



EVALUATION REPORT

SWEDEN

Third evaluation round

GRETA

Group of Experts
on Action against
Trafficking
in Human Beings

Access to justice
and effective remedies
for victims of trafficking
in human beings

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established 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.

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 of the Convention on which the evaluation procedure is based.

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims’ access to justice and effective remedies, which is essential for victims’ rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim’s stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA’s previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA’s findings and analysis of these topics are presented in a separate chapter.

Executive Summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Sweden has taken steps to further develop the relevant legislative and institutional framework. The offence of 'human exploitation' was introduced into the Criminal Code and the Code of Judicial Procedure was amended to allow for the use of video recordings of initial police interviews with victims as evidence in criminal proceedings. The Gender Equality Agency (GEA), which took over the function of National Co-ordinator against Prostitution and Trafficking, has revised the manual of the National Referral Mechanism. Moreover, the National Task Force against Prostitution and Trafficking has been expanded to include the Work Environment Authority, the Customs Authority, the Social Services and the Tax Authority.

Sweden remains primarily a country of destination for victims of trafficking in human beings. The number of presumed and identified victims has steadily increased since GRETA's second evaluation. While women still constitute the majority of identified adult victims, the number of male victims has been on the rise. Sexual exploitation remained the prevalent form of exploitation, followed by labour exploitation, forced begging, forced criminality and forced marriage.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

GRETA welcomes the steps taken by the Swedish authorities to ensure that presumed and identified victims of trafficking are provided with information concerning their rights and the services available to them, and considers that the authorities should take additional steps to ensure the availability of interpreters for different languages.

Victims of trafficking can receive free legal assistance and legal aid in civil, criminal and administrative cases under the Legal Aid Act, subject to certain conditions. The report notes that there have been delays in the police or prosecution applying to the competent court to appoint a counsel for the injured party, resulting in victims of trafficking being deprived of legal aid at the initial stage of the proceedings. GRETA considers that the Swedish authorities should ensure that legal assistance is provided as soon as there are reasonable grounds to believe that a person is a victim of trafficking, and that victims of trafficking have access to lawyers who have benefited from specialised training on human trafficking.

The number of cases in which victims were granted compensation from perpetrators appears to be low and there is a lack of effective enforcement of compensation awards. While welcoming the increased number of victims of trafficking who have received state compensation, GRETA is concerned that many victims may be reluctant to claim state compensation due to the absence of free legal assistance and the length of the compensation proceedings. GRETA considers that the Swedish authorities should make additional efforts to guarantee effective access to compensation for victims of trafficking, including by improving the capacity of law enforcement officers to locate assets or income of perpetrators, and ensuring access to free legal assistance in proceedings for state compensation and enforcement proceedings.

GRETA is concerned by the low number of prosecutions and convictions in trafficking cases, and in particular the near absence of convictions for trafficking for the purpose of labour exploitation. While welcoming the increased number of prosecutors specialised in trafficking in human beings and the existence of anti-trafficking units in the police, GRETA is concerned by the fact that two of those units were reorganised/disbanded following GRETA's third evaluation visit. GRETA urges the Swedish authorities to ensure that trafficking offences are investigated and prosecuted effectively, including by conducting proactive and prompt investigations, ensuring that cases of trafficking for the purpose of labour exploitation are not qualified as 'human exploitation', and allocating sufficient human and financial resources to the police and prosecution services.

While welcoming the adoption of the Prosecutor General's guidelines on the non-punishment of victims of trafficking, GRETA is concerned by the limited scope of the guidelines and the fact that the non-punishment principle does not appear to be consistently applied in practice. GRETA therefore urges the Swedish authorities to take further steps to ensure full compliance with Article 26 of the Convention, including by bringing the guidelines fully in line with the Convention, and ensuring that all negative consequences faced by victims of trafficking, such as any form of detention, entry bans or delays in seeking legal residence in Sweden, are lifted for presumed victims of trafficking. Further, GRETA stresses that the adoption of an explicit non-punishment provision, along with training for the relevant authorities, would facilitate the effective implementation of Article 26 of the Convention.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. GRETA welcomes the steps taken to prevent and combat trafficking for the purpose of labour exploitation, including the establishment of regional centres against labour criminality and the adoption of relevant legislative and policy changes. GRETA considers that the Swedish authorities should implement further measures, including by ensuring that law enforcement agencies, labour inspectors and other relevant actors are proactively present in sectors at risk of trafficking, and that possible victims of trafficking among foreign workers are not subjected to deportation until a proper identification procedure is conducted.

Law enforcement agencies continue to play a central role in the identification of victims of trafficking and access to state-funded assistance is closely linked to the initiation of criminal proceedings. The identification of victims has been facilitated by the presence of regional co-ordinators against prostitution and human trafficking during police outreach activities and joint inspections of places of work. However, GRETA urges the Swedish authorities to improve the identification of victims of trafficking, including by ensuring that the formal identification of victims of trafficking is not made conditional on their co-operation in the investigation and criminal proceedings, and that regional co-ordinators against prostitution and human trafficking and the police are provided with sufficient human and material resources. GRETA also considers that the Swedish authorities should review the application of the Dublin Procedure to presumed victims of trafficking and conduct risk assessments in order to prevent victims being returned to the country where they face the risk of being re-trafficked.

While welcoming the increase in the budget for the National Support Programme, GRETA notes that the funding is still not sufficient and asks the authorities to provide longer-term, sustainable funding in order to ensure the continuity of victims' assistance. GRETA also considers that the Swedish authorities should take further steps to fulfil their obligations under Article 12 of the Convention, and in particular to ensure that victims' access to assistance funded by the state is not made conditional on their willingness to co-operate in the investigation and criminal proceedings, and that all presumed victims, including those identified in immigration centres and in the course of the asylum procedure, are promptly transferred to appropriate housing adapted to their needs.

GRETA notes that many possible cases of child trafficking go undetected or are qualified as commercial sexual exploitation of a child. GRETA urges the Swedish authorities to ensure more effective and timely identification of child victims of trafficking, including among children subjected to commercial sexual exploitation and unaccompanied and separated children, and to prevent violence or abuse at places of accommodation for unaccompanied asylum-seeking or irregular migrant children, including the homes for secure institutional care. The authorities should also review the age assessment procedure and guarantee access to specialised accommodation for child victims of trafficking throughout the country.

While welcoming the amendments to the Aliens Act allowing municipal social services to apply for a recovery and reflection period on behalf of victims of trafficking, the report notes that the number of victims who have been granted such a period remains low. GRETA considers that the authorities should take further measures to ensure that the recovery and reflection period is granted to all foreign victims of trafficking. Moreover, the 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.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings (“the Convention”) entered into force for Sweden on 1 May 2008. GRETA’s first evaluation report¹ on Sweden was published on 27 May 2014, and the second evaluation report² on 8 June 2018.

2. On the basis of GRETA’s second report, on 9 November 2018 the Committee of the Parties to the Convention adopted a recommendation to the Swedish authorities, requesting them to inform the Committee within a one-year period of measures taken to comply with the recommendation. The report submitted by the Swedish authorities was considered at the 26th meeting of the Committee of the Parties (12 June 2020), and was made public.³

3. On 17 December 2021, GRETA launched the third 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 19 April 2022, the date on which the authorities’ reply was received.

4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Swedish authorities,⁴ the above-mentioned report to the Committee of the Parties and information received from civil society. Further, an evaluation visit to Sweden took place from 24 to 28 October 2022 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Ms Julia Planitzer, Second Vice-President of GRETA;
- Ms Svala Ólafsdóttir, member of GRETA;
- Mr Yuriy Paltsev, Administrator in the Secretariat of the Convention;
- Ms Asja Zujo, Administrator in the Secretariat of the Convention.

5. During the visit, the GRETA delegation met with Ms Anna Ekstedt, Ambassador-at-large for Combating Trafficking in Persons, Ms Janna Davidsson, National Rapporteur on Trafficking in Human Beings, and Ms Elisabeth Dahlin, the Ombudsman for Children. Consultations were also held with the Swedish Gender Equality Agency, the Ministry of Justice, the National Courts Administration, the Prosecution Authority, the Police Authority, the National Board of Health and Welfare, the National Board of Institutional Care, the Work Environment Agency, the National Agency for Education, the Migration Agency, the Crime Victim Authority, the National Council for Crime Prevention, the Social Services (including the regional co-ordinators against prostitution and human trafficking), and the Inspection for Healthcare and Welfare. Furthermore, the delegation met the Office of the Parliamentary Ombudsman and the Committee on Justice of the Swedish Parliament.

6. In the course of the visit, the GRETA delegation visited two shelters for women and children victims of domestic violence in Stockholm (which can also accommodate victims of human trafficking), a home for children and youth, and a reception centre for asylum seekers operated by the Migration Agency in Stockholm. Further, GRETA visited the counselling centre Mikamottagningen in Gothenburg where persons who have been trafficked for sexual purposes can receive advice, support and assistance in planning their safe return.

¹ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168063c456>.

² <https://rm.coe.int/greta-2018-8-fgr-swe-en/16808b1cd7>.

³ <https://rm.coe.int/cp-2019-16-sweden/16809eb4da>.

⁴ <https://rm.coe.int/reply-from-sweden-to-the-questionnaire-for-the-evaluation-of-the-imple/1680a73d54>.

7. Separate meetings were held with representatives of non-governmental organisations (NGOs), lawyers representing victims of trafficking and trade union representatives. The GRETA delegation also met a representative of the Council of the Baltic Sea States (CBSS).
8. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.
9. GRETA wishes to place on record the co-operation provided by the Swedish authorities and in particular by the contact person appointed by them to liaise with GRETA, Ms Charlotte Eklund Rimsten, Deputy Director of the Division for Criminal Law at the Ministry of Justice.
10. The draft version of the present report was approved by GRETA at its 47th meeting (27-31 March 2023) and was submitted to the Swedish authorities for comments. The authorities' comments were received on 20 June 2023 and were taken into account by GRETA when adopting the final report at its 48th meeting (26-30 June 2023). The report covers the situation up to 30 June 2023; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and trends in the area of trafficking in human beings in Sweden

11. Sweden remains predominantly a country of destination for victims of trafficking in human beings (THB). The number of presumed and identified victims of THB has steadily increased. According to the statistics provided by the Swedish authorities, 262 victims were identified in 2018, 298 in 2019, 320 in 2020, 490 in 2021, and 375 in 2022.⁵ While the majority of identified adult victims were women, the number of male victims has increased each year (42 in 2018, 46 in 2019, 79 in 2020, 124 in 2021, and 116 in 2022)⁶. Children represented some 15% of the identified victims, specifically, 57 in 2018 (19 girls and 38 boys), 49 in 2019 (23 girls and 26 boys), 49 in 2020 (26 girls, 22 boys, and one unknown), 54 in 2021 (32 girls, 21 boys, one unknown),⁷ and 54 in 2022 (31 girls and 23 boys). The predominant form of exploitation was sexual exploitation (49%), followed by labour exploitation (21%), forced begging (11%), forced criminality, forced marriage, as well as multiple forms of exploitation. One third of the victims originated from EU countries (Romania, Bulgaria and Poland) and Nigeria, but victims from South America (Venezuela and Colombia), Asia (Vietnam, Thailand and Afghanistan), Morocco, Russia, Ukraine, and Albania were also recorded. Only 27 victims were from Sweden.⁸

12. According to a mapping assignment into the extent of prostitution and THB in Sweden completed by the Gender Equality Agency in October 2021, the Covid-19 pandemic has led to a greater number of persons involved in prostitution, and an increase in the vulnerability of such persons to exploitation. The increased use of technology and social media for the advertisement and sale of sexual services, as well as the recruitment of persons who provide such services (mostly foreign women) has also been noted. Further, increased exploitation of persons employed in massage parlours and beauty salons (mostly women from Thailand and Vietnam) and in the construction industry (mostly men from Eastern Europe) was also observed. The Swedish Migration Agency has reportedly identified presumed victims of THB among vulnerable asylum seekers, including unaccompanied children, but it is not clear if any of them have been identified as victims of THB by the police (see paragraphs 157 and 158). The Swedish authorities acknowledge the vulnerability to THB of persons fleeing the war in Ukraine, although no actual cases of THB have been identified so far (see paragraph 160).

III. Developments in the legal, institutional and policy framework for action against human trafficking

13. There have been several relevant legislative changes since GRETA's second report on Sweden. The criminal offence of "human exploitation" was introduced into the Swedish Criminal Code (CC) in 2018 (see paragraph 88).

14. Pursuant to amendments to the Aliens Act adopted on 1 August 2022, in addition to persons in charge of the preliminary investigation, representatives of municipal social welfare committees may also submit applications for the recovery and reflection period to be granted to presumed foreign victims of trafficking (see paragraphs 196).

⁵ By way of comparison, during the period covered by GRETA's second report, the number of presumed and identified victims of THB was 93 in 2014, 179 in 2015, 197 in 2016, and 214 in 2017.

⁶ The gender of two persons was "other" and the gender of 11 persons was unknown.

⁷ The age of 42 persons was unknown.

⁸ For a more detailed breakdown of presumed and identified victims, see the Swedish Authorities' Reply to the Third round questionnaire, pp. 34-40 (available at: <https://rm.coe.int/reply-from-sweden-to-the-questionnaire-for-the-evaluation-of-the-imple/1680a73d54>).

15. As noted in GRETA's second report,⁹ the Gender Equality Agency (GEA),¹⁰ based in Gothenburg, took over the function of National Co-ordinator against Prostitution and Trafficking from the County Administrative Board of Stockholm (CABS) on 1 January 2018. The GEA has designated eight staff members¹¹ to work on issues related to prostitution and THB, two of whom focus on THB for the purpose of labour exploitation. As part of its THB mandate, the GEA supports and co-ordinates other institutions and agencies with regard to the identification and assistance of victims of trafficking, supports the establishment of regional strategic networks, provides THB-related training to a wide range of actors, and serves as the national contact point for IOM in relation to the voluntary assisted return programme. In 2019, the GEA revised the manual of the National Referral Mechanism (NRM) (see paragraph 151). While the GEA aims to ensure co-ordination and uniformity on the national level, co-ordination of anti-trafficking action on the local level falls within the competence of regional co-ordinators against prostitution and human trafficking (see paragraph 154).

16. The National Task Force against Prostitution and THB (NMT), now led by the GEA, has been expanded since GRETA's second evaluation to include the Work Environment Authority, the Customs Authority, the Social Services and the Tax Authority, in addition to the Police Authority, the Prosecution Authority and the regional co-ordinators against prostitution and human trafficking. The Task Force offers operational support to government agencies, municipalities and NGOs through its hotline (020-390-000) and website.¹² It holds four meetings a year in order to exchange experiences and knowledge from the seven regions of Sweden. Following the outbreak of the war in Ukraine, a smaller task force was formed to address problems and risks faced by persons fleeing Ukraine (see paragraph 160).

17. The function of National Rapporteur on THB continues to be performed by an official of the Police Authority. At the time of GRETA's third evaluation visit, the position was occupied by Ms Janna Davidson who had recently been appointed. GRETA was informed that she will hold monthly meetings with regional co-ordinators and plans to meet with representatives of NGOs on a regular basis. The Swedish authorities have stressed that the placement of the National Rapporteur within the Police Authority allows for better access to relevant information and professionals involved in combating THB, both on the operational and the policy-making level, while maintaining the position's functional independence.¹³ **While welcoming the activities of the National Rapporteur, GRETA reiterates the importance of maintaining a structural separation between monitoring and executive functions, in accordance with Article 29 of the Convention, and invites the Swedish authorities to 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.**

18. The Ambassador-at-large for Combating Trafficking in Persons represents Sweden in the international arena and co-operates closely with international organisations and NGOs, as well as bilaterally with other states (e.g., France), to ensure that the fight against trafficking remains a priority. In April 2021, Ms Anna Ekstedt was appointed Ambassador-at-large for Combating Trafficking in Persons. She covers all forms of THB, with a particular focus on vulnerable children and addressing demand.

19. In its second report, GRETA considered that the Swedish authorities should adopt a comprehensive national action plan addressing all forms of THB, defining concrete activities and stakeholders responsible for their implementation, envisaging budgetary resources, and accompanied by a mechanism for monitoring the implementation of the activities. In 2018, the Swedish government adopted a National Action Plan against Prostitution and THB. The Action Plan covers eight areas, specifically: i) strengthened co-operation between relevant actors, ii) prevention, iii) detection of prostitution and trafficking in human beings, iv) legislative measures, v) protection and support of victims, vi) investigation and prosecution, vii) strengthened knowledge and methodology, and viii) increased international co-operation. The Action

⁹ GRETA's second report on Sweden, paragraphs 22, 30-32.

¹⁰ The Gender Equality Agency was established in 2018, under the Ministry of Employment.

¹¹ Out of a total of 120 staff, 30 of whom work in the department on men's violence against women.

¹² www.nmtsverige.se.

¹³ See the Report of the Swedish Authorities to the Committee of the Parties (November 2019), p. 17.

Plan outlines the role of the relevant actors and the measures to be undertaken within each area. GRETA notes that the Action Plan has no timeframe and does not set deadlines for the implementation of the envisaged activities. Furthermore, as far as GRETA understands, it is not envisaged to carry out an independent evaluation of its implementation. **In this context, GRETA stresses the importance of providing a specific timeframe for the completion of the activities in the Action Plan, as well as introducing an independent evaluation of the implementation of the National Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.**

20. The authorities also continued to apply the 10-year National Strategy to Prevent and Combat Men's Violence against Women, launched on 1 January 2017.¹⁴

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

21. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right to access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

22. The right to effective remedies is a reflection of the human rights-based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of THB, and effectively investigate trafficking offences.¹⁵

23. According to the Basic Principles on the Right to an Effective Remedy for Victims of Trafficking in Persons,¹⁶ the right to an effective remedy is considered to include restitution,¹⁷ compensation,¹⁸

¹⁴ While this strategy does not contain specific activities against trafficking, it refers to the need to engage men and boys in preventive work against violence against women, which includes prostitution and trafficking for sexual purposes. See GRETA's second evaluation report on Sweden, para. 36.

¹⁵ *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgment 30 March 2017.

¹⁶ UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, 28 July 2014, A/69/33797.

¹⁷ Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

¹⁸ Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, child care or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

rehabilitation,¹⁹ satisfaction²⁰ and guarantees of non-repetition.²¹ All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery, as well as social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime,²² and the Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime.²³

24. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to these entitlements. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

25. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.²⁴

26. Civil society, including NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.²⁵ In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons²⁶ and Justice at Last - European Action for Compensation of Victims of Crime,²⁷ which aim to enhance access to compensation for trafficked persons.

¹⁹ Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

²⁰ Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims or their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

²¹ Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

²² United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

²³ Council of Europe Committee of Ministers Recommendation CM/Rec(2023)2 on rights, services and support for victims of crime, available at: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680aa8263

²⁴ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8. Available at: http://icat.network/sites/default/files/publications/documents/Ebook%20ENG_0.pdf

²⁵ OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.

²⁶ <http://www.compactproject.org/>

²⁷ <http://lastradainternational.org/about-lsi/projects/justice-at-last>

27. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.²⁸ The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate victims' access to remedies for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.²⁹ States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

28. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

29. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to address their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

30. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.³⁰

31. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.³¹

²⁸ United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).

²⁹ UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

³⁰ See Explanatory Report on the Convention, paragraphs 160-162.

³¹ See 8th General Report on GRETA's activities, paragraphs 168-169.

32. In Sweden, the NRM manual (see paragraph 151) stresses the importance of providing information to presumed victims of trafficking at an early stage, as an important step in building trust and ensuring that victims feel comfortable and secure in their interaction with the authorities.³² The manual refers to the Decree on Preliminary Investigation, according to which presumed victims shall be provided with information on their right to obtain a temporary residence permit, the right to compensation and free legal assistance, as well as the right to a recovery and reflection period. Moreover, the police or prosecutor shall apply to the competent court to appoint a counsel for the injured party and no extended police interview shall be conducted until the counsel has been appointed. However, GRETA was informed that courts often appoint lawyers for injured parties only at a later stage of the proceedings (see paragraph 43) and police interviews with victims are conducted without the presence of a lawyer.

33. In 2018, the Police Authority translated into 14 languages an information booklet detailing the information police officers are required to provide to victims pursuant to the above-mentioned Decree. Another publication, also translated into 14 languages, contains contact details of local organisations and services that provide support and assistance to victims.

34. The NGO Victim Support Sweden (*Brottsofferjouren*),³³ which has more than 70 offices around the country and offers court-based witness support services in 55 courts, provides support to victims of crime in criminal proceedings. This includes informing the victims of their rights in the investigation and criminal proceedings (see also paragraph 105). Victim Support Sweden also manages the European Helpline for victims of crime (116006). Information is provided in over 25 languages by the staff and volunteers who work for the NGO. However, GRETA was informed that the staff of Victim Support Sweden have not received any THB-specific training.

35. Representatives of the Swedish Migration Agency (SMA) inform suspected foreign victims of THB of their right to protection and support, including the possibility of obtaining a work permit. SMA representatives also assist victims by contacting the regional co-ordinators against prostitution and THB, who provide other relevant information to the victims.

36. The Gender Equality Agency (GEA) has published a brochure to be handed out to victims of THB, containing information on access to medical services and other assistance provided by the authorities and NGOs and their contact details. The brochure is available in Swedish, English, Bulgarian, Romani, Romanian, Russian, Spanish, Thai, Ukrainian and Vietnamese³⁴ and has been distributed through the Swedish Migration Agency and the Regional Co-ordinators. The GEA has also produced a number of posters and leaflets aimed at persons fleeing the war in Ukraine (in Ukrainian, Russian, Swedish and English),³⁵ warning them of the risks related to trafficking in human beings, which have been distributed to the police and the SMA.

37. Pursuant to the Code of Judicial Procedure (Chapter 5, Section 6 and Chapter 23, Section 16), if a witness or any other person who shall be heard by the court or the police does not understand Swedish, an interpreter may be engaged. There is no requirement that the interpreter be certified. Nonetheless, GRETA understands that courts use certified interpreters whenever they are available for a specific language. The police representatives met by GRETA stated that they had established co-operation with a number of interpreters whom they usually contact, although the victim is free to choose another person to act as an interpreter. GRETA was further informed that although there is no requirement for interpreters to be sensitised to THB, certified interpreters are likely to be familiar with THB. Nevertheless, finding interpreters for certain languages, such as Romani and some West African languages, represents a challenge.

³² Swedish Gender Equality Agency, National Referral Mechanism: A support and protection process for victims of trafficking in human beings in Sweden (Second edition), pp. 39, 40 and 49.

³³ <https://www.brottsofferjouren.se/en/om-oss/>.

³⁴ <https://nspm.jamstalldohetsmyndigheten.se/stod-i-ditt-arbete/hjalp-och-stod-till-utsatta/broschyr-till-personer-utsatta-for-prostitution-eller-manniskohandel/>.

³⁵ <https://nspm.jamstalldohetsmyndigheten.se/stod-i-ditt-arbete/for-dig-som-moter-personer-pa-flykt/>.

38. **GRETA welcomes the steps taken by the Swedish authorities to ensure that presumed and identified victims of trafficking are provided with information concerning their rights and services available to them, in a language they can understand, and invites them to continue their efforts in this regard. Law enforcement officers and other authorities in contact with victims of trafficking should be systematically trained and instructed on how to properly explain to victims of THB their rights, taking into account the victims' age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disabilities which may affect their ability to understand the information provided. Similarly, staff working at asylum reception centres and detention centres should be trained and instructed on how to provide information, in a proactive manner, to persons and groups at risk of being trafficked.**

39. **GRETA also considers that the Swedish authorities should take additional steps to ensure the availability of interpreters for different languages spoken by victims of trafficking, as well as their sensitisation to the issue of human trafficking.**

3. Legal assistance and free legal aid (Article 15)

40. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedure is often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6, paragraph 3.c of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law³⁶ also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in a civil matter, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

41. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.³⁷

42. In Sweden various types of legal assistance are available in civil, criminal, and administrative cases. State-funded legal assistance in the form of legal advice (given by a lawyer or assistant lawyer at a fixed hourly rate for no more than two hours) or legal aid (available for those who have already received legal advice and need further assistance) is available under the 1996 Legal Aid Act.³⁸ It can be given to individuals whose annual income does not exceed SEK 260 000 (approximately EUR 24 500) and who have no insurance that covers legal assistance. It must also be considered reasonable for the state to contribute to the costs, given the nature and significance of the matter in question, the value of the subject-matter of the dispute, and other circumstances.³⁹

³⁶ *Airey v. Ireland*, no. 6289/73, 9 October 1979.

³⁷ See 8th General report on GRETA's activities, paragraph 167.

³⁸ See Legal Aid Act of 5 December 1996 (1996:1619) as amended in 2016 (SFS 2016:682), available at: https://e-justice.europa.eu/37129/EN/legal_aid?SWEDEN&init=true&member=1.

³⁹ For more explanations see GRETA's second evaluation report on Sweden, paragraph 162.

43. Furthermore, assistance by a counsel for an injured party⁴⁰ (*målsägandebiträde*) can be accessed under the 1988 Act on the Counsel for the Injured Party,⁴¹ regardless of the financial situation or immigration status of the injured party. The injured party's counsel is appointed by a court in certain types of cases listed in the Act (mainly crimes punishable by imprisonment, including THB), if "it is not obvious that the plaintiff has no need for such assistance", or if "it can be assumed that the plaintiff has a particularly strong need for such assistance". To benefit from such legal assistance a person should be considered by the investigating authorities as a victim and not a witness. The counsel assists the victim throughout the preliminary investigation and trial, as well as in the proceedings related to compensation for damages from the perpetrator. Pursuant to the Decree on Preliminary Investigation (see paragraph 32), the police or prosecutor shall apply to the competent court to appoint a counsel for the injured party and no extended police interview shall be conducted until the counsel has been appointed. Reportedly, there have been instances where such requests were filed belatedly, resulting in victims of THB being deprived of legal aid at the initial stage of the proceedings.

44. In addition, according to the 1999 Act on Special Representatives for Children,⁴² a state-funded special representative for children⁴³ (*särskild företrädare för barn*) should be assigned by a court to a child victim of an offence punishable by imprisonment at the request of the prosecutor in cases where the child's custodian is suspected of the crime against that child, or has a close relationship with a person suspected of committing an offence against the child. According to Section 1 of the Act, a special representative shall not be appointed if "with regard to the child, it is unnecessary or special reasons otherwise speak against it". In the latter case the child may benefit from assistance by a counsel for an injured party.⁴⁴ A special representative is usually a member of the Swedish Bar Association or a lawyer at a law firm. The mandate of the special representative for children covers legal assistance in the enforcement proceedings and claiming criminal injury compensation (see paragraph 67).

45. According to officials met by GRETA, Swedish courts usually appoint legal representatives or counsel in line with the victims' preferences in respect to the representative's gender, area of professional knowledge, knowledge of foreign languages, and experience. The requests are reportedly treated without delays, most often on the day of their submission.⁴⁵

46. In addition to state-funded legal assistance, presumed victims of THB can benefit from free legal assistance provided by NGOs and trade unions (including the Swedish Trade Union Centre for Undocumented Migrants⁴⁶). In particular, free legal assistance can be accessed through the National Support Programme (NSP), implemented by the Swedish Civil Society Platform against THB, an umbrella organisation of NGOs supporting victims of THB (see paragraph 166), subject to availability of funds and depending on the complexity of the case.⁴⁷

47. Where no state-funded legal aid for victims of THB is available, the assistance by NGOs is indispensable. Thus, the Salvation Army's Safe Havens provides legal assistance to victims of THB before a police report is filed. In addition, shelters provide basic legal advice to potential victims of THB, including guidance on the role of the state-appointed lawyer. NGOs and the Scandinavian Human Rights Lawyers assist victims of THB in claiming criminal injuries compensation from the state, and such legal assistance is indispensable due to the complexity of compensation proceedings.

⁴⁰ The Act on the Counsel for the Injured Party provides that "a lawyer, an assistant lawyer at a law firm or any other person who has passed the knowledge tests required for eligibility for judicial employment can be appointed as a counsel for an injured party". Moreover, "if the injured party has proposed someone who is competent, this person must be appointed unless there are special reasons against it" (see Section 4).

⁴¹ See Act on the Counsel for the Injured Party of 26 May 1988 (1988:609) as amended in 2018 (SFS 2018:535).

⁴² See Act on Special Representatives for Children of 2 December 1999 (1999:997) as amended in 2021 (SFS 2021:398).

⁴³ Under Swedish law, children are individuals under the age of 18 years old.

⁴⁴ <https://rb.gv/hldoi5>.

⁴⁵ <https://www.domstol.se/amnen/rattshjalp/behavior-du-rattshjalp/har-du-ratt-till-rattshjalp/>.

⁴⁶ <https://akademssr.se/english/undocumented-migrants>, see also paragraph 144 below.

⁴⁷ See GRETA's second evaluation [report](#) on Sweden, paragraph 163.

48. GRETA was informed that lawyers who represent victims of trafficking are not provided with THB-specific training, but lawyers who are appointed to represent injured parties usually have THB-related experience.

49. Recalling that access to legal aid is essential to guarantee effective access to justice for victims of THB, **GRETA considers that the Swedish authorities should take further steps to guarantee accessible and effective legal assistance for victims of THB, by ensuring that:**

- **legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of THB, before the person concerned has to decide whether or not to co-operate with the authorities and/or make a statement;**
- **victims of THB have unrestricted access to free legal assistance by a professional lawyer with specialised knowledge on THB cases in legal proceedings, including the enforcement proceedings and proceedings on state compensation;**
- **the Bar Association is encouraged to offer training on human trafficking to lawyers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer;**
- **NGOs which provide free legal assistance to victims of THB receive adequate funding.**

4. Psychological assistance (Article 12)

50. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking deal with the trauma they have been through, and to achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic intervention due to the violence they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy, conducted by an experienced clinician.⁴⁸ In the case of trafficked children, specialist child psychologists should be employed.

51. Access to psychological assistance for victims of trafficking in Sweden depends on their residence status (see paragraph 179). The health care provider would assess the need for psychological care in each individual case and refer the victim to a specialist as needed. The reception centre for migrants and asylum seekers in Stockholm visited by GRETA refers persons in need of psychological assistance to a psychiatric clinic. GRETA was informed that in 2023, the Government allocated SEK 1.6 billion (EUR 136 million) to strengthen the work of the municipalities and regions on the promotion of mental health and the development of accessible mental health care in general, and tasked the Public Health Agency, the National Board of Health and Welfare and 24 other authorities to develop a national strategy on mental health and suicide prevention by September 2023.

52. Counselling centres known as Mikamottagningen, which are part of municipal social services, operate in Stockholm, Gothenburg and several other cities. They offer individual therapy and counselling to persons who were selling sexual services, persons who have been damaged by sex, as well as victims of THB for the purpose of sexual exploitation. GRETA met with representatives of the Mikamottagningen centre in Gothenburg, which has five employees and supported 230 persons in 2021. Most of their clients are Swedish women and girls. Although the centre has provided support to some victims of THB, not many victims are referred to them because they need accommodation and residence permits and are usually referred to a shelter that also provides psychological support.

⁴⁸ See OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

53. Psychological support is included in the assistance provided to victims of trafficking by the Swedish Civil Society Platform. GRETA was informed that the shelters operated by the Salvation Army provide psychological support, as well as that the Salvation Army runs a centre in Stockholm which offers psychological assistance to undocumented persons.

54. GRETA considers that the Swedish authorities should take further steps to guarantee timely access of victims of trafficking to psychological assistance, regardless of their residence status, and ensure that it is provided for as long as their individual situation requires, in order to help them overcome their trauma and achieve a sustained recovery and social inclusion.

5. Access to work, vocational training and education (Article 12)

55. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, micro-businesses and social enterprises.⁴⁹ GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.⁵⁰

56. Victims of trafficking who have been granted a residence permit in Sweden (see paragraph 200) have access to education and the right to work. However, the short length of the residence permit and the lack of long-term support for victims of trafficking in Sweden (see paragraph 180) effectively limit their access to the labour market. THB victims who are in the asylum procedure have the right to work, but they also face practical difficulties in exercising this right due to uneven and insufficient support. According to the Swedish authorities, the Swedish Public Employment Service provides assistance to victims in accessing the labour market.

57. The Swedish Civil Society Platform provides Swedish language classes and vocational training to victims who are assisted through the National Support Programme (NSP). It also offers creative workshops to female victims of trafficking and their children, through co-operation with the Museum of Modern Art.⁵¹ The Platform has also partnered with ABIS, an organisation operating in Stockholm, Gothenburg, and Malmö, which provides jobs to vulnerable asylum seekers.⁵² Further, victims accommodated in shelters have access to educational and recreational activities (see paragraphs 174 and 175).

58. GRETA considers that the Swedish authorities should further strengthen effective access to, and/or reintegration of, the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking.

⁴⁹ Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

⁵⁰ See 8th General report on GRETA's activities, paragraph 183.

⁵¹ CBSS, Road map for integration of victims of human trafficking among migrants in Finland, Germany, and Sweden (2018), pp. 49-51.

⁵² *Ibid.*, p.44.

6. Compensation (Article 15)

59. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which, when compensation is not fully available from other sources, the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

60. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as being seen as a form of punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of their failure to meet their human rights obligations.

61. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. State parties should therefore consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

62. As explained in GRETA's previous reports on Sweden, victims of THB can seek compensation for pecuniary and non-pecuniary damages from the perpetrators and the state.⁵³ The compensation includes medical expenses, loss of income, as well as compensation for physical and mental suffering and violation of personal integrity. Compensation for physical and mental suffering is calculated in accordance with the rules and tariffs set out by the Swedish Road Traffic Injuries Commission (*trafikskadenämnden*).⁵⁴ Compensation for violation of personal integrity is calculated on the basis of the rules applied by the Swedish Crime Victim Authority (*brottsoffermyndigheten*).⁵⁵ Those rules were recently amended to provide higher compensation to victims of crimes committed after 1 July 2022.⁵⁶

⁵³ See GRETA's first evaluation report on Sweden, paragraphs 174-176 and GRETA's second evaluation [report](#) on Sweden, paragraphs 156-164.

⁵⁴ [Start TSN \(trafikskadenamnden.se\)](https://www.regeringen.se/artiklar/2022/06/nya-lagar-inom-justitiedepartementets-omraden-den-1-juli-2022/)

⁵⁵ [If you have been a victim of crime | Brottsoffermyndigheten](https://www.regeringen.se/artiklar/2022/06/nya-lagar-inom-justitiedepartementets-omraden-den-1-juli-2022/)

⁵⁶ <https://www.regeringen.se/artiklar/2022/06/nya-lagar-inom-justitiedepartementets-omraden-den-1-juli-2022/>, and <https://sweden.postsen.com/business/53192/The-Crime-Victims%E2%80%99-Authority-Double-the-compensation-for-violations.html>

63. The prosecutor may file a compensation claim against the perpetrator in criminal proceedings through “private claims in consequence of offences” or, if the prosecutor does not file such a claim, the injured party’s counsel can lodge a claim on behalf of the victim.⁵⁷ To secure the future payment of damages the court may apply interim measures freezing the assets of the alleged perpetrator until the judgment enters into force (see paragraph 83). According to Section 1a of Chapter 36 of the CC,⁵⁸ seized assets will not be confiscated by the state if there is a reason to assume that an obligation to pay damages for the injured party will be imposed as a result of the court proceedings. GRETA was informed that ensuring compensation for a THB victim from the seized assets is treated as a priority.

64. Compensation claims against the perpetrator may be disjoined from criminal proceedings (for example, if it is too complex for joint examination) or can be lodged with the court as an independent civil claim (including a claim for unpaid wages and social contributions under labour law). In the latter case the claim can be joined to the criminal case by the court if it considers it to be appropriate. During the examination of the claim the victim may receive free legal assistance by an injured party’s counsel. The mandate of the counsel ends after the delivery of the judgment on compensation and does not cover assistance to victims during the subsequent enforcement proceedings.

65. The final judgment awarding compensation from the perpetrator is sent by the court to the Swedish Enforcement Authority, which is responsible for investigating the financial situation of the perpetrator (search for “executable assets or income”) and obtaining the sum of the compensation award for its subsequent transfer to the victim. According to information provided by the authorities, victims of trafficking are not required to pay any fees in order to have the judgment enforced. During the evaluation visit GRETA was informed that in most THB cases the investigation into the financial status of the perpetrator takes about three months and usually ends up with a report stating that the perpetrator is unable to pay compensation.

66. GRETA was informed that no statistics are available regarding compensation from perpetrators awarded to victims of THB in criminal proceedings.

67. Victims of THB, regardless of their nationality and country of residence, may claim criminal injuries compensation (*brottsskadeersättning*) from the state for offences committed in Sweden pursuant to the 2014 Criminal Injuries Compensation Act. State compensation may be granted if the offender is unable to pay and there is no insurance to cover the injuries or it is not possible to identify the offender.⁵⁹ State compensation is also available if the perpetrator is unknown, but there must be an inquiry which confirms that a person claiming compensation was subjected to a criminal act. If the suspect has been identified, a conviction or a summary imposition of a fine is required in principle. The application for compensation must be submitted no later than three years after the court decision on compensation entered in force or after the day the preliminary investigation was discontinued. If no preliminary investigation was initiated, the victim must apply for compensation no later than three years after the crime was committed.

68. State compensation claims are examined by the Crime Victim Authority, in accordance with the applicable rules (see paragraph 62). 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 Authority and in brochures. The Authority has also developed child-friendly information, available in nine languages on a dedicated website.⁶⁰

⁵⁷ Swedish Code of Judicial Procedure of 1942 (SFS 1942:740), as amended in 1998 (SFS 1998:605).

⁵⁸ Swedish Criminal Code of 1962 (1962:700), as amended in 1999 (SFS 1999:36).

⁵⁹ See paragraphs 158 and following of GRETA’s second report.

⁶⁰ <https://www.jagvillveta.se/>

69. Lawyers met by GRETA stated that compensation proceedings are complex and can take up to two years. As a general rule, no state-funded legal assistance for claiming state compensation is available. The only possible exceptions are situations where "a reasonable cost for representation would claim a significant part of the compensation",⁶¹ which is normally not the case in THB cases, where compensation is significantly higher than the legal costs. The Crime Victim Authority may reimburse the victim for the expenses of legal assistance sought in order to claim state compensation, but this rarely happens.

70. State compensation is not subjected to taxation, except for compensation for loss of income. The compensation may, however, affect the entitlement of the victim of THB to social allowance. This matter is handled differently by the local social services in Sweden, which means that the entitlement to social allowance for THB victims who received state compensation depends on the victims' place of residence.

71. According to data provided by the Crime Victim Authority, six victims of THB were granted state compensation in 2019 (between EUR 5 000 and EUR 22 850 each); eight victims in 2020 (between EUR 3 000 and EUR 21 437 each); six victims in 2021 (between EUR 2 470 and EUR 15 000 each); and one victim in 2022, in the amount of EUR 20 000. This shows an increase in the number of awards compared to the previous reporting period.⁶²

72. To improve the capacity of prosecutors to assist THB victims in claiming compensation, the Swedish Prosecution Authority has issued guidelines on compensation. It also offers courses on the matter to prosecutors.⁶³ The Swedish Crime Victim Authority runs a Centre of Competence which organises seminars and training covering compensation for professionals within the criminal justice system, health-care and social services staff and NGOs.

73. While welcoming the increased number of state compensation awards to victims of THB, GRETA is concerned that many victims may be reluctant to claim state compensation due to the absence of free legal assistance and the length of the compensation proceedings. Further, while there have been cases where compensation was granted to victims in criminal proceedings (see paragraph 90), it would appear that the number of such cases is low. Moreover, the lack of effective enforcement of compensation awards against perpetrators of THB represents another problem for victims.

74. GRETA considers that the Swedish authorities should make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:

- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;**
- **improving the capacity of law enforcement officers to locate executable assets or income of offenders in THB cases;**
- **ensuring that victims of THB have effective access to free legal assistance by a lawyer in proceedings for state compensation as well as in enforcement proceedings;**
- **ensuring that the length of the proceedings to claim compensation from the perpetrator and the state is reasonable;**
- **encouraging the Swedish Judicial Training Academy to include training on THB and compensation in the training programmes for judges.**

⁶¹ See the [Reply](#) from Sweden to the Questionnaire for the evaluation of the implementation of the Convention, 19 April 2022, § 4.4.

⁶² Six awards in 2016, one award in 2017, no awards in 2018.

⁶³ See the [Reply](#) from Sweden to the Questionnaire for the evaluation of the implementation of the Convention, 19 April 2022 (§ 3.6).

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

75. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) of the Convention establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to pressure and threats in attempts to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations which aim at fighting trafficking in human beings or protection of human rights, the possibility to assist and/or support the victim with his or her consent during criminal proceedings concerning the offence of trafficking in human beings.

76. Article 23 requires Parties to match their action to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g., by so-called "civil" confiscation) of the instrumentalities and proceeds of human trafficking criminal offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. It requires as a prerequisite to detect, identify and seize the illegal assets at the time of the criminal investigations and to have adequate procedures to do so. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

77. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

78. There have been no changes to the criminal offence of trafficking in human beings contained in Chapter 4, Section 1a of the CC since GRETA's second evaluation. On the other hand, as mentioned in paragraph 13, a new Section 1b criminalising "human exploitation" was added in 2018. According to this provision, human exploitation is established in cases other than those described in Sections 1 (kidnapping) and 1a (trafficking in human beings) of Chapter 4 when a person "by unlawful coercion, deception or exploitation of another person's position of dependence, defencelessness or difficult situation, exploits another person in forced labour, labour under clearly unreasonable conditions or begging." What distinguishes the offence of "human exploitation" from the offence of THB is that there is no requirement to prove the element of "action" and the exploitation must take place in order for criminal liability to exist. The maximum punishment for "human exploitation" is four years' imprisonment. If the act is committed against a person under the age of 18, knowingly or out of negligence, the perpetrator will be held responsible even if none of the means enumerated above is present. Moreover, gross human exploitation, namely an aggravated form of the offence which has involved large-scale activities, resulted in considerable gain, or involved particularly ruthless exploitation of another person, carries the punishment of between two and 10 years' imprisonment.

79. There is still no provision under Swedish law criminalising the use of services of a victim of THB, with the knowledge that the person is a victim. As noted in GRETA's second report, the Swedish authorities rely on other provisions of the CC, such as that on the purchase of sexual services.⁶⁴ There is no information with regard to the number of persons who have been prosecuted in connection with the use of services of victims of trafficking. GRETA was informed of one case from 2020 in which the buyer of sexual services from a victim of trafficking was convicted of negligent rape, the first such case in Sweden. The victim was awarded state compensation. **GRETA once again 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.**

80. Some of GRETA's interlocutors were of the opinion that more emphasis is placed on the investigation of cases involving purchase of sexual services than investigating cases of THB for sexual exploitation. Law enforcement representatives maintained that such investigations often lead to the discovery of cases of THB. According to a study conducted by the National Council for Crime Prevention (Brå)⁶⁵, one fourth of the 300 cases concerning the purchase of sexual services which were analysed had a clear link to THB.

81. As noted in GRETA's second report,⁶⁶ a corporate fine, which does not constitute a criminal penalty *per se* but a supplement to individual criminal liability, 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 for a crime committed in the course of business activities (Section 7, Chapter 36 of the CC). A law which entered into force on 1 January 2020 increased the maximum amount for corporate fines to between 10 and 500 million SEK (approximately between 890 thousand and 44 million euros). The law also expanded the scope of application of corporate fines to cover public sector activities which 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. There is no data available with regard to the number of convictions of legal entities for THB.

82. There is a range of special investigative techniques that can be used in the investigation of criminal offences for which a certain minimum sentence is foreseen, which is the case for THB.⁶⁷ The use of certain special investigative techniques such as wire-tapping and covert surveillance must be authorised by the court, although a prosecutor can issue temporary permission for the use of these measures. According to the Swedish authorities, covert surveillance techniques such as secret interception of mobile phone communications are often used in THB cases. In one case involving THB for labour exploitation in which criminal proceedings are ongoing, the prosecution intends to use the recordings obtained through covert surveillance as evidence of criminal activity. GRETA welcomes the use of evidence obtained through special investigative techniques in the prosecution of THB cases.

⁶⁴ The provision of the CC concerning the purchase of sexual services was amended in 2022 to increase the prescribed minimum punishment from a fine to 14 days of imprisonment. See also GRETA's second evaluation report on Sweden, paras. 176-178.

⁶⁵ <https://bra.se/bra-in-english/home/publications/archive/publications/2022-05-16-purchase-of-sexual-services.html>.

⁶⁶ GRETA's second evaluation report on Sweden, paras. 179-181.

⁶⁷ *Ibid.*, para. 194.

83. Assets should be seized, as far as possible, during the preliminary investigation, to facilitate the enforcement of a decision on confiscation at a later stage of the proceedings. According to Chapter 36 of the CC, proceeds of criminal offences, including THB, shall be confiscated if this is not manifestly unreasonable.⁶⁸ Further, assets belonging to a person who has been convicted of an offence punishable by at least four years of imprisonment shall be confiscated if it is more probable than not that they constitute proceeds of criminal activities (extended confiscation). Extended confiscation is also possible in cases involving criminal offences punishable by at least two years of imprisonment, when the offence is committed as part of organised criminal activities. GRETA was informed that the Prosecution Development Centre has produced guidelines for prosecutors which cover, *inter alia*, ways to effectively seize proceeds of crime.

84. GRETA was informed that assets are as a rule seized in THB cases during the investigation. The prosecution team includes a specialised accountant and prosecutors also closely co-operate with the Asset Recovery Office. There is no data available with regard to the number of THB cases in which assets were confiscated during the reporting period, but prosecutors and police representatives met by GRETA gave several examples of such cases. In a case from 2019 involving some 30 Bulgarian nationals who were forced to beg in the south of Sweden, the authorities confiscated SEK 225 000 (EUR 20 000) from the perpetrators. Other assets including houses were confiscated by the authorities in Bulgaria, who co-operated with the Swedish authorities in the investigation. A case involving THB for sexual exploitation adjudicated in Malmö in 2021 resulted in the confiscation of SEK 800 000 (approximately EUR 71 870) from the perpetrators. GRETA was also informed that large amounts of money were confiscated from a Thai national who owned 13 massage parlours in the Gothenburg area in which women from Thailand provided sexual services to customers (the case was qualified as gross procurement).

85. In 2018, the Police Authority adopted an action plan against human trafficking which aims, *inter alia*, to increase the number of investigated and prosecuted cases. Anti-trafficking police units existed in five of the seven regions of Sweden at the time of GRETA's third evaluation visit (see paragraph 108). However, their capacity differs depending on the region and it is not uncommon for police resources dedicated to THB to be redirected towards the investigation of other serious crimes involving gun violence and drug offences. As a result, law enforcement authorities often are not able to take a proactive approach to the investigation of human trafficking cases.

86. According to information provided by the Swedish authorities, the number of investigations for THB offences was 193 in 2018 (80 for sexual exploitation, 25 for forced labour, 44 for forced begging, one for military service, and 43 for other purposes); 188 in 2019 (71 for sexual exploitation, 40 for forced labour, 13 for forced begging, one for organ removal, and 63 for other purposes); 189 in 2020 (89 for sexual exploitation, 28 for forced labour, 15 for forced begging, one for organ removal, and 56 for other purposes); 146 in 2021 (74 for sexual exploitation, 31 for forced labour, 12 for forced begging, one for forced military service, and 28 for other exploitative purposes), and 141 in 2022 (62 for sexual exploitation, 21 for forced labour, 7 for forced begging, one for forced military service, and 50 for other purposes). Prosecution for THB was initiated in a significantly lower number of cases, namely, 11 in 2018, 5 in 2019, 10 in 2020, 10 in 2021, and 5 in 2022. The number of persons convicted of THB was 15 in 2018 (13 men and 2 women), 2 in 2019 (both men), 7 in 2020 (4 men and 3 women), and one in 2021 (a woman). Fifteen persons were sentenced to imprisonment in 2018 (average duration 39 months), two in 2019 (average duration 37 months), six in 2020 (average duration 37 months), and one in 2021 (45 months). One person received a suspended sentence in 2020.

⁶⁸ Confiscation also applies to property received by a person as payment of costs in connection with an offence, or equivalent value, if the receipt itself constitutes an offence under the CC.

87. According to a 2020 report on labour exploitation in Sweden,⁶⁹ there have only been four prosecutions in cases involving THB for the purpose of labour exploitation in the period 2004-2020, of which three resulted in acquittals. GRETA was informed that none of those cases was prosecuted after 2012, despite the fact that 209 police complaints for THB for forced labour were filed in the period 2013-2019, according to the same report. One of the reported reasons for the low number of prosecutions for THB for the purpose of labour exploitation is the fact that courts appear to require the prosecution to prove coercion in order to establish intent to exploit the victim.

88. As mentioned in paragraph 78, the criminal offence of "human exploitation" was introduced in the CC (Chapter 4, Section 1b) in 2018 to ensure accountability for instances of labour exploitation which do not fall within the definition of THB. According to information provided by the authorities, 156 cases of human exploitation have been investigated since 2018, 102 investigations were closed, 41 are still ongoing, and 13 cases have led to prosecution. The main challenge noted by GRETA's interlocutors is that courts interpret "clearly unreasonable conditions" as requiring the presence of coercion. This was reportedly decided in a case adjudicated at the beginning of 2022. A number of appeals are currently pending in the Court of Appeal in cases involving, *inter alia*, exploitation in beauty parlours and exploitation of *au pairs*.

89. GRETA was informed that it is not uncommon for possible cases of THB to be qualified as other offences (procurement,⁷⁰ gross procurement,⁷¹ human exploitation or gross human exploitation), either due to a lack of evidence or to the fact that the latter offences are easier to prove. Indictments can include alternative charges. As mentioned in paragraph 110, whether a prosecutor specialised in THB will be involved in a case depends on the initial qualification of the offence. Thus, cases qualified as human exploitation, which might have elements of THB, may be assigned to regional prosecutors who have not received training in THB.

90. By way of example, GRETA was provided with the following judgment which involved convictions for THB.

Judgment of the Court of Appeal for Western Sweden dated 6 September 2021

File number: B 4422-21

- **Victim:** Female, Romanian citizen

- **Defendants:** Three defendants (two men and one woman), Romanian citizens

- **Charges:**

The prosecution charged all three defendants with the following criminal offences, in the alternative: trafficking in human beings (Chapter 4, Section 1a), gross procurement (Chapter 6, Section 12, paragraph 3), and procurement (Chapter 6, Section 12, paragraph 1 of the CC).

- **Facts of the case:** After having established contact with the third defendant over the internet and begun a relationship with him, the victim travelled with him and the other two defendants (husband and wife) from Romania to Sweden, where she was forced to engage in prostitution on at least 10 occasions in the period 1 March - 11 April 2021. Before they left Romania, the three defendants took pictures of the victim and created an ad for the sale of sexual services under her name. The victim believed that she would do cleaning work in Sweden and she only fully realized that she was expected to provide sexual services after their arrival in the country. The first and third defendant drove the victim to appointments with men to whom she provided sexual services. She was not allowed to keep any of her earnings (estimated to be SEK 15 000 - 20 000/EUR 1 360 – 1 800). The third defendant was physically violent towards the victim and when she expressed her wish to go back home, the three defendants used implied threats and demanded that she compensate them for the expenses they had incurred.

- **First instance judgment:** The Gothenburg District Court convicted the three defendants of procurement (Chapter 6, Section 12, paragraph 1 of the CC), while the third defendant was also convicted of assault (Chapter 3, Section 5

⁶⁹ Johansson M., "Människohandel och människoexploatering på den svenska arbetsmarknaden," CBSS, 2020, English Summary, p.2.

⁷⁰ "A person who promotes or, in an improper manner, financially exploits another person's engagement in casual sexual relations in return for payment is guilty of *procuring* and is sentenced to imprisonment for at most four years."

⁷¹ "If an offence referred to in the first or second paragraph is considered gross, the person is guilty of gross procuring and is sentenced to imprisonment for at least two and at most ten years. When assessing whether the offence is gross, particular consideration is given to whether the offence concerned large-scale activities, brought considerable gain or involved ruthless exploitation of another person."

of the CC). The first and second defendant were sentenced to one year of imprisonment, while the third defendant received the sentence of six months' imprisonment.

Court of Appeal for Western Sweden decision: Upon appeal of the prosecutor, the Court of Appeal amended the judgment of the Gothenburg District Court in the part related to the legal qualification of the offence, convicting the three defendants of trafficking in human beings instead of procurement. The third defendant was also sentenced for assault. The court found that the three defendants, taking advantage of the victim's vulnerable position and the limited options available to her, recruited, transported and harboured her in Sweden for the purpose of sexual exploitation. The Court of Appeal also amended the first instance court's decision on compensation (see below).

- **Sentences:** The first and second defendant were sentenced to two years' imprisonment, while the third defendant was sentenced to 11 months' imprisonment.

- **First instance court:** Gothenburg District Court (Judgment of 28 June 2021)

- **Compensation:** The Court of Appeal granted the victim's compensation claim and ordered the third defendant to pay the victim SEK 115 000 (EUR 10 420), while SEK 75 000 (EUR 6 800) is to be paid by the first and second defendant jointly and severally.

Good practices:

- the victim was represented by a counsel for the injured party;

- the victim was awarded compensation from the perpetrator in the criminal proceedings.

91. Reference can be made to another case which concerned the recruitment of six persons in Poland to commit thefts in Sweden. In a judgment dated 1 March 2021, the Court of Appeal for Western Sweden rejected the charge of THB and aiding and abetting THB against three defendants and convicted two defendants of several counts of aggravated theft and another of receiving stolen goods. While the court found that the defendants recruited the suspected victims as alleged by the prosecution, it did not find proven that the defendants used improper means, in the form of deception, in the recruitment of these persons.

92. GRETA remains concerned by the low number of prosecutions and convictions in THB cases in Sweden, and in particular the near absence of convictions for THB for the purpose of labour exploitation.

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 human trafficking offences for different forms of exploitation are proactively and promptly investigated, and continuing to make use of special investigation techniques in order to gather material, documentary, financial and digital evidence, so that there is less reliance on testimony by victims or witnesses;**
- **ensuring that human trafficking offences are classified as such every time the circumstances of a case allow it, and that cases of trafficking for the purpose of labour exploitation are not qualified as "human exploitation", by taking into account all of the different means applicable, which are part of the international definition of human trafficking, including the concept of "abuse of a position of vulnerability";**
- **allocating sufficient human and financial resources to the police and the prosecution services in order to be able to conduct proactive and effective investigations in trafficking cases and to prioritise cases of human trafficking and human exploitation;**
- **ensuring that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible;**
- **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.**

8. Non-punishment provision (Article 26)

93. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the state's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the state's obligation to investigate and prosecute those responsible for THB.⁷² Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

94. There is still no specific provision in Swedish law on the non-punishment of victims of THB for unlawful activities they were compelled to commit.⁷³ The authorities rely on general criminal law provisions on waiver of prosecution or exemption from prosecution on the grounds of necessary defence and state of necessity.⁷⁴ Chapter 20, Section 7, of the Code of Judicial Procedure (CJP) allows for waiver of prosecution in a number of situations, including when it may be presumed that the offence would not result in a sanction other than a fine or when special circumstances exist in view of which no sanction is required to prevent the suspect from engaging in further criminal activity ("extraordinary cases"), provided that no compelling public or private interest is disregarded. A preliminary investigation against a young offender will not be initiated or may be discontinued in cases where it can be presumed that waiver of prosecution would apply (Chapter 23, Section 4a, of the CJP).

95. GRETA was informed that the Prosecutor General had issued several guidelines concerning the application of the rules on waiver of prosecution and limitations on preliminary investigation. The most recent guidelines, issued in September 2021, concern specifically victims of THB and provide that an "extraordinary case" warranting a decision to waive prosecution or limit the preliminary investigation may exist when a victim of trafficking felt compelled to commit less serious crimes (*mindre allvarliga brott*). A reference is made to Article 26 of the Convention. According to the police and prosecution representatives with whom GRETA met, there have not yet been any cases in which the new guidelines have been applied. The non-punishment principle is also highlighted in the advanced training for investigators within the Police Authority, as well as in the advanced courses for investigators at the Police Academy.

96. NGO representatives with whom GRETA met stated that presumed victims of THB for the purpose of forced criminality, including children, risk being deported or convicted, despite evidence that they may have been victims of THB. GRETA was provided with the example of a young man from Morocco who had been recognised as a victim of trafficking in Denmark while he was a minor but was later convicted of a robbery he was forced to commit by a criminal network in Sweden.

97. While welcoming the adoption of the Prosecutor General's guidelines on the non-punishment of victims of trafficking, GRETA is concerned by the limited scope of the guidelines as well as the fact that the non-punishment principle does not appear to be consistently applied in practice. GRETA therefore urges the Swedish authorities to take further steps to ensure full compliance with Article 26 of the Convention, including by:

- **bringing the guidelines issued by the Prosecutor General fully in line with Article 26 of the Convention by clarifying that the non-punishment provision is capable of being applied to all offences that victims of trafficking were compelled to commit;⁷⁵**

⁷² See 2nd General Report on GRETA's activities, paragraph 58.

⁷³ GRETA's second report on Sweden, para. 183.

⁷⁴ Pursuant to chapter 24, Section 4 of the Criminal Code (CC), the necessity requirement is met when danger threatens life, health, property or some other important interest protected by law.

⁷⁵ See also the Report of the Special Rapporteur on trafficking in persons, especially women and children on the implementation of the non-punishment principle, UN SR (A/HRC/47/34), which provides in paragraph 57 that states are obliged to ensure that the non-punishment principle is applied to "any unlawful activity carried out by a trafficked person as a direct consequence of their trafficking situation, regardless of the gravity or seriousness of the offence committed."

- **ensuring that victims of THB are promptly identified as such, in any event before being convicted of offences they were compelled to commit;**
- **encouraging prosecutors to be proactive in establishing whether an accused person is a potential victim of trafficking, and to consider that, having been trafficked, the culpability of the victim may be diminished, or even removed entirely;**
- **ensuring that all negative consequences faced by victims of THB, such as any form of detention, entry bans or delays in seeking legal residence in Sweden, are lifted for presumed victims of THB.**

98. **GRETA also considers that the adoption of an explicit non-punishment provision, along with training about the non-punishment principle for police, prosecutors and judges, would facilitate the effective implementation of Article 26 of the Convention.**

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

99. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change...) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

100. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Rights and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

101. Victims of trafficking who appear as injured parties and/or witnesses in criminal proceedings are entitled to protective measures under Swedish legislation. Pursuant to Chapter 5, Section 1, of the CJP and the Act on Public Access to Information and Secrecy, hearings may be closed to the public and the court may impose a duty of confidentiality on all those who are present at the hearing. Under the latter law, personal and financial information concerning the injured party in THB cases may be kept secret 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.

102. Under Chapter 5, Section 10, of the CJP, the injured party may testify without the defendant being present in the courtroom or from an undisclosed location through a video-link, if this is deemed necessary by the presiding judge. Further, recent amendments to the CJP have increased the possibility to use video recordings of initial police interviews with victims (recorded through a body camera) as evidence in criminal proceedings. Victims who wish to return to their country of origin before the trial begins may be interviewed in the presence of the defence counsel and the recording of the interview can be used in subsequent criminal proceedings.

103. The NRM Manual specifies that the police shall conduct an individual risk assessment for a victim of trafficking as soon as possible, in order to establish the need for special protective measures during the preliminary investigation and the trial. Victims who are under the age of 18 are always considered as needing special protective measures. The risk assessment is reviewed as needed, including after the completion of the trial. The victim shall be notified in case the defendant has been released from prison.⁷⁶ GRETA was informed that prosecutors apply specific guidelines in cases where victims are persons with 'invisible' disabilities and children (see paragraph 126).

104. GRETA was informed that the authorities do not collect information regarding the number of THB victims who had been granted protective measures in criminal proceedings.

105. Injured parties/witnesses are entitled to be assisted by a support person (social worker, psychologist, NGO representative or another person of their choice) throughout the criminal proceedings. Victim Support Sweden (*Brottsofferjouren*), an NGO financed mostly from the Crime Victim Fund,⁷⁷ provides support in 25 languages to victims of crime, witnesses and their family members in 55 courts across Sweden. The assistance provided consists of emotional support, practical help (e.g., submission of forms), information on the investigation and legal proceedings, and help with submitting applications for compensation (see also paragraph 34).

106. **GRETA considers that the Swedish authorities should make full use of all available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation, as well as during and after court proceedings.**

10. Specialised authorities and co-ordinating bodies (Article 29)

107. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, be composed of both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

108. As noted in paragraph 85, specialised anti-trafficking police units existed in five of the seven regions in Sweden at the time of GRETA's visit (at the time of the second evaluation by GRETA, such units existed in six regions). GRETA was informed that the anti-trafficking unit in Stockholm has between 30 and 40 members, including surveillance officers, investigators and analysts, but they do not work only on trafficking cases. The Gothenburg unit had six members and received information about potential THB cases from a separate police intelligence unit. However, GRETA learned that this unit has been disbanded and that it is not known whether a new unit will be established. The anti-trafficking unit in Malmö was reorganised around the time of the visit and the team was included in a larger unit on organised crime. According to the authorities, this reorganisation was due to the fact that THB cases in Sweden are usually

⁷⁶ NRM Manual (2019), pp. 40, 41, and 71.

⁷⁷ The Crime Victim Fund receives fees paid by individuals convicted of crimes that carry a punishment more severe than a fine. The fund uses these fees for activities that benefit crime victims. As of 1 February 2023, the fee increased from SEK 800 to SEK 1 000.

connected to organised crime. GRETA was informed that there was a considerable turnover of staff and members of the anti-trafficking units were often assigned to investigate other serious criminal offences.

109. All members of the police have access to interactive training on the intranet page of the Police Authority, concerning prevention, detection and investigation of THB. Since 2017, the training includes a module on trafficking in children with a focus on sexual exploitation. Police investigators also have access to a two-week advanced course on THB run by the Swedish National Police Training Programme in co-operation with Uppsala University once or twice a year. The Border Police uses a tailor-made handbook on THB, and it has been provided with training based on materials developed by the Division of Police Development, the Intelligence Unit of the National Operations Department (NOA) and the National Rapporteur.

110. The National Unit against Organised Crime within the Prosecution Authority has 18 prosecutors specialised in THB in Stockholm, Gothenburg and Malmö, who handle all preliminary investigations which concern THB. This represents an increase compared to the 10 specialised prosecutors who had competence over THB cases during GRETA's second evaluation.⁷⁸ The specialised prosecutors, one of whom has been appointed as a national expert on THB, have access to a common digital platform with information related to THB. They meet four times a year to discuss good practices, new legislation, and judgments. The Swedish authorities also indicated that a two-day seminar for prosecutors specialised in THB, to be held in September 2023, will focus on labour exploitation. Moreover, the Prosecution Development Centre plans to produce a manual/legal guidance in order to improve the knowledge of THB and human exploitation among prosecutors. Prosecutors specialised in THB also have competence over cases involving the criminal offence of human exploitation which have an international element. However, all other human exploitation cases are handled by regional prosecutors. In the spring of 2021, the Prosecution Authority established a network of eight regional prosecutors to serve as contact prosecutors for cases of human exploitation. They have been provided with training on THB by the national expert on THB and have access to an intranet page with comprehensive information on human exploitation. Nonetheless, GRETA was informed that the eight prosecutors have not had any human exploitation cases since the network was established, and that these cases are instead assigned to non-specialised prosecutors in regional offices. GRETA is of the view that all cases of human exploitation should be prosecuted by the National Unit against Organised Crime, since this unit possesses greater expertise to handle such cases.

111. Swedish judges do not specialise in a specific area of law. Associate judges⁷⁹ undergo a nine-week training programme which focuses on procedural issues as well as some general aspects of criminal law and international and EU law. Appointed judges can also take part in the training organised by the Judicial Academy, on a voluntary basis. While most of the courses concern general aspects of criminal law (e.g., sentencing), the Judicial Academy periodically organises seminars on specific topics such as sexual crimes, drug offences, and cybercrime. However, there have been no seminars on the topic of THB.

112. While welcoming the increased number of prosecutors specialised in trafficking in human beings and the existence of anti-trafficking units in the police, GRETA is concerned by the fact that two of those units were reorganised/disbanded following GRETA's third evaluation visit. GRETA considers that the Swedish authorities should ensure that this does not have a negative impact on the specialisation and capacity of the police to deal with THB cases.

⁷⁸ See GRETA's second evaluation report, para. 189.

⁷⁹ Judges who have completed a four-year programme to become a judge. Although this is the usual path to become a judge, GRETA was informed that legal experts such as law professors can also become judges without having to complete the four-year programme.

113. **Further, GRETA considers that the authorities should encourage the Swedish Judicial Training Academy to strengthen the provision of training on THB to judges, and ensure that training on THB is regularly provided to relevant professional groups, including law enforcement officials and prosecutors (see also paragraph 92).**

114. **GRETA also considers that the Swedish authorities should ensure that the investigation of all possible cases of trafficking in human beings, including those that may initially be qualified as human exploitation, is handled by prosecutors with knowledge of THB.**

11. International co-operation (Article 32)

115. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between State Parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to provide extensive co-operation to one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the provisions of the Convention neither cancel nor replace the provisions of relevant international or regional instruments⁸⁰ on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

116. The Swedish authorities co-operate with the authorities of other countries in accordance with applicable bilateral and multilateral agreements, including the European Convention on Mutual Assistance in Criminal Matters. Co-operation with other member states of the EU is established on the basis of the EU Directive on the European Investigation Order. Pursuant to the Act on International Legal Assistance in Criminal Matters (2000:562), the competent authorities can provide assistance even in cases where Sweden does not have an agreement on mutual legal assistance with the requesting state. The Swedish Police Authority serves as Sweden's contact point for international co-operation under the Council of Europe Convention on Cybercrime (Budapest Convention).

117. GRETA was informed that most THB cases require international co-operation, usually with other EU countries. The decision to seek international legal assistance is made by the prosecutor and it may either be established in direct communication with the competent authorities of the other country or through the assistance of the Division for International Co-operation and Legal Aid of the Ministry of Justice, depending on the case. The Ministry of Justice also processes requests for mutual legal assistance from Swedish and foreign courts. In the period 2018-2022, the Division for International Co-operation and Legal Aid, which has four desk officers, most of whom are prosecutors, has processed 29 requests in THB cases (one in 2018, five in 2019, eight in 2020, eight in 2021, and seven in 2022). The police and prosecution representatives informed GRETA that they had very good co-operation in THB cases with most EU states, as well as certain non-EU countries such as Norway, Nicaragua, the Philippines, Canada and the United States. GRETA was informed that the Swedish law enforcement authorities participate in the EMPACT (European Multidisciplinary Platform Against Criminal Threats) Operational Action Plan on THB, specifically in actions concerning co-operation with non-EU countries such as Nigeria, Vietnam and the South-Eastern Partnership Countries (specifically Ukraine and the Republic of Moldova).

⁸⁰ For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

118. The Swedish authorities also participate in Joint Investigation Teams (JITs), which are co-ordinated and supported by Eurojust. By way of example, in 2017 and 2018 the Swedish authorities co-operated with the authorities in Bulgaria ('Operation Våxjö') on the investigation of a case involving some 30 Bulgarian citizens who had been forced to beg in the south of Sweden. The investigation resulted in the confiscation of significant amounts of assets both in Sweden and in Bulgaria (see paragraph 84).

119. The Swedish International Development Agency (SIDA) provides funding for projects related to THB and includes anti-THB measures in some of its activities. Sweden is also one of the core funders of several UN agencies, including the UNODC, UNICEF, UNFPA and UN Women, and has provided 13 million SEK (around one million euros) to the UN Trust Fund for Victims of THB. Moreover, Sweden has stressed the importance of incorporating the prevention of THB in humanitarian responses, most recently in the context of the war in Ukraine. To this end, it has provided funding of 770 million SEK (around 6 million euros), with 10 million designated for support to the IOM. GRETA was also informed that the Swedish authorities would participate in the Working Group on THB which was established by the Council of Nordic Ministers at the end of 2022.

120. GRETA welcomes the Swedish authorities' participation in multilateral and bilateral international co-operation against THB, as well as Sweden's contribution to international co-operation through the work of the Ambassador-at-large for Combating Trafficking in Persons (see paragraph 18) and support for international organisations, and invites them to continue their efforts in this regard.

12. Cross-cutting issues

a. gender-sensitive criminal, civil, labour and administrative proceedings

121. As noted in CEDAW General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.⁸¹ The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.⁸² GRETA notes that in the case of trafficking in human beings, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or child care.⁸³ Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".⁸⁴

⁸¹ CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/33&Lang=en

⁸² Council of Europe Gender Equality Strategy 2018-2023, pp.24-26, <https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1>

⁸³ Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at <https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5>

⁸⁴ Available at: <https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e>

122. As noted in paragraph 15, anti-trafficking action in Sweden is co-ordinated by the Gender Equality Agency. In its 2019 Baseline Evaluation Report on Sweden,⁸⁵ GREVIO welcomed the wide-ranging efforts at mainstreaming gender into all policy areas, as well as the fact that gender impact assessments and gender equality analyses are routinely carried out.

123. GRETA was provided with the example of the Swedish Migration Agency (SMA), which has developed an internal action plan for equal treatment, as well as a plan for gender mainstreaming (2022-2025). The SMA takes into account the personal circumstances of each presumed victim of THB, and female victims may request to be interviewed by female case officers, or to be assisted by female lawyers and interpreters.

b. child-sensitive procedures for obtaining access to justice and remedies

124. As noted in GRETA's second evaluation report,⁸⁶ all interviews with child victims of crime during the investigation should be conducted in a special children's house (*Barnahus*) by specially trained police officers, in the presence of a representative of the social services. The prosecutor follows the interview through a video link, while the defence counsel is also present and can ask questions through the police officer conducting the interview. Interviews are video recorded, and the recording is used during the trial *in lieu* of the child's testimony in court. The child may be appointed a counsel for the injured party or a special representative. However, GRETA was informed that, in practice, not all presumed child victims of trafficking are interviewed in a *Barnahus*.

125. Police officers working with child victims of crime are required to undergo extensive training before they can conduct interviews with children. Interviews are conducted in two phases, the first phase serves to establish a rapport with the child, while the second phase focuses on concrete questions regarding the alleged criminal offence. Nonetheless, it has been reported that presumed child victims of trafficking often come in contact with police officers who have not undergone training on the interviewing of child victims of crime, and who lack a sufficient understanding of the crime of trafficking.⁸⁷

126. GRETA was informed that the Prosecution Authority has adopted guidelines on the investigation of crimes against children and on interviews with children and adults with "invisible" disabilities, which are applied in case of child victims of THB. The Prosecution Authority has also developed internal courses on these topics. According to information provided by the authorities, there is no requirement for prosecutors working on cases involving child victims of trafficking to complete these courses.

127. GRETA notes the concern expressed by the UN Committee on the Rights of the Child (CRC) with regard to the lack of specialised courts or appropriately trained judges for children, and the CRC's recommendation that the Swedish authorities provide specialised judges and prosecutors with appropriate training on child justice principles and procedures.⁸⁸

c. role of businesses

128. The Swedish government has taken a number of steps to implement the UN Guiding Principles on Business and Human Rights (UNGPs), beginning with the adoption of the National Action Plan for Business and Human Rights in 2015. Under this Action Plan, companies are expected to produce guidelines for employees on how to report unacceptable working conditions and to establish a procedure for compensation of employees for the harm suffered. Other measures included an increased focus on human rights in the steering of state-owned companies and the adoption of new legislation on sustainability reporting for major companies. Business and human rights is also part of the Swedish Trade and Investment Strategy and the Platform for International Sustainable Business, launched in 2019.

⁸⁵ <https://rm.coe.int/grevio-inf-2018-15-eng-final/168091e686>

⁸⁶ GRETA's second evaluation report on Sweden, para. 203.

⁸⁷ Scandinavian Human Rights Lawyers, "Human Trafficking – A child justice perspective" (2022), p. 23.

⁸⁸ CRC, concluding observations on the combined sixth and seventh periodic reports on Sweden, paras. 44 and 45.

129. The government has instructed the Swedish Agency for International Development (SIDA) to comply with the UNGPs, the OECD Guidelines for Multinational Companies and the UN Global Compact. In accordance with the government's instructions, the government-owned company Svensk Exportkredit (SEK) is obliged to promote compliance with international guidelines on sustainable business with respect to the environment, anti-corruption measures, human rights, working conditions and business ethics. Suspected breaches of the OECD Guidelines can be reported to the National Contact Point, which is a three-party collaboration between the state, industry organisations and trade unions, chaired by the Ministry of Foreign Affairs.

130. Sweden has had an Ambassador for Sustainable Business (within the Ministry of Foreign Affairs) since 2002, who advocates for a sound corporate social responsibility policy in countries where Swedish companies have partners and suppliers, and has regular exchanges with the private sector, civil society organisations, as well as the reference group for sustainable business established in 2020. Further, the Ministry of Foreign Affairs has launched an online course on corporate social responsibility for all Swedish embassies.⁸⁹

131. GRETA was informed that under the Public Procurement Act (Chapter 13, Section 1), contracting authorities are required to exclude from public procurement procedures economic operators who have been found guilty, by a final judgment, of trafficking in human beings. The Swedish Government has appointed an inquiry to propose an effective system for the verification of the grounds of exclusion. The proposal is supposed to be submitted by the end of August 2023.

132. GRETA welcomes the above-mentioned legislation and policies, and invites the Swedish authorities to ensure their consistent application in practice, as well as to further engage with the private sector with a view to raising awareness of the important role and responsibility of businesses in preventing and combating human trafficking and labour exploitation in their supply chains, and to enable scrutiny of their performance in this regard.

d. measures to prevent and detect corruption

133. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). Its country reports are relevant in addressing structural shortcomings in preventing corruption, including potentially in a THB context.

134. In its fifth evaluation round report on Sweden,⁹⁰ GRECO noted that the Police Authority has a number of tools and guidelines to prevent risk, including corruption, and recommended that they be consolidated into one code of conduct, complemented by practical implementation measures. GRECO further recommended to enhance communication and action around complaints received against police employees, as an essential tool for upholding citizens' trust, and to provide dedicated guidance and training on whistleblower protection for all staff of the Police Authority.

⁸⁹ For more detailed information regarding the relevant initiatives, see the Swedish authorities' Reply to the third-round questionnaire, pp. 23-25.

⁹⁰ GRECO, Fifth Evaluation Report: Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, p.4.

135. The National Anti-Corruption Unit (NACPU) within the Police Authority, which consists of police officers and other civil servants specialised in the investigation of corruption, investigates alleged cases of bribery and other corruption-related crimes in the police force. NACPU closely collaborates with the Swedish Financial Intelligence Unit and the National IT Crime Centre. The National Anti-Corruption Unit within the Prosecution Authority investigates cases of suspected bribery and related offences by prosecutors.

136. There is no data available on known or proven cases of corruption or misconduct of public officials in THB cases.

V. Follow-up topics specific to Sweden

1. Measures to prevent and combat trafficking for the purpose of labour exploitation

137. In the years following GRETA's second evaluation, the Swedish authorities have placed increased emphasis on the prevention and combating of trafficking for the purpose of labour exploitation, with a focus on inter-agency co-operation. In 2018, the Gender Equality Agency (GEA), the Work Environment Authority (WEA) and seven other government agencies⁹¹ were mandated by the Swedish Government to develop methods to jointly address THB for the purpose of labour exploitation, including the preparation of two public information campaigns. GRETA was informed that these campaigns, one of which will be aimed at the general public and the other at migrant workers, will be launched in the course of 2023.

138. A 2020 report of the National Audit Office identified shortcomings in the Swedish Government's response to THB for labour exploitation and human exploitation. A government inquiry on labour immigration concluded in 2021 found a discrepancy between employment contracts and other documentation on the basis of which work permits are issued to foreign workers, and the conditions under which those workers are actually employed in Sweden. The inquiry recommended, *inter alia*, establishing better co-operation between the relevant agencies, including through multi-agency inspections, and amending the Aliens Act to preclude the issuance of work permits in cases where an employer was previously convicted of THB or human exploitation. As part of the government's efforts to address these issues, the Delegation against Work-Related Crime was set up in September 2021 and tasked with estimating the extent of labour exploitation, tax evasion and welfare fraud, and proposing measures to the government aimed at combating these phenomena. The inquiry recommended legislative amendments, namely to introduce a criminal offence of exploitation of foreign workers in manifestly unreasonable conditions,⁹² punishable by imprisonment, in order to cover cases which cannot be qualified as either THB or human exploitation, and to ensure that victims of this offence are entitled to compensation.⁹³ The inquiry also proposed to criminalise offering, employing or assisting a foreigner to apply for a work permit in exchange for remuneration that is manifestly disproportionate to the service provided.⁹⁴ **GRETA would like to be kept informed about further developments related to the legislative changes recommended by the inquiry.**

⁹¹ The Swedish Employment Agency, the Swedish Economic Crime Authority, the Swedish Social Insurance Agency, the Swedish Migration Agency, the Swedish Police Authority, the Swedish Tax Agency, and the Prosecution Authority. The work of the nine agencies is co-ordinated by the Swedish Work Environment Authority and it is reported on annually.

⁹² This provision would apply to cases where workers voluntarily consented to unreasonable working conditions, without the presence of any coercive measures.

⁹³ Alternatively, the Inquiry proposed to adopt a separate act on the right to compensation equivalent to three months' pay in cases where the employer knew or should have known that the employment failed to comply with the requirements of the Aliens Act for the issuance of a work permit.

⁹⁴ As a result of the Inquiry, the Government has proposed a bill which would, *inter alia*, expand the offence of "organising of human smuggling" to include permits issued on the basis of false information.

139. In February 2022, the nine agencies referred to in paragraph 137 were tasked with formalising their co-operation by establishing regional centres against labour criminality (AKC) in the seven regions of Sweden, in accordance with the National Strategy against Work-Related Crime.⁹⁵ Their mandate includes offences related to labour immigration (violations of the Aliens Act, THB, and human exploitation), economic crimes (procurement corruption, abuse of the welfare system and tax avoidance), as well as violations of regulations related to the working environment. The work of the AKC is co-ordinated by the WEA, which was given a budget for the purpose, while their seat is in the Police Authority. At the time of GRETA's third evaluation visit, there were two AKC, in Gothenburg (Region West) and Umeå (Region North). GRETA met with the representatives of the former centre, which was formally established in the summer of 2022 and not yet fully staffed at the time of the visit. The relevant authorities meet once a week. Another AKC was opened in the city of Norrköping in June 2023, while the remaining four regional centres are expected to be established by the end of 2023.

140. Joint inspections are usually carried out by representatives of the WEA, the Tax Agency, and the Police and Border Police, with the participation of regional co-ordinators when THB is suspected (see paragraph 154). GRETA was informed that the collaboration between the relevant agencies is hindered by the rules on confidentiality of information, and that the authorities are exploring the possibility to amend the relevant legislation in order to facilitate co-operation.⁹⁶ **GRETA would like to be kept informed of further developments in this regard.**

141. The mandate of the WEA, which co-ordinates the efforts to combat work-related crime, covers matters related to the working environment (health and occupational safety) and working hours. GRETA was informed that there are 270 labour inspectors within the Department of Inspections, 40 of whom are involved in combating work-related crime. An additional 20 labour inspectors from the Joint Authority Control Department are expected to start conducting inspections in April 2023 after finishing their training. Although THB is not included in the mandate of the WEA, labour inspectors are provided with THB-related training. They have access to GEA's online training on THB, focused on THB indicators, and all new labour inspectors are expected to complete this training by the end of 2023. Labour inspectors report suspected cases of THB and labour exploitation to the competent authorities (mainly the police). The WEA participates in EMPACT meetings and checks focused on addressing THB for the purpose of labour exploitation.

142. In the period 2018-2021, labour inspectors conducted 6 250 joint inspections with other authorities, including in car wash facilities, shops, hotels, restaurants, construction, agriculture, transportation and storage. The number of inspections in 2022 (January-September) was 1 750. Suspected cases of labour exploitation were detected in agriculture, car washes, shops and massage parlours. The inspections found that some workers were accommodated in inadequate and unsafe premises, which was reported to the municipal authorities. Labour inspectors cannot conduct inspections in private households where domestic, care or other workers are employed.⁹⁷ GRETA was informed that the police authorities filed 24 reports of suspected THB for labour exploitation and 62 reports of human exploitation in 2021. Several of GRETA's interlocutors noted that the presence of Border Police representatives during joint inspections may result in the deportation of foreign workers who do not possess residence and work permits, without a proper assessment of possible indicators of THB.

143. Possible violations of labour law fall outside the competence of labour inspectors and are referred to trade unions.

⁹⁵ Work-related crime, defined in a 260-page government report, covers a broad range of procedures which violate relevant rules, regulations and agreements and have an effect on working life, including those involving the exploitation of workers and violation of rules on competition.

⁹⁶ The Swedish Department of Finance has commissioned a report to assess the need for amendments to the Swedish secrecy legislation, which was supposed to be presented to the Swedish Parliament in April 2022. See Salvation Army Sweden, *Modern Slavery in Sweden: The Salvation Army Sweden's status report to combat labour exploitation*, p. 10.

⁹⁷ However, GRETA was informed that labour inspectors can prevent workers from going into private homes where problems related to the working environment are suspected, until these issues are resolved.

144. GRETA was informed that there are an estimated 100 000 undocumented workers in Sweden. The Swedish Trade Union Centre for Undocumented Migrants, established in 2008, provides support to foreign workers in their office in Stockholm or over a telephone line. The Centre is staffed with six members of the trade union who work on a volunteer basis. Many of their clients are undocumented workers who receive little or no pay and may suffer other abuses at the hands of their employers. The Centre refers cases to the relevant trade union, but most unions will not take the case if the worker is not a member of the union. The Centre provides information on the rights of workers in seven languages through posters and leaflets, and operates a website in Swedish⁹⁸ and a Facebook page.

145. Given the growing number of construction projects, particularly in western Sweden, and the high demand for foreign construction workers (mostly from Poland, Lithuania and Ukraine), the authorities estimated that the extent of labour exploitation in this industry would rise. The detection of cases is rendered difficult by the fact that most foreign workers, who have temporary work permits, are not employed directly by the construction companies, but through subcontractors mainly located in Eastern Europe. The employment of foreign workers, at least some of whom are not registered, in a recently opened battery factory in the north of Sweden was also identified as a matter of concern by GRETA's interlocutors.

146. Another area where serious risks of labour exploitation and THB have been identified concerns persons employed in beauty and massage salons, 80% of which are estimated to provide sexual services. The National Rapporteur has proposed introducing a mandatory operational permit for such establishments, as a way to prevent exploitation. Presently, owners of beauty and massage salons are only required to inform the municipal authorities prior to setting up the salon. Many of the salons employ Thai women, who are particularly vulnerable to both labour and sexual exploitation, due to their lack of social ties in Sweden and dependence on employers (see paragraph 84). Instances of labour exploitation have also been noted in nail salons, which typically employ persons from Vietnam. The fact that employees of beauty and massage parlours are often reluctant to speak with the authorities for fear of losing their jobs and that they may not perceive themselves as victims renders the detection and investigation of possible cases more difficult. GRETA was informed that the presence of regional co-ordinators against prostitution and human trafficking during joint inspections greatly facilitates communication with possible victims and increases the likelihood of their co-operation with the authorities.

147. In August 2021, the case of around 50 persons from Bulgaria, including children, who were exploited in berry picking in Älvsbyn in northern Sweden gained national attention.⁹⁹ The victims were assisted by the Salvation Army, which filed 33 criminal reports and informed the police of the victims' willingness to co-operate. Nonetheless, only seven persons were reportedly identified as victims of THB or human exploitation and were provided with assistance, but were not granted a recovery and reflection period.¹⁰⁰ The remainder of the victims were accommodated in a hostel in Stockholm prior to their return to Bulgaria. Representatives of civil society organisations have identified the lack of knowledge and understanding of THB for labour exploitation on the part of the authorities, as well as their insufficient reliance on assistance from regional co-ordinators, as the main shortcoming in the handling of the case.¹⁰¹ GRETA was informed that the police authorities in northern Sweden are involved in ongoing discussions with regard to the prevention of future cases of exploitation and have received an offer from the Bulgarian authorities to send police officers from the national THB unit to assist in these efforts. The Swedish authorities also held meetings with the Thai authorities in the spring of 2023 in order to discuss the prevention of the exploitation of berry pickers from Thailand.

⁹⁸ www.fcfp.se

⁹⁹ GRETA was informed that a similar case had occurred the year before but had not been investigated by the authorities.

¹⁰⁰ Scandinavian Human Rights Lawyers, Human Trafficking – A child rights perspective, p. 27.

¹⁰¹ See Salvation Army Sweden, Modern Slavery in Sweden: the Salvation Army Sweden's status report to combat labour exploitation, pp. 9-10.

148. The GEA provides THB training to representatives of other agencies involved in combating labour exploitation, and it has created an educational film to be used by the WEA in its internal training. The GEA has also co-operated with the CBSS on two projects on work-related crime in the Baltic region (Cape 1 and 2). The Cape 1 project, which began in 2019 and resulted in a joint declaration of the CBSS states, involved fact finding visits to neighbouring countries. The Cape 2 project, launched in November 2021, is aimed at providing information to workers from Romania, Bulgaria, Ukraine and Poland ("Before You Go" Campaign¹⁰²) through social media.¹⁰³

149. GRETA commends the steps taken since the second evaluation to prevent and combat trafficking for the purpose of labour exploitation, in particular the establishment of multi-agency co-operation and the adoption of a number of legislative and policy changes. **Referring to GRETA's Guidance Note on combating trafficking for labour exploitation¹⁰⁴ and the Council of Europe Committee of Ministers Recommendation to Member States CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,¹⁰⁵ GRETA considers that the Swedish authorities should:**

- **further enhance co-operation between the relevant agencies by ensuring that the necessary exchange of information is not hindered by the existing confidentiality rules;**
- **address the risks of THB for the purpose of labour exploitation by ensuring that law enforcement agencies, labour inspectors and other relevant actors are proactively present in sectors at risk of THB, such as massage salons, nail salons and construction sites, including in situations where workers are being posted by foreign subcontractors, with an eye to detecting potential victims of THB for labour exploitation;**
- **provide training to labour inspectors, police officers, Border Police officers, prosecutors and judges, including through joint training, on THB for the purpose of labour exploitation and human exploitation, as well as the rights of victims;**
- **ensure that possible victims of THB among foreign workers are not subjected to deportation until a proper identification procedure has been conducted and that they are provided with all assistance measures to which they are entitled under the Convention;**
- **ensure that regional anti-trafficking co-ordinators are included in joint inspections conducted by multi-agency teams whenever possible and that trade union representatives are informed of possible cases of labour exploitation detected. When joint inspections are conducted, the role of the Border Police representatives should be clearly defined and the relevant legislative framework should be further developed to ensure that undocumented workers are able to regularise their status;**
- **continue to raise awareness among the general public as well as, in a targeted manner, among migrant workers, about their rights and the risks of THB for the purpose of labour exploitation.**

¹⁰² <https://cbss.org/projects-cbss/cape-ii/before-you-go-campaign/>.

¹⁰³ See <https://cbss.org/projects-cbss/cape/> and <https://cbss.org/projects-cbss/cape-ii/>.

¹⁰⁴ <https://rm.coe.int/guidance-note-on-preventing-and-combating-trafficking-in-human-beings-/1680a1060c>.

¹⁰⁵ <https://rm.coe.int/booklet-preventing-and-combating-trafficking-in-human-beings-for-the-p/1680aa08ef>.

2. Identification of victims of trafficking

150. In its second evaluation report, GRETA urged the Swedish authorities to take steps to ensure that formal identification of victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings, that the police and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking, as well as that increased attention be paid to the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres.¹⁰⁶

151. The GEA, which took over the function of National Anti-Trafficking Co-ordinator in 2018, issued a revised NRM Manual in 2019. The manual outlines six steps: identification, emergency protection, initial support, long-term support, criminal proceedings, and safe return. It provides a list of indicators for the identification of victims of THB. As mentioned in paragraph 16, the GEA provides advice to professionals involved in the identification of, and assistance to, victims of THB through its hotline (020-390-000), and in June 2021 it launched an online training tool on the sexual exploitation of children, prostitution and human trafficking. The representatives of the GEA with whom GRETA met during the evaluation visit stated that the hotline is underused and that there is a need to spread awareness regarding its availability among relevant professionals.

152. Since the identification of victims of trafficking has not been formally assigned to any specific actor, all actors with relevant knowledge can identify presumed victims of trafficking.¹⁰⁷ However, a person is formally designated as a victim of THB only following a conviction of the trafficker in the criminal proceedings.¹⁰⁸ Law enforcement agencies continue to play a central role in the process of identification, since the granting of the recovery and reflection period and access to state-funded assistance for victims of trafficking are closely linked to the initiation of criminal proceedings (see paragraph 166).¹⁰⁹ The NRM Manual specifies that other actors, such as social services and the Swedish Migration Agency, should consider whether to file a report with the police upon identification of a victim of trafficking. GRETA was informed that the acceptance of a victim into the National Support Programme (see paragraph 167), run by the Swedish Civil Society Platform, effectively serves as recognition that a person is a victim of trafficking, in the absence of a formalised system of identification.

153. As noted in paragraph 11, the statistics provided by the Swedish authorities indicate that the number of presumed and identified victims of THB has steadily increased over the years (from 262 in 2018 to 375 in 2022). Notwithstanding this increase, a number of organisations met during the third evaluation visit were of the opinion that many cases of THB go undetected.

154. Regional co-ordinators against prostitution and human trafficking, who are usually social workers employed by municipal governments and deployed to the GEA, play a crucial role in the process of the identification of presumed victims of trafficking, serving as a point of contact for other authorities to whom they provide advice and guidance. There are 16 regional co-ordinators covering the seven regions of Sweden, who meet once a month and also hold meetings with the GEA and other authorities, including prosecutors, police and labour inspectors, four times a year.¹¹⁰ Two of them are based in Stockholm (one is specialised in work with children) and two in Gothenburg. The regional co-ordinators in Stockholm have an office in the police building and an agreement with the regional police to conduct joint outreach activities with a focus on prostitution. In 2022, they conducted a number of raids in massage salons. The regional co-ordinators in Gothenburg also closely collaborate with the police, and have established co-operation with local businesses, including hotels through the NGO Realstars, as part of efforts to combat

¹⁰⁶ GRETA's second evaluation report on Sweden, para. 107.

¹⁰⁷ NRM Manual, p. 31.

¹⁰⁸ See Johansson I. and Semperebon M. (2020) "Strengths and Weaknesses of the Swedish Anti-trafficking System," UNESCO Chair SSIIM, University of Venice, p. 46.

¹⁰⁹ See also Johansson I. and Semperebon M. (2020) "Strengths and Weaknesses of the Swedish Anti-trafficking System," UNESCO Chair SSIIM, University of Venice, pp. 43-46.

¹¹⁰ GRETA was informed that the GEA has increased the financial support for regional co-ordinators from SEK 2 100 000 to SEK 7 000 000 a year in the period 2021-2023.

prostitution and THB.¹¹¹ GRETA was informed that the presence of regional co-ordinators during police outreach activities and joint inspections of places of work (see paragraph 140) greatly facilitates the identification of victims of trafficking and their access to assistance. According to information provided by the GEA, regional co-ordinators came into contact with 205 possible victims of THB in 2018, 339 in 2019, 271 in 2020, and 436 in 2021.

155. As mentioned in paragraph 85, the capacity of police anti-trafficking units varies across the country and not all of them are able to devote sufficient time and resources to the detection and investigation of cases of human trafficking. According to some of GRETA's interlocutors, it would appear that the focus of police raids in massage parlours and other establishments where sexual services may be provided is on prosecuting buyers of sexual services, without treating persons providing sexual services as possible victims of THB. This has been recognised as a problem by the newly appointed National Rapporteur.

156. GRETA was informed of two informal anti-trafficking networks, in Uppsala and Helsingborg, composed of a wide range of professionals involved in detecting and assisting victims of THB, including the police, social services, NGOs, shelters and hotels. The network in Uppsala works closely with migrants from other EU countries (e.g., Romania) and has been involved in the identification of several cases of THB and human exploitation. The work of the network in Helsingborg, initiated by the Salvation Army, has reportedly led to an increase in the detection of potential THB cases and better co-ordination between the relevant actors with regard to the provision of assistance to victims of THB. The local police is involved in the work of the network, but co-operation with the anti-trafficking unit in Malmö was reportedly limited.

157. Since 2019, Government's Ordinance (2019:502) for the Swedish Migration Agency (SMA), which decides on applications for international protection and grants residence permits, provides that the SMA shall contribute to the work against THB and similar crimes. The SMA has developed internal procedures to be followed by case officers in case of suspected THB, as well as information guidelines on THB for appointed guardians of unaccompanied children.¹¹² The procedure includes a list of THB indicators, including indicators specific to children, to be applied during interviews with asylum seekers. GRETA was informed that unaccompanied children are identified as a group especially at risk of THB. The SMA has provided training on THB to its employees, including staff of migration centres and SMA regional co-ordinators. SMA staff who identify a presumed victim of trafficking have to inform the police, even without the consent of the presumed victim, and prepare an internal report.¹¹³ The SMA also informs the regional co-ordinators and the social services in case of child victims. GRETA was informed that the SMA has increased its efforts to identify victims of THB in the asylum procedure and in reception centres, in recent years. According to information provided by the authorities, in the period 2018-2022, the SMA identified 2007 presumed victims of THB (384 in 2018, 481 in 2019, 366 in 2020, 261 in 2021, and 515 in 2022).

158. According to GRETA's interlocutors, not all cases reported to the police by the SMA are treated as victims of THB because the police seems to apply a higher threshold when identifying victims of THB amongst persons who were not exploited in Sweden, but in another country prior to arriving in Sweden. GRETA was informed of several cases of Nigerian women who came to Sweden after being trafficked to Italy or Greece. They were not recognised as victims of trafficking, since the criminal offence occurred outside of Sweden and could not be investigated, and were returned to the countries where they first claimed asylum. As noted in GRETA's second report,¹¹⁴ lawyers representing a victim of THB in one such case were able to have the decision on return overturned in a migration court, on the basis of humanitarian reasons due to the fact that the return would expose the person to a serious risk of re-trafficking. In another case, the return of a Nigerian woman to Italy was stopped through an application for an interim measure to the European Court of Human Rights under Rule 39 of the Rules of Court, and she was later

¹¹¹ <https://realstars.eu/en/om-realstars/>. The NGO Realstars has received government funding for their work with the hotel industry.

¹¹² See also Johansson I. and Semprebon M. (2020) "Strengths and Weaknesses of the Swedish Anti-trafficking System," UNESCO Chair SSIIM, University of Venice, p. 48. The internal guidelines of the SMA regarding the detection of possible victims of THB were updated in accordance with the SMA's internal action plan for fair and equal opportunity treatment adopted in 2018.

¹¹³ NRM Manual, p. 36.

¹¹⁴ GRETA's second evaluation report on Sweden, para. 154.

granted asylum.¹¹⁵ GRETA was informed that the SMA registered 138 internal reports concerning suspicion of THB in cases in which it was decided to return the person to another country pursuant to the Dublin Regulation. Eighteen decisions on return were issued in 2022, and in 12 of them no mention was made of the indicators that the person may have been a victim of THB. The authorities have indicated that not all decisions resulted in the actual return to another country due to the fact that it is common for persons to abscond prior to return.

159. GRETA stresses that the application of the Dublin procedure to victims of trafficking runs contrary to the obligation to assist and protect such victims. GRETA recalls that Article 10, paragraph 2, of the Convention stipulates that if the competent authorities have reasonable grounds to believe that a person has been a victim of trafficking in human beings, that person shall not be removed from its territory until the identification process has been completed by the competent authorities. 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. In this context, 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. **GRETA considers that the Swedish authorities should review the application of the Dublin Procedure to presumed victims of THB and conduct risk assessments in order to prevent victims being returned to the country where they face the risk of being re-trafficked.**

160. According to available information, around 45 000 displaced Ukrainians had been registered in Sweden by October 2022.¹¹⁶ In April 2022, the government mandated the SMA to provide all Ukrainian applicants for temporary protection with an introduction to Swedish society, including information on THB, employment regulations, and laws on prostitution. There were around 40 cases of suspected THB, primarily related to the employment of Ukrainian nationals in Sweden in the cleaning industry and farms, but no cases of THB were formally identified.

161. The Ministry of Foreign Affairs has developed an e-learning course on THB, with a focus on sexual exploitation, which the staff in all Swedish embassies abroad and foreign embassies in Sweden are required to complete. The Ministry is also considering incorporating the topic of THB into the week-long training provided to Swedish consular and diplomatic staff four times a year. In addition, the Ministry is co-operating with the NGOs Child 10 and Child Foundation Sweden in order to update the handbook for consular and diplomatic staff, which will cover the visa application process and the role of consular staff in the detection of THB.¹¹⁷ GRETA was informed that, when processing visa applications from foreign workers, the authorities use a model contract and inform the foreign employees of their rights in Sweden. Nationals of countries which do not require a visa are informed of their rights by the Protocol Department of the Ministry of Foreign Affairs. While there have been several cases of maltreatment of staff by foreign diplomats in Sweden, who have had to leave the country, no cases of THB have been detected.

162. In order to increase the knowledge of THB and exploitation of children among representatives of social services, the National Board of Health and Welfare published a guide for social services in 2018, outlining their responsibilities under Swedish and international law. The guide has been disseminated to the relevant professionals and NGOs. The National Board of Health and Welfare also operates a website (<https://kunskapsguiden.se/>) which contains information on risk factors and other signs of THB, as well as on the support and protection which victims are entitled to.

¹¹⁵ Ibid.

¹¹⁶ Council of the Baltic Sea States, Baltic Sea Region Round-Up Report 2022, p. 21.

¹¹⁷ See also the updated CBS's Handbook for Embassies and Diplomatic Missions on How to Assist and Protect Victims of Human Trafficking, available at: <https://cbss.org/publications/handbook-for-embassies-and-diplomatic-missions-on-how-to-assist-and-protect-victims-of-human-trafficking/>

163. **While welcoming the increased detection of presumed victims of trafficking, GRETA urges the Swedish authorities to take further steps to improve the identification of victims of trafficking, in particular by ensuring that:**

- **the formal identification of victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings or the initiation of criminal proceedings;**
- **regional co-ordinators against prostitution and human trafficking and the police are provided with sufficient human and material resources in order to be able to increase their efforts towards the identification of victims of trafficking;**
- **the police and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking, and regional co-ordinators against prostitution and human trafficking are included in such activities whenever possible (see also paragraph 92);**
- **regular training on THB is provided to all relevant actors, including law enforcement officers, labour inspectors, immigration officials, and education and healthcare professionals.**

3. Assistance to victims

164. As noted in GRETA's second report,¹¹⁸ the Act on Social Services, the Aliens Act and the Act on Health and Medical Care contain provisions relevant for the assistance to victims of THB. The NRM Manual provides an overview of the emergency protection and initial support available to victims of trafficking, including access to accommodation, health care and education.¹¹⁹ This support is provided by municipal social services in the 291 municipalities, who are responsible for preparing an individual treatment plan for each victim of THB.

165. THB victims' access to different services on the municipal level is co-ordinated by the 16 regional co-ordinators against prostitution and THB (see paragraph 154). However, it appears that they are not always informed on time about possible cases of THB. GRETA was informed that the availability of services greatly varies depending on the municipality, making THB victims' access to support dependent on their place of residence. Municipalities have access to national funds earmarked for combating prostitution and THB, which have been available since 2016.¹²⁰ It has also been brought to GRETA's attention that employees of municipal social services do not always possess sufficient knowledge of THB and the needs of THB victims, especially male victims. The need to ensure a more unified system of assistance for victims of THB across the country has been recognised as a priority by the National Rapporteur.

¹¹⁸ GRETA's second evaluation report on Sweden, para. 109.

¹¹⁹ NRM Manual, pp. 40-57.

¹²⁰ GRETA was informed that the funds amount to EUR 6.5 million a year. As of 2020, 27 municipalities reported that they had used the grants to develop services for these specific target groups. GRETA's interlocutors assessed that the municipalities which had regional co-ordinators were more likely to apply for these grants.

166. If a victim has been granted a 30-day recovery and reflection period or a six-month residence permit (see paragraphs 195 and 200), the costs of assistance provided through municipal services will be covered by government funding. Otherwise, the services are paid for by the municipalities whose resources are usually much more limited and may not be sufficient to cover the full range of services that victims of THB are entitled to. Since the application for the recovery and reflection period could until recently exclusively be submitted by the authorities conducting the preliminary investigation (see paragraph 196), THB victims' access to assistance funded by the state has essentially been conditional on their willingness to co-operate with the investigation. Victims who are afraid to talk to the police because of being in an irregular situation and fearing deportation are left in limbo with regard to their status and access to support. Nevertheless, they can still have access to emergency support from the National Support Programme (NSP) and NGOs.

167. As noted in GRETA's second report, the NSP, implemented by the Civil Society Platform against THB,¹²¹ provides support to adult and child victims of THB (and their family members), regardless of whether or not they have been granted a recovery and reflection period (see also paragraph 197). Assistance is provided for an initial 30 days, with the possibility of extension for another 90 days. Beyond this period, the NSP can provide partial support for another 90 days, as well as financial assistance for an additional 45 days to facilitate the victim's re-integration upon return to their country of origin. The NSP support is complementary to the support provided by the social services. In order to apply for and benefit from assistance under the NSP, a service provider must be accredited and fulfil certain minimum standards, as well as use standardised assessment instruments. At the time of GRETA's visit, around seven NGOs were accredited by the NSP.

168. Approximately 10% of the budget of the NSP is covered by the state, namely the GEA and the National Board of Health and Welfare, while the remainder is covered through donor funding. GRETA was informed that the government provided SEK 2.5 million (around EUR 223 000) to the NSP in 2022, up from SEK 2 million in 2021. However, this funding is not sufficient to cover the needs of THB victims assisted by the NSP. GRETA was informed that out of the 300 presumed victims of THB encountered by NSP member organisations each year, around 30 are assisted with the funding provided by the Swedish Government. The NSP must apply annually for state funding and there are reportedly several months of delay before the money is made available, which makes it difficult for member organisations to provide sustainable support to victims of THB.

169. There is no information available concerning the type and duration of assistance provided through the municipal social services. In 2019, 140 presumed victims of trafficking and 37 of their family members were assisted through the NSP. The majority of the victims were referred to the NSP by the regional coordinators, social services or NGOs. The type of support provided included identification and initial advice (54), medical care (46), counselling and guidance (99), legal advice (83), basic aid such as food and hygiene items (76), accommodation (72), advice regarding asylum procedure (68), long-term assistance (38) and assisted return to the country of origin (5). In 2021, 39 presumed victims of THB (21 adults and 18 children) were assisted through the NSP. Of these, five received support during the recovery and reflection period, while 30 individuals were assisted for 90 days after the recovery and reflection period, or were provided with support during the 45 days of re-integration. In 2022, the NSP provided assistance to 42 adults and 7 children.

170. As an example of difficulties faced by THB victims in obtaining support, GRETA was informed of the case of a Moroccan man who had come to Sweden when he was 12 and had been a victim of THB for both labour and sexual exploitation. Even though he had a temporary residence permit for the duration of the criminal investigation (15 months), he was not able to obtain support from the competent municipal authorities and was supported through the NSP by an NGO. At the time of GRETA's visit, he was in the asylum procedure and continued receiving support from the NGO.

¹²¹ See GRETA's second report on Sweden, paras. 111-113.

171. The NSP has certified shelters in the area of Stockholm, in Gothenburg, in central Sweden and in the south of Sweden. Female victims and their children can either be accommodated in specialised accommodation for THB victims operated by the Salvation Army in central Sweden (see paragraph 174) and the Gothenburg City Mission (see paragraph 175) or in shelters for female victims of sexual exploitation operated by NGOs such as Talita, the Salvation Army and Hela Människan (Noomi shelter in Malmö), as well as in state-run accommodation facilities.

172. Although several shelters accept male victims of THB for sexual exploitation, only two accommodation facilities, operated by the Salvation Army and the Gothenburg City Mission accept male victims regardless of the type of exploitation. Consequently, there continues to be a lack of shelters for men.

173. GRETA was informed of the proposed reform related to operation of shelters for victims of violence, prepared under the previous government, which would introduce a requirement for shelters to be licensed and to specialise in providing assistance to specific target groups (e.g., victims of THB). GRETA was informed that the Government intends to submit the relevant bill to the Parliament in 2023. **GRETA would like to be kept informed of developments in this regard.**

174. The Salvation Army runs four apartments in central Sweden (Lyktan shelter), with the capacity to accommodate five victims of THB. The NGO organises various activities for the victims during their stay in the accommodation.

175. The Gothenburg City Mission shelter for victims of THB is the only shelter in Sweden which accommodates transgender women. It has three places and was fully occupied at the time of GRETA's visit. This NGO also rents between five and six apartments in the Gothenburg area to which victims can move when they no longer need to stay in the shelter. At the time of the visit, there were four women and one man living in the apartments. All of the women were victims of THB for sexual exploitation, while the man had been trafficked to Sweden from Poland for the purpose of labour exploitation. While the city authorities provide the funding for the victims' stay at the shelter, the funding for the apartments comes from the NSP and private donors.

176. GRETA visited a shelter for women victims of violence (and their children) near Stockholm, run by the Salvation Army, which consists of two houses with a total of 13 apartments. The stay at the shelter is financed by the social services if the person was referred by them or by the NSP and the Salvation Army, which covers three places. At the time of GRETA's visit, there were 12 women and 19 children staying at the shelter, none of whom were victims of THB. In the past, the shelter has accommodated victims of THB, many of whom were victims of forced marriage. The shelter offers financial support as well as various activities such as arts and crafts, gardening, dance and fitness, and music classes.

177. GRETA also visited the Stockholm City Crisis Centre for Women and Children, which consists of 18 apartments that can accommodate women victims of violence and their children. The centre has 20 staff members, 11 of whom are social workers. Staff are available 24 hours a day, and each person is assigned a contact person who monitors their case. There is a gym, a playroom and an area for social activities and arts and crafts at the centre. The City of Stockholm organises classes for the children at the centre for one hour a day. The centre has not had many THB victims referred to them, possibly because the independent apartments were not seen as appropriate for victims of THB who may need more individualised attention.

178. The Swedish Migration Agency (SMA) has 10-12 reception units around the country, and each unit provides housing in the area they cover, which includes flats rented by the SMA. At the time of GRETA's visit, the SMA could provide around 20,000 beds. GRETA visited a reception centre in Stockholm which is open 24 hours a day and houses all newly arrived refugees and asylum seekers for a period of up to five days, until other accommodation can be organised. Presumed victims of THB identified by the SMA are referred to regional co-ordinators, with their consent, and may be moved to a woman's shelter or another

accommodation. However, GRETA was informed that, as a rule, victims are placed in SMA accommodation with consideration given to the need to stay away from certain cities. GRETA notes that reception centres for asylum seekers, not being specialised for victims of trafficking, are not an appropriate environment for such victims and may not provide them with the level of safety and support that they require.

179. Persons who have a residence permit for less than 12 months, which includes victims of trafficking, as well as persons who do not need a visa to enter Sweden, have access to emergency health care, i.e. treatment which cannot be postponed. Dental care is part of a separate system and only emergency dental care is available for victims of THB with a residence permit. GRETA was informed that municipalities interpret the entitlements differently, and the extent of services provided varies from region to region. *Médecins du monde* provides medical care to those who have otherwise been denied such care in the area of Stockholm. The NSP and NGOs also cover the costs of medical care which is not included in that provided by the municipalities.

180. As mentioned previously, the identification and status of victims of trafficking is closely linked to the criminal investigation. As a result, there are very few possibilities for victims of trafficking to obtain long-term support. Once the investigation is completed or discontinued, victims lose their residence permit and have to obtain a work permit in order to stay in Sweden or to apply for asylum. The support provided by the NSP is limited due to insufficient funding. NGOs provide most of the support to victims of trafficking during the asylum procedure.

181. While welcoming the increase in the budget for the NSP, GRETA notes that the funding is still not sufficient to cover the needs of all victims of trafficking assisted through the NSP. GRETA is also concerned by the fact that access to assistance financed by the state is closely linked to the existence of a criminal investigation, as well as by the differences in the extent of services provided and the available resources in the municipalities.

182. **GRETA considers that the Swedish authorities should take further steps to fulfil their obligations under Article 12 of the Convention, and in particular to:**

- **ensure that victims' access to assistance funded by the state is not made conditional on their willingness to co-operate in the investigation and criminal proceedings;**
- **ensure that regional co-ordinators are promptly informed whenever victims of trafficking are identified in order to co-ordinate the provision of assistance to them;**
- **ensure that all presumed and identified victims of trafficking in Sweden can receive adequate support and assistance, having regard to their individual needs, for as long as required;**
- **ensure availability of specialised assistance for all victims of trafficking, including men and transgender persons, throughout the country;**
- **ensure that all presumed victims, including those identified in immigration centres and in the course of the asylum procedure, are promptly transferred to appropriate housing adapted to their needs;**
- **provide longer-term, sustainable funding for the National Support Programme and NGOs that provide assistance to victims, in order to ensure the continuity of victims' assistance;**
- **provide training on THB to representatives of municipal services.**

4. Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

183. In its second evaluation report,¹²² GRETA urged the Swedish authorities to ensure more effective and timely identification of child victims of trafficking with a view to providing them with appropriate assistance, including by conducting expeditious registration of asylum-seeking children who are at risk of disappearing, ensuring the timely appointment of guardians and adequate resourcing of the guardianship system in all municipalities, and proactively identifying unaccompanied and separated asylum-seeking children who might become victims of THB.

184. The NRM manual, which applies to both adult and child victims of trafficking, refers to a separate list of indicators for the identification of child victims of THB prepared by the NMT, the 2018 Guidance for Social Services on Children in International Trafficking in Human Beings and Exploitation published by the Board of Health and Welfare, and other relevant sources of information and legal obligations of the authorities who come into contact with presumed child victims of trafficking. In addition, relevant professionals are provided with a link to online training on human trafficking in children and young people.

185. The National Agency for Education has adopted guidelines for teachers in order to assist them in recognising and addressing signs of difficulties experienced by children (e.g. absences from class or signs of distress).¹²³ However, no training on THB is provided to teachers and no THB-specific awareness programmes have been implemented in schools.¹²⁴ The National Agency for Education provides an eight-week long online training course for teachers on online safety for children. School staff are obliged under the law to report cases of suspected abuse of children to social services, and they have an obligation to co-operate with social services and health care providers.

186. According to a 2021 report of the Gender Equality Agency, the extent of sexual abuse and exploitation of children in Sweden is seriously underestimated.¹²⁵ Reportedly, many possible cases of child trafficking either go undetected or are qualified as commercial sexual exploitation of a child. Many of these cases involve recruitment of children on the so-called "sugar dating sites".¹²⁶ A recent report of the Swedish National Council for Crime Prevention (Brå) also highlighted this problem, citing the estimate of the National Audit Office that around 10 000 children in Sweden had experienced sexual acts in return for payment in 2020, as compared to 234 sex purchase acts against children reported the following year.¹²⁷

187. There was an influx of unaccompanied boys from Morocco and other Northern African countries in Sweden several years prior to GRETA's visit. As mentioned in GRETA's second report,¹²⁸ some of the children were placed in institutional care (see paragraph 191), due to their involvement in criminal activities. While it was suspected that they may have been trafficked, they were not identified as victims of THB. GRETA was informed about unaccompanied children coming from Afghanistan, seven of whom

¹²² GRETA's second evaluation report on Sweden, para. 138.

¹²³ GRETA was also informed that Save the Children, in collaboration with the Agency, is conducting training for teachers on how to identify children in need of additional attention.

¹²⁴ A new subject area entitled "sexuality, consent and relations" has been introduced in the school curriculum and related training is expected to be provided to staff in all schools.

¹²⁵ A 2021 report of the Gender Equality Agency found that children are at greater risk than before of being exploited in prostitution and THB for the purpose of sexual exploitation.

¹²⁶ According to the Swedish authorities, "sugar dating," is a method used by adult men to gain access to young girls and boys for sexual purposes who are compensated by access to a credit card, regular monthly payments, expensive clothes, travel and dinners. In 2021, law enforcement agencies noted an increase in "sugar dating" facilitated by online contacts on dating websites.

¹²⁷ Brå, Exploitation of a child through the purchase of a sexual act: A follow-up of the application of the law (2022:4), English summary, p. 2. The minimum punishment for the exploitation of a child through the purchase of a sexual act was increased from two weeks' to six months' imprisonment, through amendments to Section 9, Chapter 6 of the CC adopted in 2022. The offence is defined as "inducing a child under 18 years of age to undertake or submit to a sexual act in return for payment," and it carries the maximum punishment of four years of imprisonment. In case of a less serious form of offence, the maximum punishment is one year of imprisonment.

¹²⁸ See GRETA's second evaluation report on Sweden, para. 135.

had disappeared from children's homes in the north of Sweden and later were discovered in an apartment in Uppsala, where they were forced to steal and collect cans.

188. According to the authorities, there are representatives of social services who are specialised in working with unaccompanied foreign children and perform risk assessments aimed at preventing their disappearance. The City of Stockholm has a co-operation agreement with three specialised NGOs on the provision of assistance to such children. Nonetheless, the resources and knowledge of child protection services vary across municipalities, and there is a lack of procedures for the treatment and assistance to unaccompanied children. The National Board of Health and Welfare assists other authorities by providing information and online support on its website (Kunskapsguiden.se). GRETA was informed that a government inquiry was launched in July 2019, aimed at assessing the need to improve the rules on guardians and further training and support that should be provided to them. The legal guardian and the police are informed of each disappearance, and the missing unaccompanied children are registered on a list of missing persons by the police. However, GRETA was informed that the police often do not follow up on reports of missing unaccompanied children. In 2021, the National Board of Health and Welfare, the Police Authority and the SMA received a three-year assignment from the government to develop national guidelines on the prevention of disappearance of unaccompanied children in Sweden. The National Board of Health and Welfare is expected to submit the final report on the assignment in September 2025.

189. Although the authorities are required to treat young persons whose age cannot be established as children, according to the Ombudsman for Children this presumption is not always applied in practice. When age assessment is performed by the SMA, it is usually based on physical examinations, namely a combination of x-ray of the wisdom teeth and a Magnetic Resonance Imaging scan of the knee joints, without taking into account psychological, developmental, environmental and socio-cultural factors. There is also concern that the SMA staff do not have the necessary training in order to perform age assessments properly.

190. Another group of vulnerable children present in Sweden are children from EU countries, such as Romania, many of whom are Roma and are accompanied by family members, who are forced to beg,¹²⁹ collect cans and perform other similar activities. In the opinion of some authorities met by GRETA, social services do not have the sufficient knowledge and resources to assist these children.

191. The National Board of Institutional Care (SIS) operates 21 homes across Sweden for secure institutional care of children with severe behavioural issues (e.g. drug abuse, violent behaviour, mental health problems). The homes can accommodate approximately 700 persons under the age of 21, including unaccompanied foreign children. The children accommodated in these facilities are referred by the social services and have access to therapy and other treatment as required, as well as education. Children usually stay around five months, but some have stayed for several years. The staff conduct daily risk assessments and it is not common for children to abscond. Disappearances are reported to the social services and the police. The Inspection for Healthcare and Welfare has received information that children in some of the homes have engaged in prostitution, and they are currently looking into this problem. The UN Committee on the Rights of the Child has also expressed concern with regard to reports of violence and sexual abuse of children in compulsory care (closed institutions).¹³⁰ GRETA was informed that if the staff of the homes suspect THB, they would inform the social services. The SIS has developed an online course on THB that will be provided to all staff working in residential homes, and THB will be included in the mandatory 10-week basic training for all new staff.

¹²⁹ GRETA was informed that the extent of begging has decreased in recent years due to the fact that most people in Sweden no longer use cash.

¹³⁰ UN Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports on Sweden, 6 February 2023, paragraph 25(d).

192. After their stay in a home for institutional care, children can move to another type of accommodation, known as Hökarängens HVB. GRETA visited such a home in Stockholm, which had two separate areas, one for unaccompanied children who are asylum seekers (four places) and another one for children who need emergency short-term accommodation. The children usually have a legal guardian and a case manager from the social services. There is an alarm system in the home that staff can use to alert other colleagues or the police in case of need. At the time of GRETA's visit, there were three unaccompanied children and 17 other children (16 boys and one girl) at the home. The institution is not closed and children are free to leave any time. The legal guardian and the police are informed of each disappearance. However, as mentioned above, the police usually does not follow up on these disappearances.

193. **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:**

- **identify possible victims of trafficking among the children subjected to commercial sexual exploitation;**
- **proactively identify unaccompanied and separated children at risk of being trafficked;**
- **prevent violence or abuse at places of accommodation for unaccompanied asylum-seeking or irregular migrant children, including the homes for secure institutional care;**
- **take measures to deal effectively with the problem of disappearance of presumed child victims of trafficking from accommodation centres, by providing them with secure accommodation and appropriate services and a sufficient number of appropriately trained supervisors.**

194. **GRETA further considers that the Swedish authorities should:**

- **put into practice a country-wide concept for the protection and support of child victims of trafficking, including access to specialised accommodation throughout the country;**
- **review the age assessment procedures, with a view to ensuring that the best interests of the child are effectively protected and that the benefit of the doubt is given in cases of doubt, in accordance with Article 10, paragraph 3, of the Convention, and taking into account the requirements of the UN Convention on the Rights of the Child, General Comment No. 6 of the Committee on the Rights of the Child and the CM/REC(2022)22.¹³¹**

5. Recovery and reflection period

195. Under the Aliens Act (Chapter 5, Section 15), victims of all crimes, including human trafficking, can be granted a 30-day temporary residence permit in order to recover from the crime they suffered and reflect upon co-operation with the authorities in charge of the criminal investigation.¹³² A decision to grant the recovery and reflection period is made by the SMA. A negative decision can be appealed in a migration court by the official who submitted the application. The recovery and reflection period may be extended under the same conditions, but GRETA was informed that this rarely happens in practice. A person illegally staying in Sweden may not be removed during the recovery and reflection period.

¹³¹ Recommendation CM/Rec(2022)22 of the Committee of Ministers to member States on human rights principles and guidelines on age assessment in the context of migration and its Explanatory Memorandum https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a96350#showSearchBox=0.

¹³² See GRETA's second evaluation report on Sweden, para. 145.

196. Until recently, the application for the recovery and reflection period could only be submitted by the person in charge of the preliminary investigation, provided that the stay of the person concerned was necessary to enable the investigation or hearing in a criminal case.¹³³ This essentially made the issuance of the recovery and reflection period conditional upon the victim's willingness to participate in the investigation, contrary to the purposes of the recovery and reflection period under the Convention. Amendments to Chapter 5, Section 15, of the Aliens Act, adopted on 1 August 2022, extended the ability to apply for a recovery and reflection period to representatives of municipal social welfare committees.¹³⁴ The authorities and civil society representatives met by GRETA welcomed this change, but they stressed that social welfare representatives lack the necessary knowledge in this regard and should be provided with appropriate training. GRETA was informed that applications for a recovery and reflection period can be sent to a specially designated email address of the SMA, and that requests are usually granted without delay. At the time of GRETA's evaluation visit, the SMA had received two applications for the recovery and reflection period from social services.

197. As noted in GRETA's second report,¹³⁵ 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 prolonging the assistance measures for another 90 days. This constitutes a *de facto* recovery and reflection period.

198. According to information provided by the authorities, the number of persons who were granted a recovery and reflection period by the SMA was as follows: 18 in 2018 (5 men/boys and 13 women/girls), 22 in 2019 (11 men/boys and 11 women/girls), 26 in 2020 (6 men/boys and 20 women/girls), 9 in 2021 (4 men/boys and 5 women/girls) and 17 as of September 2022 (7 men/boys and 10 women/girls). GRETA notes that this number is very low considering the number of presumed victims of trafficking in the same period (see paragraph 11). It is not clear why so few applications have been submitted to the SMA.

199. **GRETA welcomes the amendments to the Aliens Act allowing the municipal social services to apply for the recovery and reflection period on behalf of victims of trafficking, and considers that the Swedish authorities should take further measures 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, in particular by:**

- **ensuring that a recovery and reflection period is applied for and granted to foreign victims regardless of whether they co-operate with the law enforcement authorities in criminal proceedings;**
- **providing training to representatives of social services with regard to the purpose of and the procedure for the granting of the recovery and reflection period.**

¹³³ GRETA was informed that the application form for the recovery and reflection period contains the following information: the name and personal details of the presumed victim, the type of exploitation involved, and whether the application is for a recovery and reflection period or a residence permit.

¹³⁴ GRETA was informed that the NRM Manual (pages 44 and 45) would be updated to reflect this change. Some of GRETA's interlocutors have noted that victims who had been exposed to trafficking prior to their arrival in Sweden would still not be eligible for the recovery and reflection period, due to the requirement that the crime be committed in Sweden.

¹³⁵ GRETA's second evaluation report on Sweden, para. 147.

6. Residence permits

200. As noted in GRETA's second report,¹³⁶ pursuant to Chapter 5, Sections 6 and 15 of the Aliens Act, victims of trafficking are entitled to a renewable six-month temporary residence permit, on the basis of their co-operation with the authorities in the criminal investigation or on the grounds of exceptionally distressing circumstances (i.e. personal grounds). Children may be granted a residence permit on the latter ground even if their personal circumstances do not have the same seriousness and weight that is required for a residence permit to be granted to adults.

201. In practice, victims of trafficking are most likely to be granted a temporary residence permit based on their co-operation with the criminal investigation. Such a permit is not limited to investigations in THB cases and may also be issued to victims in cases which are qualified as gross procurement or another criminal offence. The residence permit entitles the victim to have access to healthcare, housing and social services. The temporary residence permit can be extended past the initial six months if the criminal investigation continues. However, GRETA was informed that the permit may be revoked prior to its expiry if the investigation is dropped. According to the Swedish authorities, the foreigner's personal circumstances must be taken into account when applying the provision on revocation, and the foreigner may be allowed to stay for the duration of the residence permit if the remaining period is short and if the shortening of the stay would cause an inconvenience to the foreigner. Civil society representatives met by GRETA noted that the rules on temporary residence provide no incentive for THB victims to co-operate with the authorities, since they will ultimately be faced with return to their home country where they may be under threat from traffickers against whom they provided evidence.

202. According to information provided by the Swedish authorities, the number of six-month residence permits issued was: 36 in 2018 (19 men/boys and 17 women/girls), 38 in 2019 (12 men/boys and 26 women/girls), 60 in 2020 (11 men/boys and 49 women/girls), 73 in 2021 (55 men/boys and 18 women/girls) and 116 in 2022 (94 men/boys and 22 women/girls). GRETA notes that the statistics refer to victims of all crimes, not just THB, who were granted a residence permit during the reporting period.

203. Victims of trafficking who can no longer benefit from a temporary residence permit can apply for asylum or obtain a work permit in order to stay in Sweden. However, GRETA was informed that it is rare for victims of trafficking to be granted asylum and most will either return to their countries or remain in Sweden in an irregular situation, which renders them vulnerable to being re-trafficked.

204. **GRETA once again 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, including on the basis of their personal situation, when a victim is unable to co-operate with the authorities. In this context, GRETA refers to the UNHCR 2006 Guidelines on the application of refugee status to victims of trafficking¹³⁷ and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection.¹³⁸**

¹³⁶ GRETA's second evaluation report on Sweden, para. 150.

¹³⁷ 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.

¹³⁸ <https://rm.coe.int/guidance-note-on-the-entitlement-of-victims-of-trafficking-and-persons/16809ebf44>.

Appendix 1 - List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- GRETA welcomes the steps taken by the Swedish authorities to ensure that presumed and identified victims of trafficking are provided with information concerning their rights and services available to them, in a language they can understand, and invites them to continue their efforts in this regard. Law enforcement officers and other authorities in contact with victims of trafficking should be systematically trained and instructed on how to properly explain to victims of THB their rights, taking into account the victims' age, maturity, intellectual and emotional capacity, literacy and any mental, physical, or other disabilities which may affect their ability to understand the information provided. Similarly, staff working at asylum reception centres and detention centres should be trained and instructed on how to provide information, in a proactive manner, to persons and groups at risk of being trafficked (paragraph 38);
- GRETA considers that the Swedish authorities should take additional steps to ensure the availability of interpreters for different languages spoken by victims of trafficking, as well as their sensitisation to the issue of human trafficking (paragraph 39).

Legal assistance and free legal aid

- GRETA considers that the Swedish authorities should take further steps to guarantee accessible and effective legal assistance for victims of THB, by ensuring that:
 - legal assistance is provided as soon as there are reasonable grounds for believing that a person is a victim of THB, before the person concerned has to decide whether or not to cooperate with the authorities and/or make a statement;
 - victims of THB have unrestricted access to free legal assistance by a professional lawyer with specialised knowledge on THB cases in legal proceedings, including the enforcement proceedings and the proceedings on state compensation;
 - the Bar Association is encouraged to offer training on human trafficking to lawyers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer;
 - NGOs which provide free legal assistance to victims of THB receive adequate funding (paragraph 49).

Psychological assistance

- GRETA considers that the Swedish authorities should take further steps to guarantee timely access of victims of trafficking to psychological assistance, regardless of their residence status, and ensure that it is provided for as long as their individual situation requires, in order to help them overcome their trauma and achieve a sustained recovery and social inclusion (paragraph 54).

Access to work, vocational training and education

- GRETA considers that the Swedish authorities should further strengthen effective access to, and/or reintegration of, the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 58).

Compensation

- GRETA considers that the Swedish authorities should make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:
 - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
 - improving the capacity of law enforcement officers to locate executable assets or income of offenders in THB cases;
 - ensuring that victims of THB have effective access to free legal assistance by a lawyer in the proceedings for state compensation as well as in enforcement proceedings;
 - ensuring that the length of the proceedings to claim compensation from the perpetrator and the state is reasonable;
 - encouraging the Swedish Judicial Training Academy to include training on THB and compensation in the training programmes for judges (paragraph 74).

Investigations, prosecutions, sanctions and measures

- GRETA once again 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 79);
- 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 human trafficking offences for different forms of exploitation are proactively and promptly investigated, and continuing to make use of special investigation techniques in order to gather material, documentary, financial and digital evidence, so that there is less reliance on testimony by victims or witnesses;
 - ensuring that human trafficking offences are classified as such every time the circumstances of a case allow it, and that cases of trafficking for the purpose of labour exploitation are not qualified as "human exploitation", by taking into account all of the different means applicable, which are part of the international definition of human trafficking, including the concept of "abuse of a position of vulnerability";
 - allocating sufficient human and financial resources to the police and the prosecution services in order to be able to conduct proactive and effective investigations in trafficking cases and to prioritise cases of human trafficking and human exploitation;
 - ensuring that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible;

- 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 (paragraph 92).

Non-punishment provision

- GRETA urges the Swedish authorities to take further steps to ensure full compliance with Article 26 of the Convention, including by:
 - bringing the guidelines on the non-punishment of victims of trafficking issued by the Prosecutor General fully in line with Article 26 of the Convention by clarifying that the non-punishment provision is capable of being applied to all offences that victims of trafficking were compelled to commit;
 - ensuring that victims of THB are promptly identified as such, in any event before being convicted of offences they were compelled to commit;
 - encouraging prosecutors to be proactive in establishing whether an accused person is a potential victim of trafficking, and to consider that, having been trafficked, the culpability of the victim may be diminished, or even removed entirely;
 - ensuring that all negative consequences faced by victims of THB, such as any form of detention, entry bans or delays in seeking legal residence in Sweden, are lifted for presumed victims of THB (paragraph 97);
- GRETA considers that the adoption of an explicit non-punishment provision, 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 98).

Protection of victims and witnesses

- GRETA considers that the Swedish authorities should make full use of all available measures to protect victims and witnesses of THB and to prevent intimidation during the investigation, as well as during and after court proceedings (paragraph 106).

Specialised authorities and co-ordinating bodies

- While welcoming the increased number of prosecutors specialised in trafficking in human beings and the existence of anti-trafficking units in the police, GRETA is concerned by the fact that two of those units were reorganised/disbanded following GRETA's third evaluation visit. GRETA considers that the Swedish authorities should ensure that this does not have a negative impact on the specialisation and capacity of the police to deal with THB cases (paragraph 112);
- GRETA considers that the authorities should encourage the Swedish Judicial Training Academy to strengthen the provision of training on THB to judges, and ensure that training on THB is regularly provided to relevant professional groups, including law enforcement officials and prosecutors (paragraph 113);
- GRETA considers that the Swedish authorities should ensure that the investigation of all possible cases of trafficking in human beings, including those that may initially be qualified as human exploitation, is handled by prosecutors with knowledge of THB (paragraph 114).

International co-operation

- GRETA welcomes the Swedish authorities' participation in multilateral and bilateral international co-operation against THB, as well as Sweden's contribution to international co-operation through the work of the Ambassador-at-large for Combating Trafficking in Persons (see paragraph 18) and support for international organisations, and invites them to continue their efforts in this regard (paragraph 120).

Role of businesses

- GRETA welcomes the above-mentioned legislation and policies, and invites the Swedish authorities to ensure their consistent application in practice, as well as to further engage with the private sector with a view to raising awareness of the important role and responsibility of businesses in preventing and combating human trafficking and labour exploitation in their supply chains, and to enable scrutiny of their performance in this regard (paragraph 132).

Follow-up topics specific to Sweden

Developments in the legal, institutional and policy framework for action against human trafficking

- While welcoming the activities of the National Rapporteur, GRETA reiterates the importance of maintaining a structural separation between monitoring and executive functions, in accordance with Article 29 of the Convention, and invites the Swedish authorities to 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 17).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- GRETA considers that the Swedish authorities should:
 - further enhance co-operation between the relevant agencies by ensuring that the necessary exchange of information is not hindered by the existing confidentiality rules;
 - address the risks of THB for the purpose of labour exploitation by ensuring that law enforcement agencies, labour inspectors and other relevant actors are proactively present in sectors at risk of THB, such as massage salons, nail salons and construction sites, including in situations where workers are being posted by foreign subcontractors, with an eye to detecting potential victims of THB for labour exploitation;
 - provide training to labour inspectors, police officers, Border Police officers, prosecutors and judges, including through joint training, on THB for the purpose of labour exploitation and human exploitation, as well as the rights of victims;
 - ensure that possible victims of THB among foreign workers are not subjected to deportation until a proper identification procedure has been conducted and that they are provided with all assistance measures to which they are entitled under the Convention;
 - ensure that regional anti-trafficking co-ordinators are included in joint inspections conducted by multi-agency teams whenever possible and that trade union representatives are informed of possible cases of labour exploitation detected. When joint inspections are conducted, the role of the Border Police representatives should be clearly defined and the relevant legislative framework should be further developed to ensure that undocumented workers are able to regularise their status;

- continue to raise awareness among the general public as well as, in a targeted manner, among migrant workers, about their rights and the risks of THB for the purpose of labour exploitation (paragraph 149).

Identification of victims of trafficking

- GRETA considers that the Swedish authorities should review the application of the Dublin Procedure to presumed victims of THB and conduct risk assessments in order to prevent victims being returned to the country where they face the risk of being re-trafficked (paragraph 159);
- GRETA urges the Swedish authorities to take further steps to improve the identification of victims of trafficking, in particular by ensuring that:
 - the formal identification of victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings or the initiation of criminal proceedings;
 - regional co-ordinators against prostitution and human trafficking and the police are provided with sufficient human and material resources in order to be able to increase their efforts towards the identification of victims of trafficking;
 - the police and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking, and regional co-ordinators against prostitution and human trafficking are included in such activities whenever possible;
 - regular training on THB is provided to all relevant actors, including law enforcement officers, labour inspectors, immigration officials, and education and healthcare professionals (paragraph 163).

Assistance to victims

- GRETA considers that the Swedish authorities should take further steps to fulfil their obligations under Article 12 of the Convention, and in particular to:
 - ensure that victims' access to assistance funded by the state is not made conditional on their willingness to co-operate in the investigation and criminal proceedings;
 - ensure that regional co-ordinators are promptly informed whenever victims of trafficking are identified in order to co-ordinate the provision of assistance to them;
 - ensure that all presumed and identified victims of trafficking in Sweden can receive adequate support and assistance, having regard to their individual needs, for as long as required;
 - ensure availability of specialised assistance for all victims of trafficking, including men and transgender persons, throughout the country;
 - ensure that all presumed victims, including those identified in immigration centres and in the course of the asylum procedure, are promptly transferred to appropriate housing adapted to their needs;
 - provide longer-term, sustainable funding for the National Support Programme and NGOs that provide assistance to victims, in order to ensure the continuity of victims' assistance;
 - provide training on THB to representatives of municipal services (paragraph 182).

Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

- 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:
 - identify possible victims of trafficking among the children subjected to commercial sexual exploitation;
 - proactively identify unaccompanied and separated children at risk of being trafficked;
 - prevent violence or abuse at places of accommodation for unaccompanied asylum-seeking or irregular migrant children, including the homes for secure institutional care;
 - take measures to deal effectively with the problem of disappearance of presumed child victims of trafficking from accommodation centres, by providing them with secure accommodation and appropriate services and a sufficient number of appropriately trained supervisors (paragraph 193);

- GRETA considers that the Swedish authorities should:
 - put into practice a country-wide concept for the protection and support of child victims of trafficking, including access to specialised accommodation throughout the country;
 - review the age assessment procedures, with a view to ensuring that the best interests of the child are effectively protected and that the benefit of the doubt is given in cases of doubt, in accordance with Article 10, paragraph 3, of the Convention, and taking into account the requirements of the UN Convention on the Rights of the Child, General Comment No. 6 of the Committee on the Rights of the Child and the CM/REC(2022)22 (paragraph 194).

Recovery and reflection period

- GRETA welcomes the amendments to the Aliens Act allowing the municipal social services to apply for the recovery and reflection period on behalf of victims of trafficking, and considers that the Swedish authorities should take further measures 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, in particular by:
 - ensuring that a recovery and reflection period is applied for and granted to foreign victims regardless of whether they co-operate with the law enforcement authorities in criminal proceedings;
 - providing training to representatives of social services with regard to the purpose of and the procedure for the granting of the recovery and reflection period (paragraph 199).

Residence permits

- 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, including on the basis of their personal situation, when a victim is unable to co-operate with the authorities. In this context, GRETA refers to the UNHCR 2006 Guidelines on the application of refugee status to victims of trafficking and GRETA's Guidance note on the entitlement of victims of trafficking, and persons at risk of being trafficked, to international protection (paragraph 204).

Appendix 2 - List of public bodies, international organisations, non-governmental organisations and civil society actors with which GRETA held consultations

Public bodies

- Gender Equality Agency
- Ministry of Justice
- Ministry of Health and Social Affairs
- Ministry of Education, including the National Agency for Education
- Ministry of Employment
- Ambassador-at-large for Combating Trafficking in Persons
- Police Authority
- Prosecution Authority
- National Courts Administration/Judicial Training Academy
- Migration Agency
- Work Environment Agency
- National Board of Health and Welfare
- National Board of Institutional Care
- Inspection for Healthcare and Welfare
- Crime Victim Compensation and Support Authority
- National Council for Crime Prevention
- Parliament
- Office of the Parliamentary Ombudsman
- Children's Ombudsman
- Social Services, including Regional Co-ordinators against prostitution and human trafficking in Stockholm and Gothenburg

Intergovernmental organisations

- Council of the Baltic Sea States

Civil society organisations

- Swedish Platform Civil Society against Human Trafficking
- Red Umbrella Sweden
- Scandinavian Human Rights Lawyers
- Swedish Bar Association
- Swedish Trade Union Centre for Undocumented Migrants

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 Swedish authorities on 13 July 2023 and invited them to submit any final comments. The comments of the authorities, submitted on 15 September 2023, are reproduced hereafter.



Government Offices of Sweden

15 September 2023

Ministry of Justice
Division for Criminal Law
SE-103 33 Stockholm
Sweden

Ms Petya Nestorova
Executive Secretary
Council of Europe
F-67075 Strasbourg Cedex

Dear Ms Nestorova,

The Swedish Government has received the final report drawn up by GRETA concerning the third evaluation round of the implementation of the Council of Europe Convention against Trafficking in Human Beings.

We would like to express our appreciation of all the efforts made by GRETA and extend our sincere thanks for the useful recommendations. The report 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.

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

Yours sincerely,

Deputy Director
Contact Person for GRETA

Walo von Greutz
Director



Comments from Sweden on GRETA:s final report

Paragraphs, 15, 154, 165

While the Government takes note of and welcomes GRETA's assessment of the impact and contribution of the work of regional coordinators against prostitution and trafficking in human beings in Sweden, it wishes to clarify that the regional coordinators (currently 16 in total) do not have an overarching responsibility to co-ordinate anti-trafficking action or THB victims' access to different services on the municipal levels and are not deployed to the Gender Equality Agency (GEA). As stated in the "Reply from Sweden to the Questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties" (GRETA(2018)26_SWE_rep), the regional coordinators "are based in the social services in 7 regions and act as support for the Gender Equality Agency's national assignment concerning prostitution and human trafficking for all purposes. Tasks for a regional coordinator include to assist regional authorities, such as the police and social services, support to trafficking victims and act as a regional actor with cutting-edge expertise in human trafficking. The function is co-financed by the GEA."

Paragraph 43

When a preliminary investigation into a THB-crime has been initiated, a counsel for an injured party shall be appointed if it can be assumed that the plaintiff needs such assistance. It is therefore not correct that the plaintiff of THB needs to have a particular strong need for such assistance for a counsel to be appointed. Instead, it is enough that it can be assumed, due to the plaintiff's personal relationship to the suspect or other circumstances, that the plaintiff needs such an assistance (See 1 § 2 The 1988 Act on the counsel for the injured party).

We would also like to turn your attention to an amendment to the Swedish Code of Judicial Procedure (1942:740) on the 1 of July 2018, that was made to ensure that when a preliminary investigation on a sexual offence is initiated, a request for a counsel to represent the injured party is to be made immediately. The aim is that at plaintiff of a sexual offence should be appointed a counsel as early as possible in the process.

Paragraph 74

It can be mentioned that in June 2023, the Government appointed an official investigation to consider, among other things, whether victims of crime should be entitled to compensation as soon as a judgment for damages becomes final. This would mean that victims will not have to initiate a process to claim compensation themselves, and it would also speed up the enforcement proceeding. In this context, it can also be mentioned that in July 2023, the European Commission presented a directive proposal on amending the directive for victims of crime. According to the proposal, the current Article 16 of the directive is to be amended so that Member States shall ensure that their competent authorities pay directly to the victim the adjudicated compensation without undue delay.

Paragraph 80

We would like to highlight that according to the referred study from The Swedish National Council for Crime Prevention (Brå), there is documentation indicating that the sex purchase crime is linked to human trafficking, procuring or human exploitation (the most common link is to procuring) in one fourth of the 300 cases concerning the purchase of sexual services analysed in the study.

Paragraph 110

It can be mentioned that a proposal that The National Unit against Organised Crime will handle cases of human exploitation is under consideration at the Prosecution Authority at the moment.

Paragraph 126-127

Regarding the requirements for prosecutors working on cases involving child victims, it must be corrected that all prosecutors in Sweden must undergo training about The UN Convention on the Rights of the Child.

Paragraph 131

The proposal was submitted in the end of August 2023 and is undergoing public consultation during the fall.

Paragraph 146

The Government notes with concern the statement in this paragraph (without attributed source) that 80% of persons employed in beauty and massage salons are selling sexual services. The Government is aware of media reports in December of 2022, stating that 80% of Thai massage salons, apart from massage, also were selling sexual services. Upon receiving this report from GRETA, the Government has made further enquiries and understands from The National Rapporteur on Trafficking in Human Beings that in an as yet unpublished report, the former National Rapporteur states that “key actors” estimate that prostitution and selling of sexual services occurs in up to 80% of Thai massage salons. The data is indicative and associated with uncertainty. The proposition from the former National Rapporteur to introduce a mandatory operational permit for such establishments to prevent exploitation is a recommendation also mentioned in the same unpublished report. The Government intends to take part of the conclusions and recommendations in a coming report.

Paragraph 149

Sweden would like to notify GRETA that the National Operations Department at the Swedish Police Authority and AKC (regional centers against labor criminality) have jointly formed a training program providing Border police with comprehensive training on THB/HE (Human exploitation). The border police regularly take part of the workplace inspections conducted by the AKC.

Paragraph 165

The paragraph mentions that “Municipalities have access to national funds earmarked for combating prostitution and THB, which have been available since 2016”. The Government understands that this statement refers to the grants which have been offered to municipalities through the National Board of Health and Welfare to develop the social services for children and adults affected by domestic violence including honour-based violence and oppression. Since 2016, these grants have been equally accessible for the regions in their efforts to improve health services for the target groups concerned and they may also be used for work related to non-domestic sexual violence, prostitution, and trafficking. In 2021, 27 municipalities reported to have used the grants to develop services for persons prostitutions or victims of human trafficking for purposes of sexual exploitation.