, by ensuring their effective access to legal aid. In this context, the terms and conditions for granting legal aid to victims of trafficking should be reviewed (paragraph 164);
- GRETA invites the Swedish authorities to:
 - ensure that the return of victims of trafficking is conducted with due regard for their rights, safety and dignity. This means informing victims about existing programmes, protecting them from re-victimisation and re-trafficking and, in the case of children, fully respecting the principle of the best interests of the child;
 - continue to develop international co-operation in order to ensure proper risk assessment and safe return, as well as effective reintegration of victims of THB;
 - ensure compliance with the *non-refoulement* obligation under Article 40, paragraph 4, of the Convention (paragraph 169);
- GRETA considers that the Swedish authorities should keep under review the capacity of the new Gender Equality Agency to ensure that the co-ordination of anti-trafficking action in relation to returns of victims of trafficking effectively vindicates Sweden's obligations under Article 16, in particular with regard to children (paragraph 170);
- GRETA invites the Swedish authorities to consider establishing as a criminal offence the use of services which are the object of all forms of trafficking exploitation, with the knowledge that the person is a victim of trafficking in human beings (paragraph 178);
- GRETA considers that the Swedish authorities should review the effectiveness of the legal provisions on corporate liability in relation to THB offences, examine the reasons why no legal entities have been prosecuted for trafficking-related acts and, in the light of the findings, take measures to ensure that the criminal liability of legal entities can be acted upon in practice (paragraph 181);
- GRETA considers that the Swedish authorities should:
 - strengthen the procedural measures available for protecting victims and witnesses within the meaning of the Convention;
 - step up protection specific to child victims of trafficking, regardless of the type of exploitation;
 - train law enforcement authorities in assessing the risks faced by victims and to provide the police with adequate human resources and procedural means to ensure the protection of victims and witnesses who might be threatened in the framework of the investigations they are leading (paragraph 205);
- GRETA invites the authorities Sweden to continue strengthening international co-operation in the investigation and prosecution of THB cases, including through the setting up of more Joint Investigation Teams (paragraph 211);
- GRETA considers that the Swedish authorities should take steps to strengthen international co-operation in the search for missing children, where there are indications of risks of trafficking (paragraph 212);
- GRETA invites the Swedish authorities to secure sufficient and continuous funding for the National Support Programme, including after the transfer of the co-ordination of anti-trafficking action to the new Gender Equality Agency, as well as to provide funding for other anti-trafficking activities by civil society in the areas of prevention of human trafficking and protection of victims' rights (paragraph 216).

Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

Public bodies

- County Administrative Board of Stockholm, including the National Co-ordinator against Prostitution and Trafficking in Human Beings
- Ministry of Justice
- Ministry of Health and Social Affairs
- Ministry of Education, including the National Agency for Education
- Ministry of Employment
- Ministry of Foreign Affairs
 - Ambassador-at-large for Combating Trafficking in Human Beings
 - Swedish International Development Agency
- Police Authority, including the National Rapporteur on Trafficking in Human Beings and the Specialised Anti-Trafficking Police
- Prosecution Authority
- Migration Agency, including the Asylum Application Unit in Malmö
- National Board of Health and Welfare
- National Board of Institutional Care
- Crime Victim Compensation and Support Authority
- Work Environment Agency
- National Co-ordinator for Vulnerable EU Citizens
- Parliament (Committee on Justice and the Committee on the Labour Market)
- Office of the Children's Ombudsman
- Social Services of Stockholm

Intergovernmental organisations

- Council of Baltic Sea States

Civil society organisations

- Asylbyrå
- LO Trade Union Confederation
- Platform Swedish Civil Society against Human Trafficking
- University of Örebro

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Sweden

GRETA engaged in a dialogue with the Swedish authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the authorities on 19 April 2018 and invited them to submit any final comments. The comments of the authorities, submitted on 18 May 2018, are reproduced hereafter.



18 May 2018
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Ministry of Justice
Division for Criminal Law
Mr Erland Koch
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Ms. Petya Nestorova
Executive Secretary
Council of Europe
F-67075 Strasbourg Cedex

Dear Ms Nestorova,

The Government of Sweden has received the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Council of Europe Convention against Trafficking in Human Beings by Sweden (second evaluation round).

We would like to express our appreciation of all the efforts made by GRETA in order to produce the current report and for a constructive cooperation. The second evaluation round has, since it was launched in 2016, been valuable for highlighting the struggle against trafficking in human beings. It has also been a reminder of the need for continuous enhancement of measures in this context. The report and its proposals will be very useful and thoroughly considered in the work ahead.

Sweden would like to thank GRETA for the opportunity to comment on the final report. Please find attached a document with our comments (Appendices 1–2).

We look forward to continued cooperation and dialogue with GRETA in the future.

Yours sincerely,

Erland Koch

Deputy Director, Contact person for GRETA



Ministry of Justice
Division for Criminal Law

Paragraph 2

It can be mentioned that the Swedish Government recently submitted a proposal to incorporate the United Nations Convention on the Rights of the Child into Swedish law. The Government considers it necessary to clarify that Sweden's Convention commitments under the Child Convention are to be ensured at all levels of public activity and that a child-rights approach should permeate all activities affecting children and young people. It is proposed that the act enter into force on 1 January 2020.

Paragraphs 13 and 51

Please find enclosed the statistical information for 2017 on Trafficking in Human Beings, provided by the National Rapporteur, Appendix 2.

Paragraph 32

The Division for Gender Equality at the Ministry of Health and Social Affairs is closely following the work carried out by the Gender Equality Agency, with a special focus on THB. The Division is closely following that the work carried out addresses all forms of THB, as stipulated in the Agency's ordinance.

Paragraph 37

The national action plan to combat prostitution and trafficking in human beings, that was adopted by the Government in February 2018, addresses all forms of THB and defines activities and stakeholders responsible for implementation, but it does not always include budgetary resources, the details of the activities or how the activities are monitored and implemented. This is specified in the tasks given to the different national agencies. The tasks and how they are implemented is monitored by the ministry responsible.

Paragraph 43

In 2017 the regional coordinators and the CABs in several counties provided training to implement the National Referral Mechanism to professionals in the different counties. Professionals from the social services, the Swedish Migration Agency, the Swedish Police Authority and NGO's participated. The different authorities cooperating within the National Method Support Team also arranged separate training for the staff within the authorities. Regular training through the National Method Support Team in cooperation with the regional coordinators will continue through the Gender Equality Agency.

Paragraph 53

We would like to add that the Police Authority has been appointed by the Government as National Rapporteur on Trafficking in Human Beings. In this capacity, the National Rapporteur collects and compiles data from different sources, not only from the police organization. The data and trend analyses that the National Rapporteur executes are reported yearly to the Government and the reports are available online.

Paragraph 70

In December 2017, eight authorities were given a government assignment covering 2018–2020 to develop their methods for joint control to counteract violations and crime taking place within the field of labour. Good methods for joint control contributes to the authorities' efforts to tackle several problems, among them human trafficking for the purpose of labour exploitation. The Swedish Work Environment Authority co-ordinates the assignment.

Paragraph 83

It can be mentioned that the National Board of Health and Welfare has the Government's mission to review the availability of training for staff working on the care and treatment of children and young people at homes for care, as well as investigating the prerequisites for post-secondary education for staff at homes for care and any other education that may be suitable for work with child and youth treatment at homes for care.

Identifying victims is central in order to provide the appropriate correct help. It can be mentioned that the Government has decided on mandatory

training courses for several professions (for example social workers), to learn about men's violence against women and violence in close relationships.

The County Administrative Board has got an assignment in its letter of appropriation, to develop local procedures for cooperation and information exchange between authorities involved in the search of unaccompanied children that have disappeared.

Paragraph 128

Regarding the third sentence it can be mentioned that the guidelines produced by the Municipality of Helsingborg are an example of guidelines. Other municipalities have produced similar types of documents/guidelines adapted to the situation within their municipality.

Paragraph 137

Child marriage is prohibited in Sweden. Child marriage is a very serious matter. Counteracting child marriage is a priority for the Swedish Government. In February 2017, the Government decided to assign the National Board of Health and Welfare to provide reinforced guidance to the municipalities on the handling of cases relating to children who are said to be married and to spread knowledge to municipal social services. The Government also assigned the National Board of Health and Welfare to conduct an in-depth analysis of social services in these cases and provide information to children and relatives on the rights of the child, relevant legislation, practice and social responsibility. The knowledge about childhood marriage needs to increase within the social service. To investigate child marriages puts high demands on social services and there is a need for specific support and protection measures for this group.

Paragraph 169

It can be mentioned that Sweden is supporting the work planned by the Council of the Baltic Sea States (CBSS) to develop a Transnational Referral Mechanism. The purpose is to improve the transnational referral of victims of THB in the Baltic Sea region. Besides the countries in the Baltic Sea region the project will include countries of origin such as Bulgaria, Romania and Ukraine.

Paragraph 172

We would like to amend the final sentence as follows.

It was further proposed that new provisions against exploitation of vulnerable persons in cases other than human trafficking be introduced.

Paragraph 173

We would like to amend the paragraph as follows (see italics).

As noted in paragraph 16, the Government *presented* a bill with proposed amendments to the CC in March 2018. The overall aim of the amendments is to strengthen criminal law protection against THB and increase the number of convictions for THB offences. In particular, it is proposed that not all improper means used to commit THB would need to be accompanied by circumstances in which the victim had no real or acceptable alternative but to submit to the *trafficking measure involved*. *The Government also proposes an amendment aimed at strengthening the child protection perspective in cases of THB involving children*. Furthermore, it is proposed that the minimum penalty for a THB offence, which is assessed as less gross, would be set at six months' imprisonment rather than the current general minimum imprisonment penalty of 14 days. In addition, the Government proposes the introduction of a new criminal provision on exploitation of human beings (*människoexploatering*), the aim of which it is to strengthen criminal law protection against exploitation of persons for work or begging, in cases not covered by the scope of the anti-THB provision. The proposed provision would criminalise, in cases other than those referred to in chapter 4, section 1 (kidnapping) or 1 (a) of the CC (human trafficking), the exploitation of a person for forced labour, labour under clearly unreasonable conditions or begging by use of improper means, such as unlawful coercion, deceit or misuse of a person's difficult situation. The proposed penalty for the offence of human exploitation is imprisonment of up to four years or, if the offence is *gross*, imprisonment for at least two and at most 10 years. GRETA would like to be kept informed of the status of these amendments to the CC.

Paragraph 174

It can be mentioned that an interim report on further civil law restrictions regarding the possibilities to recognise a foreign child marriage was presented to the government in December 2017. Currently the Ministry of Justice is preparing a draft bill to be decided this summer by the

Government, and then submitted to Parliament. Link to the interim report: <http://www.regeringen.se/rattsdokument/statens-offentliga-utredningar/2017/12/sou-201796/>

Paragraph 179

It can be mentioned that in June 2017, Sweden adopted new legislation on public procurement according to which contracting authorities and entities, when needed, shall request that the economic operator, when performing the public contract, complies with certain labour law requirements, such as working hours, holidays and salary. The purpose of the legislation is, among other things, to counteract social dumping in the labour market and provide individual employees with good working conditions. To support and educate both the contracting authorities and the economic operators, the Swedish National Agency for Public Procurement is providing guidelines on how to assess within which professions or businesses poor working conditions are most likely to occur and how to perform such a risk assessment.

Paragraph 192

We would like to add the following sentence to the paragraph, after the sentence “Moreover, in November 2017, two Bulgarian citizens were sentenced by the District Court of Örebro to four years and two months’ imprisonment for THB for the purpose of forced begging.”:

However, in 2018 they were acquitted by the Court of Appeal.