



## **G R E T A**

Group of Experts on Action  
against Trafficking in Human Beings

GRETA(2018)26\_SWE\_rep

# **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**

## **Third evaluation round**

**Thematic focus: Access to justice and effective remedies for  
victims of trafficking in human beings**

**Reply submitted on : 19 April 2022**

Secretariat of the Council of Europe Convention  
on Action against Trafficking in Human Beings  
(GRETA and Committee of the Parties)  
Council of Europe  
F-67075 Strasbourg Cedex  
France

[trafficking@coe.int](mailto:trafficking@coe.int)

[www.coe.int/en/web/anti-human-trafficking](http://www.coe.int/en/web/anti-human-trafficking)

December 2018

## Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings ("the Convention"), GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is 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 (THB), 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. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

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, regularisation of the victim's stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different 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, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

States Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's second evaluation report. States Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

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

---

## **Part I - Access to justice and effective remedies**

### **1. Right to information (Articles 12 and 15)**

#### **1.1 How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.**

Persons suspected of being victims of THB are as soon as possible informed of their legal status and rights (Section 13 a Regulation on preliminary investigation), normally during the first police interrogation. This means for example that they are informed of their right to a counsel for an injured party and the possibilities for obtaining compensation. If the victim of THB does not speak Swedish an interpreter is used during the interrogation (Chapter 5 section 6 and chapter 23 section 16 Code of Judicial Procedure).

When the victim has been appointed a counsel for an injured party that counsel will also inform the victim about his or her rights and how the legal process will proceed.

Furthermore, the police must, on directive from the prosecutor, inform victims of THB who do not have a right to reside in Sweden, that they may under certain circumstances get a temporary residence permit either in the form of a 30-days recovery and reflection period or in the form of a longer temporary residence permit of at least six months. See below Part II for more information regarding the mentioned residence permits.

At the Swedish Migration Agency (SMA), suspicions of trafficking are observed in all application processes but foremost within the asylum procedure. Suspected victims are informed by an asylum officer or reception officer that they may have right to protection and support. The SMA offers help to get in touch with the regional coordinators. Information is translated to relevant language. Similar information is given by other officers within other parts of the SMA, for example in relation to work permits or detention as indications of trafficking occur. The SMA has website information specifically for guardians of unaccompanied asylum-seeking minors about indicators and risks of human trafficking.

The non-profit organisation Victim Support Sweden (Brottsofferjouren) gives information and support to victims, inter alia in person at almost every district court in Sweden. Victim Support Sweden provides support services, free of charge, to all victims of crime, witnesses and family members irrespective of crime type. The organisation also manages the European Helpline for victims of crime 116006 where all victims, witnesses and family members are able to access support and information in the aftermath of crime. Victim Support Sweden has about 70 community-based victim support offices across the country and court-based witness support services in 55 courts. To ensure that as many as possible can access help in the aftermath of crime, support is offered in over 25 languages through the use of multi-lingual staff and volunteers.

## **1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?**

If a party, a witness or any other person who shall be heard by the court or the police is incapable of understanding and speaking Swedish, an interpreter may be engaged. If a suspect or an aggrieved person in a criminal case is incapable of understanding and speaking Swedish, an interpreter shall be engaged (chapter 5 section 6 and chapter 23 section 16 Code of Judicial Procedure). Translation of documents is also provided, when appropriate or if required (chapter 33 section 9 and chapter 23 section 16 Code of Judicial Procedure).

### **2. Legal assistance and free legal aid (Article 15)**

#### **2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?**

A victim of THB is provided with a legal counsel (counsel for an injured party), without regard of the victim being an adult or a child. It is the court that appoints a counsel. The court may do this as soon as a preliminary investigation has been initiated. The counsel assists the victim during the preliminary investigation and during the court proceedings (including claims for damages). The counsel for the injured party has the right to attend all interrogations with the victim (Chapter 23 section 10 Code of Judicial Procedure). The legal counsel takes charge of the victim's legal interests and claims compensation when the case is prosecuted. The legal aid is free of charge for the victim.

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

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

#### **2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?**

The appointment of a counsel for an injured party does not require any certain immigration status. Such counsel may be appointed in cases concerning sexual offences, or crimes against life and health or freedom and integrity if the injured party has a need for legal assistance. A counsel may also be appointed in cases concerning other crimes which may result in imprisonment, if the injured party has a particularly strong need for such assistance (Section 1 Act concerning Council for the Injured Party).

**2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.**

In Sweden legal aid exists both in civil and criminal, as well as administrative cases. The legal aid system is divided into different types of state funded aid. Legal aid according to the Legal Aid Act is based on a means and merits test, which is not the case when it comes to state funded aid in criminal cases such as a public defence counsel or a counsel for an injured party. In these cases, it is the need of a counsel that is decisive.

For information on the conditions for a counsel for an injured party or special representative for children, please see answers above. Compensation from the perpetrator is normally claimed in the criminal procedure. The counsel's mandate ceases after the judgement and does not include help in ensuring receipt of damages or other compensation.

In the mandate for the special representative for children measures relating to the enforcement of compensation and the application for criminal injury compensation is included.

All government authorities, including the Swedish Enforcement Agency and the Crime Victim Compensation and Support Authority, have an obligation to give private persons the assistance they need to look after their interests. The assistance shall be given to the extent that is deemed appropriate with regard to the nature of the question, the private person's need of assistance and the activities of the authority. It shall be given without unnecessary delay.

Legal aid is financial support provided by the State to those who are unable to pay for a legal representative for them to have their case heard. Legal aid is common in civil cases, such as family disputes, for example cases concerning custody of a child. A prerequisite is that the cost is not covered by a legal expenses insurance. There are limits to the costs for legal aid paid by the State. The basic idea behind legal aid is that a person should contribute to the cost to the extent that he or she can afford. A legal aid fee is paid by the applicant, varies from 2 to 40 percent of the costs depending on the applicant's income. Legal aid can cover the whole or part of a person's cost of a legal representative up to 100 hours (can be extended by the court).

**2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?**

A lawyer that due to primarily his or her knowledge and experience is particularly suitable for the assignment, may be appointed as a counsel for an injured party. If the injured party has requested a certain person that person should be appointed unless there are special reasons against it.

Lawyers that have experience of cases of THB may be appointed but it is not an absolute requirement according to the regulations.

**2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).**

A counsel for an injured party or a special representative for children is paid for by the State. If the accused is sentenced, the accused may have to repay the costs for aggrieved party counsel to the State. The injured party does not have to pay anything for the counsel or the representative.

### **3. Compensation from the perpetrators (Article 15)**

#### **3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?**

An action against the suspect or a third person for a claim for compensation in consequence of an offence may be conducted in conjunction with the prosecution of the offence. If the victim has a counsel for an injured party, that counsel presents the claim for damages during the trial. That is normally the case with victims of THB.

The prosecutors also have a general responsibility to prepare and conduct the victim's claim for damages in a trial (see chapter 22, Section 2 Code of Judicial Procedure). That is often the case when the victim is not entitled a counsel for an injured party.

#### **3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?**

The most common types of damages after a crime are compensation for:

- expenses for medical treatment, counselling and other costs related to the injury
- loss of income
- pain and suffering, such as pain and discomfort during the period of illness
- permanent injuries, such as scars, loss of healthy teeth, impaired vision or hearing
- violation of personal integrity.

Claims for damages in court and applications on criminal injuries compensation from the state are calculated in similar ways. There are however some differences between the two. When it comes to compensation from the state it is not possible for the victim to receive compensation for the loss of property (for example lost or destroyed money, jewellery, a mobile phone or a wallet). However, the victim who has suffered personal injuries may receive compensation from the state for damaged clothing, dentures or similar objects worn by the victim at the time of the crime.

Loss of income is calculated as the difference between the income the victim would have had the injury had not occurred and the income the victim received after the injury.

Pain and suffering and permanent injuries are calculated according to tariffs established by The Road Traffic Injuries Commission and the courts.

Compensation for violation of personal integrity is valued by an objective assessment of how offensive the crime was. Criteria that should be considered when deciding the compensation are particularly the humiliating nature of the incident, whether it was intended to evoke serious fear for life, if it was directed towards a person with particular difficulties in protecting his or her personal integrity, if it involved abuse of dependence or trust or if the act was intended to cause public attention. The amounts are developed through practise by the courts and the Swedish Crime Victim Authority. The Swedish Government has recently submitted a proposal to parliament that will significantly raise the level of compensation that is awarded to victims of crime, including trafficking victims, for violation of personal integrity.

There is a possibility to reduce damages or the criminal injuries compensation in certain cases, for example if the victim has contributed to his or her own damage caused by the crime. This is however not relevant in cases of THB.

### **3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?**

If the defendant does not pay the damages voluntarily, the Swedish Enforcement Agency can help the victim. After the sentence has been announced, the local enforcement agency receives a copy of the sentence from the court. Sometime after the trial, the victim receives a letter from this agency asking whether the victim would like them to collect the damages on his or her behalf. The agency then investigates the financial situation of the offender. If the offender is found to have executable assets or income, the agency will ensure that the victim receives the damages.

If the convicted offender is unable to pay the damages the victim may be entitled to compensation from the state. This is known as criminal injuries compensation, and it is dealt by the Swedish Crime Victim Authority. In order to receive criminal injuries compensation, the victim must submit an application to the Swedish Crime Victim Authority.

In general, a victim of crime should also investigate whether he or she has an insurance that covers damages or injuries resulting from a crime before an application on criminal injuries compensation is submitted. It is however unclear if any of the insurance companies compensate for damages caused by THB. In the presented cases in section III none of the applicants were Swedish citizens and therefore the Crime Victim Authority did not investigate whether the applicants had any insurances or not.

### **3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?**

The Swedish Gender Equality Agency has the Government's task of coordinating and developing efforts to enable people who are exposed to prostitution and human trafficking to return to their home countries voluntarily and safely in the EU or to third countries by funding a return program run by the International Organization for Migration (IOM). The program aims to create conditions for the vulnerable to be able to leave prostitution or other exploitation, minimize the risks of them ending up in trafficking scenarios again on return. Through the program, the victims are offered a voluntary return that includes support both before, during the journey home as well as upon returning home.

### **3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?**

The Swedish labour market model is based on the regulation of wages and various working and employment conditions in collective agreements between the social partners. The autonomy of the partners means that it is the responsibility of the trade unions and the employers to ensure compliance with the rules of collective agreements, including rules on wages. If a victim of THB is a member of a Swedish trade union, the trade union will normally assist with the legal proceeding. Victims of THB, who are not a member of a Swedish trade union can claim unpaid wages and take legal action at the competent court.

Victims of THB can bring civil claims for unpaid wages and social contributions based on employment law, even if there is no written employment contract since there is no formal requirement that employment contracts are written. However, it will be a matter of proving that



there is in fact an employment relationship between the employee (victim of THB) and an employer.

The amount, of unpaid wages is established based on the agreement between the parties. If the employer is bound by a collective agreement, the employer can be liable to pay general damages based on unpaid wages. Further, under certain circumstances, it is possible for victims of THB to turn to the Swedish Enforcement Agency to establish the unpaid wages.

### **3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?**

The Swedish Prosecution Authority offers courses on issues of compensation. The Swedish Prosecution Authority also has guidelines about issues of compensation.

Since the 1 of January 2018, the Swedish Gender Equality Agency has the national assignment to coordinate the work to combat prostitution and trafficking in human beings for sexual and other purposes. As a part of this work, the Swedish Gender Equality Agency updated the National Referral Mechanism manual (NRM), which clarifies the roles and responsibilities of the different actors involved in the NRM and is to be used as a support in the work to identify and assist possible victims of trafficking. The Swedish Gender Equality Agency is developing training for professionals regarding trafficking in human beings for all purposes. The training has been offered online during the pandemic. A specific online training tool on child sexual exploitation, prostitution and trafficking was released in June 2021.

Since 2010, the Swedish Police Authority offers all employees access to interactive training on THB, and since 2017 it also provides interactive training on trafficking in children for different purposes with a focus on sexual exploitation. The training is available on the intranet of the Police Authority and teaches staff how THB can be detected and investigated, and how to approach and support victims of crime etc. Investigators are also offered a two-week advanced course on THB. The advanced training is run once or twice a year. There is also a handbook on THB for the border police. On the intranet of the Police Authority, there is information on how to prevent, detect and investigate THB.

The Judicial Training Academy, responsible for training of judges in the Swedish courts, provides general training on judicial issues related to THB and the dealing with THB cases.

## **4. State compensation (Article 15)**

### **4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?**

A victim of crime can receive criminal injuries compensation if the crime was committed in Sweden, so there are possibilities for victims of THB to be compensated after their return to their country of origin. No victims are excluded due to irregular residence status, nationality, or nature of the offence.

Compensation from the state will only be granted if the victim lacks the possibility of receiving compensation from other sources (e.g. from a convicted offender or from an insurance). If the victim receives compensation from another source, the amount will be deducted from the State compensation. There is a possibility in general for a victim of crime to receive State

compensation if the offender is unknown. But if the suspect has been identified, a conviction is required in principle to receive State compensation.

#### **4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?**

The amount of state compensation (or criminal injuries compensation) is calculated in a similar way as damages. See more under section 3.2.

#### **4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.**

It is possible for foreign victims of trafficking to submit claims for State compensation after their return to their countries of origin. In a majority of the cases presented in section III the victims were represented by a counsel for the injured party. The counsels applied for state compensation from the Swedish Crime Victim Authority on behalf of the victims. In these cases, the counsels also were responsible to transfer the compensation to the victims.

#### **4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?**

In general, it is not necessary to have legal representation in order to apply for state compensation. Therefore, costs for representation are normally not covered by the scheme on criminal injuries compensation. Exceptions are cases where a reasonable cost for representation would claim a significant part of the compensation. Because of the rather high amounts that are awarded in cases of THB it is not possible to receive compensation for legal representation.

Criminal injuries compensation is not subjected to taxation (with the exception of compensation for loss of income). The compensation may however have consequences for the possibility for the victim to receive income support from social services. The municipalities' social services have different views on this matter, which means that it can have different consequences for crime victims depending on where they stay in the country.

### **5. Sanctions and measures (Article 23)**

#### **5.1 Please describe the legislative and other measures adopted by your country which allow to: i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds; and ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?**

Proceeds of criminal offences shall be confiscated in accordance with Chapter 36 of the Swedish Criminal Code. Confiscation is considered a special legal effect of crime (Chapter 1, Section 8 of the Swedish Criminal Code) and is applied on proceeds and instrumentalities used or intended for use in criminal offences. The general provisions on confiscation of proceeds in the Code are applicable also in relation to THB, i.e. proceeds of THB shall be confiscated unless this is manifestly unreasonable (Chapter 36 Section 1 of the Criminal Code). This also applies to anything received by a person as payment of costs in connection with an offence, if the receipt constitutes an offence under the Code. The value of what was received may be declared confiscated in place of what was received.

The property of a person convicted of trafficking shall, in accordance with Chapter 36 Section 1 b of the Code, also be confiscated if it is substantially more likely that the property constitutes proceeds of a crime than the opposite (extended confiscation). Moreover, the value of the property may be declared confiscated in place of the property. In 2016, the provision regarding extended confiscation in the Criminal Code was revised. In addition to the situations where extended confiscation has already been required, extended confiscation shall now be applied if any offence for which a penalty of two years of imprisonment or more has been committed and the offence is part of a criminal activity that has been conducted in an organized form. In addition, the provision concerning cases of death of the perpetrator, has been amended, now allowing for confiscation not only within five years from the commission of the offence, but always within one year of the occurrence of the event that prevents sentencing. This further enhances the possibility to confiscate the proceeds of crime.

The preliminary investigation should, as far as possible, aim at seizing the assets of perpetrators in order to facilitate the enforcement of a later confiscation. Property reasonably presumed subject to confiscation may be seized if the reasons for the measure outweigh the consequent intrusion or other detriment to the suspect of THB or to another adverse interest. (Chapter 27, Section 1, the Code of Judicial Procedure).

**5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.**

The right to compensation to victims are guaranteed by claiming damages in court and by criminal injuries compensation. As a general rule, confiscation shall not take place if proceeds of an offence correspond to loss occasioned to an individual (Chapter 36 Section 1 a of the Swedish Criminal Code).

Confiscated assets accrue to the Swedish State (Chapter 36 Section 17 of the Swedish Criminal Code). There is no obligation under Swedish law to reuse confiscated property for the public interest, social purposes or to compensate victims of crime.

**5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?**

No, plea bargaining or other settlements in cases of THB, are not possible.

**5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?**

There is no fast-track THB-related prosecutions in Sweden. A case is given priority if the perpetrator is deprived of liberty or if the perpetrator is under 18 years of age.

According to the regulation on preliminary investigation a preliminary investigation concerning a crime against the life, health, freedom or integrity of child has to be handled speedily (2 a §). Generally, those investigations must be finished and a decision to prosecute or not has to be taken within three months after the time when a person is suspected of the crime. That means that the

investigation must be moving forward constantly, which in turn means that it is not possible with unjustified delay before an interview with a child.

## **5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?**

The criminal provisions on THB in the Swedish Criminal Code, and the sanctions, are well adapted to the international requirements in this area. All criminal provisions under Swedish criminal law are constructed to be effective, proportionate and dissuasive.

## **6. Ex parte and ex officio applications (Article 27)**

### **6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?**

Victims of THB are considered an injured party in the criminal proceedings. As such, they have the right to become a party to the prosecution and to appeal a judgement.

Regarding counsel for an injured party and special representative for children, please see question 2 above.

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

Witness support is available in most courts, and they are able to assist an aggrieved party when he or she attends the court for a trial. A witness support person is a person working on a not-for-profit basis who assists witnesses and victims of crime with humanitarian support and practical information in conjunction with a criminal trial. A witness support person has sworn a moral promise of confidentiality.

The witness support person will primarily be a fellow human being but can also explain how the criminal procedure is conducted. They can also provide information about compensation and practical matters, such as the location of the cloakroom and toilet. The witness support person can also refer witnesses and victims of crime to other people and bodies that may also be able to provide support.

### **6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?**

An injured party may appeal a judgement decided by the district court to a court of appeal.

In case of decisions made by a prosecutor, a victim of crime may request an appeal from the Prosecution Development Centre. Decisions are then made by a Director of Public Prosecution. The appeal can refer both to decisions not to prosecute or be general complaints against the pre-trial investigation.

A victim of crime can also turn to the Swedish parliamentary Ombudsman and make complaints about, for example, slow pre-trial investigation.

### **6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?**

Persons held in detention centres have the same rights and possibilities to make complaints and to report a crime as everyone else.

### **6.4 Can victims of THB bring claims against the State or its officials for: i) direct involvement in THB; ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.**

Any claims for damages directed against the state for incorrect exercise of law are handled by the Chancellor of Justice.

As far as we know there are no prosecutions against diplomatic or consular staff.

### **6.5 What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?**

To ensure a high level of competence, all pre-trial investigations concerning THB are handled by the National Unit against Organised Crime, which has a group of prosecutors who are specialized in THB. The group of prosecutors also has meetings on a regular basis to spread and exchange information about, for example, best practices during investigations, legal issues and important verdicts.

The Swedish Prosecution Authority has a designated prosecutor who is an expert in THB and human exploitation. The Swedish Prosecution Authority also collaborates with other authorities both domestically and internationally for better knowledge and handling of cases concerning THB.

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

### **7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.**

The main legal provisions on non-punishment within the Swedish legislation are the rules for waiver of prosecution and preliminary investigation limitation and the provision on "necessity", which is a part of the provision on general grounds for exemption from criminal responsibility.

Pursuant to Chapter 20, Section 7, first paragraph of the Code of Judicial Procedure, the prosecution may be waived when no compelling public or private interest is disregarded:

1. if it may be presumed that the offence would not result in another sanction than a fine;
2. if it may be presumed that the sanction would be a conditional sentence and special reasons justify waiver of prosecution;
3. if the suspect has committed another offence and no further sanction in addition to the sanction for that offence is needed in respect of the present offence; or

4. if psychiatric care or special care in accordance with the Act on Support and Service for Certain Persons with Functional Impairments is rendered.

According to the second paragraph, a prosecution may be waived in cases other than those mentioned in the first paragraph if it is manifest by reason of special circumstances that no sanction is required to prevent the suspect from engaging in further criminal activity and that, in view of the circumstances, the institution of a prosecution is not required for other reasons (often called "extraordinary cases").

Section 7 a prescribes that a decision to waive prosecution may be made even after the institution of a prosecution when circumstances emerge that, had they existed or been known at the time of the prosecution, would have led to waiver of prosecution. Prosecution may not be waived, however, if the defendant objects or after judgment has been rendered.

When it comes to young offenders the room for waiving prosecution is more extent.

A preliminary investigation may be discontinued if it can be assumed that prosecution will not be instituted pursuant to the provision on waiver of prosecution (preliminary investigation limitation). If the conditions for preliminary investigation limitation exist already before such investigation has been initiated, it may be decided that a preliminary investigation shall not be initiated (Chapter 23, Section 4a of the Code of Judicial Procedure).

The Prosecutor General has provided guidelines for the application of the rules on waiver of prosecution and preliminary investigation limitation. The most recent guidelines, decided in September 2021 (R&R 2021:1), deals explicitly with victims of THB. According to the guidelines, an exceptional situation of the kind required for a decision to waive prosecution or to limit the preliminary investigation in "extraordinary cases", may exist when victims of trafficking have felt compelled to commit less serious crimes (*mindre allvarliga brott*). The guidelines state that if the suspect has been the victim of trafficking, the prosecutor may decide to limit the preliminary investigation or to waive prosecution if the suspected crime is related to human trafficking and the crime that the suspect felt compelled to commit, considering all the circumstances, is less serious. A reference is made to Article 26 of the Convention.

According to the Swedish Criminal Code, Chapter 24, Section 4, an act committed by a person out of necessity only constitutes an offence if, in view of the nature of the danger, the damage caused to another, and the other circumstances, it is unjustifiable. 'Necessity' exists when a danger threatens life, health, property or some other, important interest that is protected by the legal order.

The general grounds for exemption from criminal responsibility in the Swedish Criminal Code and the rules for waiver of prosecution in the Swedish Code of Judicial Procedure is a part of the general training for prosecutors.

See also the answer to 6.5.

## **7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?**

Yes, persons who may have breached laws in the course, or as a consequence, of being trafficked have full access to remedies, including compensation from perpetrators and State compensation.

## **8. Protection of victims and witnesses (Articles 28 and 30)**

### **8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?**

The presiding judge is responsible for the maintenance of order at court sessions and for issuing the regulations necessary therefor. There are special regulations concerning security control at court hearings (the Swedish Code of Judicial Procedure, Chapter 5, Section 9). It is possible to use sound/videoconferencing for (inter alia) the aggrieved person, if there are reasons for it (the Swedish Code of Judicial Procedure Chapter 5, Section 10). The court/judge shall in this context pay special regard to, inter alia, if it can be assumed that anyone participating in the session will be exposed to pressure.

### **8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?**

The victim of crime receives information about the process from his or her counsel for the injured party.

A written notification of a decision of a prosecutor is always sent to the victim of crime. A victim of a crime can also receive information about the legal process and any decisions made by the prosecutor from the police.

If a person suspect that is arrested or detained absconds or if the deprivation of liberty is lifted, the injured party shall be notified as soon as possible, if needed (section 13 c Regulation on preliminary investigation).

An aggrieved person who has asked to be notified, shall be notified by the court about time and place for sessions of the court (the Swedish Code of Judicial Procedure, Chapter 20, Section 15 a).

### **8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?**

Court hearings shall be open to the public. However, there are provisions in the Swedish Code of Judicial Procedure and the Public Access to Information and Secrecy Act making it possible for the court to decide to hold parts of hearings behind closed doors under certain conditions (the Swedish Code of Judicial Procedure, Chapter 5, Section 1).

### **8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?**

There is no information about the number of cases.

### **8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?**

The national support program provided by the Swedish Platform Civil Society against Human Trafficking is a complement to the authorities' efforts to support victims of prostitution and trafficking. The government granted the Platform SEK 1.5 million for its work in 2020. For 2021 and 2022, the Government assigned the Swedish Gender Equality Agency to provide funding to the Platform Civil Society against Human Trafficking. The Platform is an umbrella organisation who

runs a national support program for people who are victims of prostitution and trafficking in human beings.

Due to pre-investigation secrecy during the investigation information is not given to persons outside the police and the Prosecution Authority when the investigation is ongoing.

Victim Support Sweden (Brottsofferjouren) is a national non-profit organisation, providing information and confidential support services, free of charge, to all victims of crime, witnesses and family members irrespective of crime type. The organisation also manages the European Helpline for victims of crime 116006 where all victims, witnesses and family members are able to access support and information in the aftermath of crime. Victim Support Sweden receives its financing from various sources such as public and governmental grants from for instance the Swedish Crime Victim Authority, the Swedish National Board of Health and Welfare, the Agency for Youth and Civil Society, the Swedish Police Authority. The main contribution comes from the Crime Victim Fund.

**8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?**

Interrogations with children must take place by specially trained child interrogation leaders. The aim should be to hold as few interrogations as possible, but this depends on the nature of the individual case.

All interrogations with children are recorded on video and presented during the court proceedings, which means that the child does not have to be present in court.

Children who are victims of crime may be appointed a counsel for the injured party or a special representative for children.

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

**9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?**

For the Swedish Prosecution Authority it is not possible to account for the budget and resources at the disposal of the prosecutors specialised in investigating THB. It is included in the general budget.

**9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?**

During investigations on THB, it is common to conduct a financial investigation concerning the economy of the perpetrators and the profits from the exploitation of the victims. Furthermore, the Swedish Prosecution Authority has auditors who participate in the work of calculating the profit of the crime, tracing and securing the exchange of crime and presenting claims of forfeiture in the prosecution.



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

### **10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?**

In cases when a victim has left Sweden, cooperation with other States is possible in accordance with different multilateral or bilateral agreements on Mutual Legal Assistance (MLA), including the Council of Europe Convention from 1959 including its additional protocols or, if cooperation with another Member State of the EU is needed, in accordance with the Directive on the European Investigation Order (EIO). Through an MLA or EIO, request for help from other states to locate and carry out a hearing with the victim is possible. If the victim can be found, they will be informed about their right to a victim's lawyer, who can help them to apply for compensation and take care of their legal interests. If there is an interrogation of the victim, in Sweden or abroad, the victim's lawyer will be present and have the possibility to talk to the victim adjacent to the hearing. The lawyer will also assist the victim in the court process and in the process after the trial to apply for payment of damages. In some cases, the Social Service has also contributed in helping the victims to acquire compensation which have been decided by the court.

### **10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.**

In most THB cases, a financial investigation is carried out concerning the economy of the perpetrators and the profits from the exploitation of the victims. The financial investigation usually includes requests for legal assistance through an EIO and/or MLA from the country/ies of origin. As regards co-operation through Joint Investigation Teams (JITs) in THB cases, a good example is the JIT between Sweden and Bulgaria in "Operation Växjö" during 2017-2018, which included extensive confiscation of the perpetrators' assets in Bulgaria. The perpetrators had exploited a large number of Bulgarian citizens as beggars in Sweden and the profits from the exploitation had been transferred to Bulgaria and used for building and renovating the houses of the perpetrators. During the investigation, Swedish and Bulgarian legal authorities successfully cooperated, within the framework of the JIT, in tracking and seizing the profits from the exploitation.

### **10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?**

In most THB cases there is a need for international cooperation. In most THB-cases there is a need to issue several EIO:s and/or MLA:s, in particular for help with locating and carrying out hearings with victims and witnesses, but also for help with other measures to obtain evidence and to trace the financial gains from the exploitation of the victims.

### **10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?**

As stated above, Swedish authorities have the possibility to cooperation with other States in accordance with different multilateral or bilateral agreements on MLA, including the Council of Europe Convention from 1959 and its additional protocols or, if cooperation with another Member State of the EU is needed, in accordance with the Directive on the European Investigation Order (EIO). Participation in a JIT is a useful tool which is possible in accordance with for example the EU Framework decision on JITs and the second additional protocol to the Council of Europe Convention from 1959. Other forms of bilateral co-operation are also useful. In the Swedish experience these measures have, in a number of cases, enabled the Swedish police and prosecutor to go on interrogation trips to the country of origin in order to attend the hearing of the victims in

their home country. This procedure has proven very important to Swedish investigations as the victim then gains trust in the Swedish law enforcement authorities and is more likely to engage in the demanding process in court.

### **10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?**

The Swedish Gender Equality Agency has the government's task of coordinating and developing efforts to enable people who are exposed to prostitution and all forms of human trafficking to return to their home countries voluntarily and safely in the EU or to third countries by funding a return program run by the International Organization for Migration (IOM). The program aims to create conditions for the vulnerable to be able to leave prostitution or other exploitation, minimize the risks of them ending up in trafficking scenarios again on return. Through the program, the victims are offered a voluntary return that includes support both before, during the journey home as well as upon returning home.

### **10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?**

The measures highlighted above, such as MLAs, EIOs and JITs are all important for investigation into such crimes. The Framework of the Council of Europe Cyber Crime Convention (The Budapest convention) is of special importance. In accordance with Article 35 of that Convention, the Swedish Police Authority is appointed as Sweden's 24/7 contact-point.

## **11. Cross-cutting questions**

### **11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?**

The same rights apply to all victims of crime regardless of their immigration status or the form of exploitation.

Victims of THB may under certain circumstances get a temporary residence permit either in the form of a 30-days recovery and reflection period or in the form of a longer temporary residence permit of at least six months. See below Part II for more information regarding the mentioned residence permits

The Swedish Migration Agency (SMA) is not a crime-investigation authority. Since 2019 the Government's Ordinance for the Swedish Migration Agency (2019:502) states that the Agency shall contribute to the work against THB and similar crimes (Section 5). Regardless of the victim's status or form of exploitation, the SMA must make a police report or provide other information to the police, in case of suspicion within the Agency's area of responsibility, so that the police and the prosecutor's office can initiate a criminal investigation and prosecute any perpetrators.

### **11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?**

The Swedish Prosecution Authority has guidelines on treatment of victims of crime.

The Swedish Gender Equality Agency (GEA) is responsible for the Swedish national referral mechanism (NRM). The NRM clarifies the roles and responsibilities of the different actors involved in the NRM and is to be used as a support in the work to identify and assist possible victims of trafficking.

In Sweden, the social services in the municipalities are responsible to assist victims of trafficking.

The regional coordinators against trafficking in human beings are based in the social services in 7 regions and act as support for the GEA'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.

The Swedish Migration Agency's (SMA) work against THB follows the Government's Action Plan against prostitution and trafficking in human beings, as well as the Agency's internal action plan for equal treatment. As the work is based on a gender equality perspective, it shall illustrate and consider gender-related consequences. The work against THB is a part of the plan for gender mainstreaming 2022-2025 and is consequently integrated in process and planning within the SMA. The SMA consider the individual circumstances and needs of each THB-victim. For example, the victim may be asked if he or she has any request of the gender of the Agency's case officer conducting the asylum interview, as well as the gender of the appointed public counsel (legal aid) and interpreters at interviews and dialogues.

### **11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?**

The Swedish Prosecution Authority has guidelines on crimes against children and on interrogations with children and adults with invisible disabilities.

Furthermore, the Swedish Prosecution Authority has internal courses regarding crimes against children and courses about interrogations with children and adults.

### **11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?**

The adoption of the UN Guiding Principles on Business and Human Rights means that since 2011, there has been a global undertaking to promote respect for human rights within business. The guiding principles are central to Swedish policy and the Governments view is that business and human rights should be mutually reinforcing.

In 2015, the Government prepared a new and more ambitious policy for corporate social responsibility (CSR), linked to trade and business policy and promotion through the export strategy. In addition to a communication to the Riksdag regarding sustainable business (skr. 2015/16:69), Sweden was the sixth country in the world to adopt a National action plan for business and human rights in line with the UN Guiding Principles. The Government has a clear expectation for Swedish companies to act responsibly, for example by respecting human rights in all their operations, in Sweden as well as abroad.

The action plan, which was launched in August 2015, marked the beginning of Sweden's work to implement the UN Guiding Principles on a national level and included over fifty ongoing and planned measures. The implementation of the action plan was followed up by both the government and the Office of Public Management in 2018. Business and human rights is also part of the Swedish Trade and Investment Strategy and the Platform for International Sustainable Business, both launched in 2019, in which the government expresses a clear expectation on Swedish enterprises to respect human rights in their operations both in Sweden and abroad.

It can be noted that the Government has taken a number of measures to implement the UN Guiding Principles. We would especially like to highlight the following results:

- The Government has introduced new legislation on sustainability reporting for major companies, which is more ambitious than the EU directives, clearer sustainability criteria in the Public Procurement Act, and stronger legal protection for whistle-blowers.
- The Government has, for example via Business Sweden, provided additional support in the area of sustainable business, including human rights, when conducting trade-promoting visits abroad.
- The Ministry for Foreign Affairs has produced an online course in corporate social responsibility for all its embassies, to allow them to help companies with sustainability work. The course is compulsory training for all diplomats and local staff working with trade promotion.
- The Government has strengthened the focus on human rights in the steering of state-owned companies, for example through revised ownership policies, competence-enhancing measures and follow-up of the UN Guiding Principles.
- The Government has launched the Global Deal, a partnership aimed to promote social dialogue and good labour market relations, including freedom of association and collective bargaining, in order to create good working conditions, which in turn will strengthen business and human rights.
- The Government has produced a communication to the Riksdag with clear expectations regarding the companies' work on sustainable business.
- The government has instructed Business Sweden and the Swedish Agency for International Development (Sida) to comply with the UNGPs, the OECD Guidelines and the UN Global Compact.
- The Government's appropriation directions state that the Swedish Export Credits Guarantee Board (EKN) shall ensure that businesses operate in accordance with the UN Guiding Principles for business and human rights, and that work on sustainability issues shall be developed. A risk assessment is made of the business operations' negative impact on the enjoyment of human rights, for example work conditions, health and local security, migration, native populations, vulnerable groups, and cultural areas. For business in areas of conflict, and in countries with an especially high risk of breach of or lack of respect for human rights, special care should be taken and more in-depth sustainability assessments should be made. Business guaranteed by EKN also requires companies to take responsibility for environmental consequences, human rights and work conditions. For major projects, EKN can make on-site visits and make specific demands regarding how sustainability issues are handled. EKN is in continuous dialogue with and conducts education activities for exporting companies regarding the handling of human rights in export matters.

- In accordance with its instructions, the government-owned company Svensk Exportkredit (SEK) shall promote compliance with international guidelines on sustainable business with respect to the environment, anti-corruption measures, human rights, working conditions and business ethics. The company's credit decision includes sustainability risks regarding human rights, including working conditions. For business in areas of conflict, and in countries with an especially high risk of human rights violations, special care should be taken and more in-depth sustainability assessments should be made. SEK annually assesses the operations' risks of causing, contributing to or being linked to violations of human rights, including working conditions. SEK is expected to also promote cooperation with export companies in order to implement the UN Guiding Principles in different industries.
- Since 2015, several Swedish embassies have arranged meetings, seminars, and exhibitions about corporate social responsibility, including business and human rights, in order to disseminate information about the Government's policies, the work of Swedish companies, and the importance of these issues. A number of embassies have also established local sustainability networks for Swedish companies.
- The government is currently participating actively in developing EU-legislation on sustainable business including mandatory human rights due diligence in global supply chains.
- Since 2002, the government appoints an Ambassador for Sustainable Business. The Ambassador advocates for good CSR policy in the countries where Swedish companies have partners and suppliers. The Ambassador has an ongoing dialogue with enterprises, private sector organisations, civil society, and other relevant actors, including in the reference group for sustainable business started in 2020.
- The Ministry for Foreign Affairs, represented by the Ambassador for Sustainable Business, has organised roundtables and participated in conferences, seminars and a large number of other meetings with individual companies (of all sizes) and civil society organisations to inform them of the Government's policies and expectations of businesses, for example regarding the OECD Guidelines, UNGPs and human rights due diligence.
- Already in 2010, the government established a CSR-centre at the Swedish embassy in Beijing. The mission of the centre is to identify and address challenges for companies in implementing CSR. Focus areas are human rights, labour conditions, environment, and anti-corruption.

The right to court examination and various supervisory functions are crucial for ensuring that human rights are respected and complied with in practice. The Government therefore works to ensure that the legal system and supervisor authorities have the resources and expertise they need. According to the UN Guiding Principles, the state shall ensure that those subjected to violations by companies are able to have their cases tried in an efficient way. Companies are also responsible for establishing their own complaint mechanisms and compensate for the negative impact they may have.

The legal remedies found in the Swedish legal system are deemed to be in line with the international conventions on human rights that Sweden has signed. There are different instances to turn to if a potential human rights violation needs to be examined. The Government's website has information on courts, various supervisory bodies, and other law enforcement organisations, e.g. the various ombudsmen, the National Board of Health and Welfare, the Health and Social Care Inspectorate, the Swedish Financial Supervisory Authority, and the Swedish Bar Association.

If a company is believed to have breached the OECD guidelines for multinational companies, this can be reported to the National Contact Point (NCP) for OECD's guidelines. Sweden's NCP is a three-party collaboration between the state, industry organisations and trade unions, chaired by the Ministry for Foreign Affairs. NCP cannot retry court rulings but can issue recommendations and mediate between parties. Sweden's NCP has handled a number of cases where companies are considered to have been in violation of the chapters on human rights in OECD's guidelines and has in these cases been able to negotiate settlements between the parties.

As the action plan on business and human rights states, the Government expects companies to produce guidelines for how employees can bring attention to unacceptable conditions, and that there should be a process for compensating parties for negative impact.

**11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.**

The Parliamentary Ombudsmen are appointed by the Swedish Riksdag (parliament) to ensure that public authorities and their staff comply with the laws and other statutes governing their actions. The task of the ombudsmen is to review the implementation of laws and other regulations in the public sector on behalf of the Riksdag and independent of the executive power. This review includes courts of law and other public authorities, as well as their employees. The Parliamentary Ombudsmen shall ensure that public authorities treat individuals lawfully and correctly. The ombudsmen form one pillar of constitutional protection for the basic freedoms and rights of individuals.

The Chancellor of Justice act as the Government's ombudsman in the supervision of authorities and civil servants. The Chancellor represent the State in legal disputes, primarily actions for damages against the State.

The Swedish Police Authority investigates corruption. Within the authority there is a National Anti-Corruption Police Unit (NACPU; Nationella antikorrupsionsgruppen) as part of National Operations Department. It was founded in 2012 to concentrate the investigation forces in Sweden on a national level. NACPU investigates bribery cases and other corruption-related crimes. It also has a responsibility to prevent corruption. The group consists of police officers and other civil servants specialised in investigation of corruption. NACPU works closely with other parts of the Police Authority (such as the Swedish Financial Intelligence Unit and the national IT crime centre) as well as with authorities like the Swedish Prosecution Authority.

The National Anti-Corruption Unit within the Swedish Prosecution Authority deals with cases relating to the suspected offering and accepting of bribes. The unit also handles cases that are closely linked to these crimes.

In June 2021, the Swedish Parliament adopted the Law on the Human Rights Institute, and the Institute commenced its activities in January 2022. The new institute has a broad mandate to monitor, investigate and report on how human rights are respected and realised in Sweden based on inter alia Sweden's human rights commitments under international law. The Institute can also submit proposals to the Government on measures that are needed to safeguard human rights. The Institute will decide on its organisation and on the details and focus of its work.

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

## Part II – Country-specific follow-up questions

### 12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- **emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);**

A mapping assignment regarding the extent of prostitution and trafficking in human beings was given by the government in September 2019 to the Swedish Gender Equality Agency, as part of the national action plan. The agency reported the assignment on 1 October 2021. The mapping shows that prostitution in Sweden seems to be relatively constant over time. However, it appears that the covid-19 pandemic has led to an increase in the number of people who are in prostitution in Sweden, as well as a special vulnerability for these people. People with experience of prostitution generally show high levels of ill health, anxiety and exposure to crime. Prostitution in the street environment has continued to decline in several cities. Since the most recent national survey in 2014, however, there has been an increase in the number of websites that explicitly market sales of sexual services. There also seems to have been a clear professionalisation of communication, design patterns and business models for the operations. Sexual services are offered through advertisements in almost 200 places across the country. Many contacts are also made via social media platforms or so-called "sugar dating sites".

Vulnerable groups: Several professionals testify to an increase in the number of young people, especially girls, who seek support after being subjected to commercial sexual exploitation. Among other things, it happens that adults seek out children and young people for sexual purposes via, for example, gaming apps or social media platforms. Children and young people with previous experiences of sexual abuse, people with intellectual disabilities or mental illness, LGBTIQI people and people with substance abuse are identified as vulnerable groups. Migrants without a residence permit and unaccompanied children are also highlighted as particularly vulnerable. Many migrants exposed to human trafficking are also highly exposed to multiple exploitation. These are mainly sexual exploitation in combination with begging, labour exploitation or exploitation for criminal activities.

#### *The use of digital platforms as tools for the trafficking in human beings*

The increasing opportunities offered by rapid technology development for transactions and payment solutions via the Internet, facilitate criminal activities by individuals and organized criminal groups in Sweden as in other countries.

The Internet is used to prepare crimes, obtain information about appropriate potential markets, survey the situation and recruit victims, advertise the "services" of victims', post and circulate threats and, importantly, hide evidence, as well as for payments for sexual services, pornographic images and live streamed sexual exploitation of children and adult women. Criminal activity is, thus, freed from restrictions in time and space with perpetrators able to commit these crimes at any time of the day and from a place of their choice.

Due to the inherent transboundary aspect of Internet crime, international judicial cooperation is an essential prerequisite to effectively combat these offences. However, cooperation is often hampered by the fact that in many countries, effective legislation is not in place, or because there is a significant discrepancy between national laws. This affects, in particular, the ability of Swedish law enforcement agencies to legally close down websites used e.g. for procuring and trafficking in human beings for sexual purposes, review websites where men, who purchase sexual services, exchange information and experiences, and websites where images of sexual abuse and exploitation of children and adult women and men are posted and transacted.

#### *Websites addressed to men that purchase sexual services*

Several police investigations conducted in Sweden during the past decade, show that perpetrators regularly - whether individuals or members of criminal networks - published adverts on websites designed to give men, who purchase sexual services, the impression that victims themselves are responsible for the content of such adverts.

In some cases, perpetrators developed or used websites that categorize hundreds of adverts for prostitution activities by city and country. The websites have search functions that allow prostitution users to select their preferred sexual activity/practice, and the ethnicity, sex, measurements and age of the victims.

In reality, the majority of victims had no knowledge of the content of the adverts, or what sexual activities they are expected to be subjected to by the men that purchase their sexual services and exploit them. During the reporting period, this was especially true of girls and women of Romanian and Nigerian origins; many of whom were illiterate, came from a background of extreme poverty and violence, and experienced low social status as female.

During the reporting period, the Internet was also used by men, who purchase sexual services, to review and rate the performance and appearance of women they had purchased and sexually exploited. They exchanged experiences and warned other men against the purchase of certain victims via untrustworthy adverts or websites. The websites primarily featured women and girls from Romania, Nigeria, countries in Latin America, and from Russia, Ukraine and Poland, with a small number of adverts exhibiting Swedish girls and women, and a few women from Lithuania and Hungary.

Website administrators used specially designed software to monitor and analyse visitor traffic on the websites in order to find out where men, who purchase sexual services, are residing in order to customize adverts to a selected group of recipients and locations in Sweden.

As has also been the case in previous years, information from 2021 shows that offenders purchased sexual services of women and girls, who were already in Sweden, or who had recently arrived in Sweden for the specific purpose of prostitution. Men contacted women via online adverts, or by calling or texting a pay-as-you-go mobile number in Sweden listed in the adverts. The phone call or text message was then transferred to a "booking centre;" often a call centre abroad, or directly to the woman or to her exploiter.

Fees for the purchase of various sexual services are clearly indicated on the websites. Travel and hotel rooms can be ordered and purchased separately at the booking centre. This mode of operation ensured that women were transported to Sweden on the basis of the specific desires expressed by the men who purchase sexual services.

Information about the time and location for agreed purchases of sexual services was conveyed to victims and men, purchasing sexual services, by means of phone calls or chat applications such as Tiktok, Tumbler, Viber and WhatsApp.

Some adverts displayed Swedish mobile numbers, which are first activated when women arrive in Sweden. Men, who purchase sexual services, can place an order on a prostitution/escort website for a woman to travel to their private home or meet up at a hotel room ("outcall" services) or book a "visit" with a woman in a subletted residential apartment or in a hotel room ("in-call" services). Many prostitution users prefer outcalls to their own homes, as these are perceived as less risky of detection by law enforcement.

Some men, who purchase sexual services, prefer to purchase sexual services from Swedish women with the assumption that the police focus their efforts on adverts of foreign women as an indication of human trafficking and organized procuring. By avoiding these adverts, men, who purchase sexual services believe, incorrectly, that the risk of detection would be reduced.

In a number of cases reviewed by the police in 2021, there were suspicions that prostitution activities were organized by criminal networks based in the countries of origin of victims, or through affiliation with an agency in a third country.



Some websites contained images of different women, but which had been taken in the same environment, such a hotel room, and/or was tied to e-mail addresses with similar names or themes, or to the same mobile phone number.

Many adverts were published simultaneously on several websites on the same day. There were also photos of women taken from e.g. model websites and posted on prostitution websites to attract men purchasing sexual services, while in reality the actual woman for sale was someone entirely different.

Some prostitution/escort website owners introduced a verification policy guaranteeing that the images on the websites show the actual women to be sold for prostitution purposes. This change was made as a result of complaints from men, who purchase sexual services, who demanded that they should be able to see and assess the woman before they ordered a sexual service. The complaints were lodged through online review fora, to alert other prostitution users.

Another reason for the introduction of the policy was the risk of losing profits when a number of men, who intended to purchase sexual services, turned in the door when they realized that the real woman was not the one in the online image.

#### *Online "sugar dating" sites*

"Sugar dating," is yet another method for adult men to gain access to and be in a position of power in order to exploit young girls and boys for sexual purposes for compensation. The compensation may consist of access to a credit card, regular monthly payments, or compensation for meeting up with the perpetrator. It is also common for the young woman or young man to receive compensation by means of expensive clothes, travels and dinners. The exploitation of a child under 18 years through the purchase of a sexual act is a criminal offence in Sweden.

In 2021, law enforcement agencies noted a persistent increase in cases of "sugar dating" involving older men and underaged victims facilitated by online contacts on dating websites specifically orientated towards "sugar dating?."

#### *Examples of the ways in which Information and Communication Technologies/ICTs are used by offenders in the context of trafficking in human beings for labour exploitation*

During the reporting period, Swedish Police received information that there are websites in the Russian language directed at individuals in e.g. Russia, Ukraine, and Belarus, with advertisements for employment offers for work in the cleaning, construction and restaurant industries in Sweden and other West European countries.

Similarly, there are websites and Facebook pages in Thai and Vietnamese, targeting women in these countries with offers to work in restaurants, nail salons and as cleaners in the Nordic countries. The would-be employers are almost without exception "shady."

The information provided on the websites is often very detailed, including about how to apply for a visa to Sweden at an embassy, and what information to provide when in contact with public authorities in Sweden.

#### *Emerging trends in Sweden in relation to the use of ICTs in trafficking in human being cases*

The recruitment of young women in other countries for the purpose of prostitution in Sweden via social media, dating websites and encrypted apps e.g. WhatsApp, Signal, Telegram and Line into e.g. massage parlours and apartment brothels.

An increase in websites showing pornographic/adult and child abuse images, such as Pornhub and similar websites with servers placed in countries out with the reach of Swedish law enforcement.

Recruitment of individuals, in particular from Ukraine and the Republic of Georgia, for the purpose of forced labour in the construction industry via agent websites with servers in Russia. The websites include detailed instructions on how to attain a Polish D-visa in order to be able to enter Sweden.

The Swedish Migration Agency (SMA) draws up internal reports on suspicions of THB. The large increase in asylum seekers during the autumn of 2015 resulted in an increased number of suspected cases of human trafficking in 2016 and 2017. All forms of suspected exploitation rose as a result. A large upsurge of asylum-seekers carried an increase of reported suspected cases of trafficking regarding children for all forms of exploitations, for example young boys from Morocco. Most internal reports within the SMA were about citizens of Nigeria, Somalia, Afghanistan, China and Vietnam. The most common form of reported case of suspected trafficking was sexual purposes, foremost women and especially women from Nigeria. There were also several cases concerning men from Vietnam suspected of labour exploitation.

During 2018 there was a decrease of the number of suspected cases on trafficking in human beings within the SMA, including minor victims related to the lesser numbers of unaccompanied minors seeking asylum. Minors from Morocco were still dominating the internal reports. There were about as many reports on trafficking for sexual purposes as on labour exploitation. The increase of reports of labour exploitation was probably due to an increased awareness among the SMA staff of this form of exploitation. Most internal reports overall, regardless of form of exploitation, concerned citizens of Nigeria, Morocco, Turkey, Pakistan, and Vietnam. Reports on citizens of Pakistan and Vietnam were about suspicions of men being exposed to labour exploitation. Many reports concerning citizens of Turkey were noted as unclear as to what form of exploitation they were exposed to.

The number of suspected cases of THB increased in 2019 at the SMA. Most internal SMA-reports were drawn up on citizens from Nigeria, Thailand, Morocco, Uzbekistan, and Vietnam. Once again sexual purposes dominated the forms of exploitation and once again it was mostly women from Nigeria and other African countries that were suspected of being used and deceived by traffickers about a better life in Europa. These cases contained elements of voodoo and Juju rituals. Many other reports involved women from Thailand where it was unclear what form of exploitation they were exposed to, although there were suspicions of sexual exploitations in some of the cases. Boys from Morocco still dominated the reports on THB of minors. The reports were unclear as to what form of exploitation they were exposed to but there were reasons to believe it involved everything from sexual and labour exploitation to begging and criminal activities. As a probable consequence of the pandemic with lesser opportunities for foreign citizens to travel to Sweden, the number of suspected cases of human trafficking decreased in 2020. The largest parts of the internal reports drawn up by the SMA concerned citizens of Nigeria, Thailand, and Morocco. Unlike previous years the number of labour exploitations were larger than suspected cases of trafficking for sexual purposes. Reports concerning women were still in majority, mainly regarding sexual exploitation but with a large proportion of labour exploitation concerning women from Thailand. Reported victims under the age of 18 came mostly from Morocco. Characteristic for 2020 was the number of Ukrainian citizens that applied for asylum, a trend that had started in 2019. There were strong indications that need for protection was not the main reason for travelling to Sweden and that Ukrainian asylum-seekers had been misled with promises of work permits, accommodations and job opportunities. This concerned mainly men in the construction industry where agents in Sweden were suspected of cooperating with organisers in Ukraine. An increase of Ukrainian women being exploited in prostitution was also reported by other authorities. The number of internal reported cases of human trafficking in the SMA has almost been halved during the last two years. The pandemic is a part of the explanation. Of the cases reported in 2021, most citizens came from Ukraine, Nigeria and Vietnam. As in previous years, labour exploitation or forced labour was the most identified form of suspected trafficking.

- **the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);**

At present, only the person in charge of a preliminary investigation may apply for a temporary residence permit for recovery and reflection. The Government proposes in a Government's bill, inter alia, that also the municipal social welfare committee shall be able to apply for such a permit in cases where there is reason to presume that a foreign person has been subjected to trafficking in human beings or human exploitation (Govt. bill 2021/22:224). Also, an independent inquiry on labour migration has proposed that a work permit may be refused if the employer has violated essential rules, for example previously been convicted of human trafficking or exploitation. The inquiry has also proposed two new penal provisions: Exploiting a working foreigner during manifestly unreasonable conditions may result in a prison sentence. Offering, employing or assisting a foreigner to apply for a work permit and for this demand, request, agree on or receive compensation that is manifestly in disproportion to the performance may also result in imprisonment. The inquiry's proposals are currently being prepared within the Government Offices.

Furthermore, as a result of other proposals from the Inquiry on labour migration, the Government proposes in a Government's bill inter alia that the offence 'organising of human smuggling' be expanded so that it also includes permits issued on the basis of false information (Govt. bill 2021/22:134). The new provision is proposed to enter into force on 1<sup>st</sup> of June 2022.

➤ **the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);**

In November 2016, the Swedish Government introduced a national 10-year strategy on preventing and combating men's violence against women, including prostitution and trafficking in human beings for sexual purposes. The Swedish Gender Equality Agency (GEA) was established on 1 January 2018 and the national coordination against trafficking was transferred from the County Administrative Board of Stockholm to the Swedish Gender Equality Agency. The transfer also included the responsibility for the work carried out within the framework of The National Task Force against Prostitution and Human Trafficking (NMT).

NMT consists of government agencies that work against prostitution and human trafficking and serves as a strategic and operative resource for the development of the coordination of government agencies and NGOs. The goal is to prevent prostitution and trafficking for all purposes in Sweden. An important part of the work is to improve the protection of victims and increase the prosecution of perpetrators.

In Sweden, the social services in the municipalities are responsible to assist victims of trafficking. The regional coordinators against trafficking in human beings are based in the social services in 7 regions and act as support for the GEA'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.

The GEA further has the government's task of coordinating and developing efforts to enable people who are exposed to prostitution and human trafficking to voluntarily and safely return to their home countries in the EU or to third countries by funding a return program run by the International Organization for Migration (IOM). The program aims to create conditions for the vulnerable to be able to leave prostitution or other exploitation, minimize the risks of them ending up in trafficking scenarios again on return. Through the program, the victims are offered a voluntary return that includes support both before, during the journey home as well as upon returning home.

In addition to NMT, social services and police, there are several specialist centres and clinics giving support to people in prostitution and victims of trafficking. These centres conduct outreach work and are mainly staffed by social workers. The buyers of sexual services are provided with counselling at KAST (Köpare Av Sexuella Tjänster, buyers of sexual services) if they want support to stop purchasing sex.

Sweden has appointed a new ambassador at large for combating trafficking in persons to strengthen the work to combat trafficking in human beings at the international level. A fundamental purpose of the function is to create synergies with relevant actors and to strengthen Sweden's international efforts to defend human rights, including sexual and reproductive health and rights, and to strengthen Sweden's role as a driving force in the work against trafficking in human beings and its causes. The assignment includes all forms of trafficking in human beings with a focus on trafficking for the purpose of sexual exploitation and the particularly vulnerable situation of women and children. The position is located at the Foreign Ministry's unit for UN policy, conflict and humanitarian issues.

The ambassador works closely with other ambassadors in this field as well as e.g. the UNODC, the OSCE special representative against trafficking, the EU coordinator against trafficking and with civil society actors.

Sweden is working closely with France and implementing a joint diplomatic strategy to address Trafficking in human beings for sexual exploitation. The cooperation is based on Swedish and French legislation, both of which focus on combating demand and the strategy contains a number of joint activities in the bilateral as well as multilateral work. Within the framework of the cooperation, a number of trainings on human trafficking for the purpose of sexual exploitation have been arranged jointly by French and Swedish embassies. In addition, a number of joint events against human trafficking for sexual exploitation have been carried out together with UNODC. Essential in the international work in this field is to remind MS on the obligation to, irrespective of national laws, address the demand that fosters trafficking, following the UN Protocol as well as the Council of Europe Convention.

➤ **the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);**

The Government decided in February 2018 on a national action plan to combat prostitution and trafficking in human beings for all forms of exploitation. The action plan can be seen as part of broader efforts to prevent and combat men's violence against women. The action plan is currently being implemented by relevant actors.

As part of the national action plan, the Swedish Gender Equality Agency (GEA) was given a mapping assignment regarding the extent of prostitution in Sweden, and this was reported on 1 October 2021. The report shows, among other things, that children are at greater risk than before of being exploited in prostitution and trafficking in human beings for sexual purposes when perpetrators find new ways and arenas to reach them online via various websites, dating sites, social media and even gaming apps.

The GEA has also conducted dialogue meetings based on the government's action plan with the purpose of identifying effective methods, obstacles and areas of development. The dialogue meetings have been carried out together with authorities, municipalities and civil society organizations.

➤ **recent case law concerning THB for different forms of exploitation.**

In February 2022, the Swedish Supreme Court ruled on the first case concerning human exploitation for the purpose of labour exploitation.

During 2020, three convictions were recorded concerning THB for the purpose of sexual exploitation. It is still common that persons suspected of THB for the purpose of sexual exploitation are convicted for procuring or gross procuring instead. The reason is often that it is hard to prove all the elements of THB in such cases.

Furthermore, we saw three convictions on THB for the purpose of begging in 2020.

**13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA's second evaluation report:**

➤ **Develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases;**

Acting on government instructions, the authorities in the judicial chain – jointly and through the use of information technology – are continuously working to develop a better exchange of information in the criminal justice process. In 2020, the government enacted a regulation (2019:1283) on the digitalisation of the judiciary. The regulation contains provisions on the coordination of work on digital information exchanges and other measures relating to digitization in criminal proceedings. A council consisting of the heads of eleven authorities [1] has been established, called the Council for the Digitization of the Judiciary. The Council serves as a decision-making forum where the authorities agree on relevant issues. Each authority then implements its part of the joint agreements that has been reached. The Swedish National Council for Crime Prevention is responsible for coordinating and giving administrative support to the Council.

Already today, the judicial authorities exchange a large amount of information digitally, such as criminal reports, preliminary investigation protocols and indictments. Through strengthened coordination, the authorities can take the initiative for more joint development efforts that can free time and resources, improve law enforcement and enhance service to citizens. The Council shall also cooperate on common strategic issues concerning the use of new technologies and innovations.

➤ **Make further efforts to prevent human trafficking for the purpose of labour exploitation, including through the provision of training to relevant officials and strengthening the monitoring of recruitment and temporary work agencies;**

Eight authorities, led by The Swedish Work Environment Authority, have cooperated since 2017 in an effort to stop work-related crimes and other breaches of regulation. The agencies involved are the Swedish Employment Agency, the Swedish Work Environment Authority, the Swedish Economic Crime Authority, the Swedish Social Insurance Agency, the Swedish Gender Equality Agency, the Swedish Migration Agency, the Swedish Police Authority, and the Swedish Tax Agency. The agencies coordinate on a national level in a steering committee and an analytical group with representatives from all agencies. The Swedish Gender Equality Agency has the special task of bringing attention to and provide training to the other agencies on the issue of human trafficking and human exploitation. A key part of this undertaking is joint inspections of

<sup>[1]</sup> The Swedish National Council for Crime Prevention, the Swedish Crime Victim Authority, the Swedish National Courts Administration, the Swedish Economic Crime Authority, the Swedish Prison and Probation Service, the Swedish Coast Guard, the Swedish Police, the National Board of Forensic Medicine, the Swedish Tax Agency, the Swedish Customs and the Swedish Prosecution Authority.

workplaces, organised through regional units, where mainly three authorities (The Swedish Work Environment Authority, The Swedish Tax Agency and The Swedish Police Authority) perform inspections within their respective responsibilities.

The Regional coordinators play a crucial role in increasing awareness and capacity to identify victims of human trafficking in the regional units. They offer both method support, education, and support in specific cases. They also participate in the joint workplace inspections where there are indications of human trafficking. During 2018–2020, more than 5,000 workplace inspections were conducted in areas of construction, restaurant, beauty, car wash, cleaning, and transport. In 2021 alone, 2 000 inspections were conducted. The Police Authority filed 24 reports of suspected labour trafficking and 62 reports of suspected human exploitation during 2021.

This work will now be even more intensified. As of 2022 there is a new government assignment to the authorities in collaboration against work-related crime covering nine Swedish authorities. The assignment is to establish regional centres for the joint inspections with personnel that work full time with work-related crime from all the participating authorities. The methods regarding work-related crime which can be considered particularly complex and systematic, such as workers exploited in human trafficking shall be developed in particular. Further the authorities shall carry out joint information initiatives with focus on strengthening the knowledge of the public and relevant actors and changing attitudes in order to combat work-related crime and strengthen vulnerable workers' knowledge of their rights and their possibilities to receive support.

The Swedish Work Environment Authority (SWEA) has since the GRETA's second evaluation report commenced to provide general training related to THB together with the national coordination on trafficking at the Swedish Gender Equality Agency. All work environment inspectors have been trained in detecting suspected cases of human trafficking and human exploitation. The training has also provided clear information on who to turn to with information about the suspicion. The training is as stated above under development to further strengthening the work of combating work-related crime and THB.

- **Strengthen the identification of victims of human trafficking by ensuring that the police, labour inspectors and other relevant actors adopt a proactive approach, and by paying increased attention to the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres;**

The Gender Equality Agency has participated in creating a training video together with the SWEA on identifying victims of labour trafficking. This training video is shown to all labour inspectors.

The Regional coordinators play an active role in the inter-agency cooperation against labour exploitation, labour trafficking and other workplace related crimes. They participate in regional units together with other relevant government agencies that plan local and regional workplace inspections. The Regional coordinators play a crucial role in increasing awareness and capacity to identify victims of human trafficking among the workplace inspectors from other agencies. They offer both method support, education, and support in specific cases.

- **Ensure that a recovery and reflection period is provided to all foreign persons in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking, regardless of whether they co-operate with the law enforcement authorities in criminal proceedings or not;**

As mentioned above the Government proposes in a Government's bill that another actor – the municipal social welfare committee – in addition to the person in charge of a preliminary investigation shall be able to apply for a recovery and reflection period in cases where there is reason to presume that a foreign person has been subjected to trafficking in human beings or human exploitation (Govt. bill 2021/22:224).

➤ **Ensure that all victims of trafficking receive specialised assistance and support as required by Article 12, paragraphs 1 and 2, of the Convention;**

As mentioned above, the social services in the municipalities are responsible to assist victims of trafficking. The regional coordinators against trafficking in human beings are based in the social services in 7 regions and act as support for the GEA'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.

➤ **Ensure that victims of trafficking, regardless of the form of exploitation, can fully benefit in practice from the right to obtain a renewable residence permit when a victim is unable to co-operate with the authorities.**

In compliance with article 14.1 of the Convention, a temporary residence permit for a minimum of six months shall be given at the request of the person in charge of the preliminary investigation to an alien who is staying here if

1. this is required in order for a preliminary investigation or main hearing to be held in the criminal case,
2. the alien in question has clearly displayed a willingness to cooperate with the criminal investigation authorities,
3. the alien has broken all contacts with the persons who are suspected of a crime that is the subject of the preliminary investigation, and
4. considerations of public order and safety do not require that the permit should not be granted (Chapter 5, Section 15 first paragraph of the Aliens Act (2005:716)).

Such a residence permit may be extended if so requested by the person in charge of the preliminary investigation and if the conditions stated in the first paragraph are still fulfilled (Chapter 5, Section 15 third paragraph of the Aliens Act).

In compliance with article 13 of the Convention, a 30-day residence permit may, at the request by the person in charge of the preliminary investigation, be granted a victim for the purpose of recovery and reflection (recovery and reflection period) if the conditions stated in items 1 and 4 in the first paragraph 1 above are fulfilled (Chapter 5, Section 15 second paragraph of the Aliens Act).

As mentioned earlier the Government proposes in a Government's bill that another actor – the municipal social welfare committee – in addition to the person in charge of a preliminary investigation shall be able to apply for a recovery and reflection period in cases where there is reason to presume that a foreign person has been subjected to trafficking in human beings or human exploitation.

A residence permit for recovery and reflection may be extended if so requested by the person in charge of the preliminary investigation and if the conditions stated in items 1 and 4 in the first paragraph are still fulfilled (Chapter 5, Section 15 third paragraph of the Aliens Act).

In addition to the residence permits pursuant to Chapter 5, Section 15 as stated above, a victim of trafficking may also apply for, inter alia, a residence permit for protection purposes (asylum) or on the grounds of particularly distressing circumstances (humanitarian grounds) (Chapter 5 Section 1 and 6 of the Aliens Act). Such residence permits may be extended.

The Act Temporarily Restricting the Possibility to Obtain Residence Permits in Sweden (2016:752), The Temporary Act, expired on 20<sup>th</sup> of July 2021.

## **Part III - Statistics on THB**

**14. Please provide the following statistics, per year starting with 2015, where available disaggregated as indicated below:**

- **Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).**
- **Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).**
- **Number of victims of THB who received assistance (disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).**
- **Number of child victims of THB who were appointed legal guardians.**
- **Number of victims of THB granted a recovery and reflection period (disaggregated by sex, age, nationality, form of exploitation).**
- **Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).**
- **Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).**
- **Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).**
- **Number of victims of THB who received another form of financial support from the State, with the indication of the amount received.**
- **Number of victims of THB who received free legal aid.**
- **Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).**
- **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**
- **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**
- **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**



- **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**
- **Number of judgments in THB cases resulting in the confiscation of assets.**
- **Number of convictions of legal entities for THB.**

### **Part III – Statistics on THB 2015-01-01—2022-03-14**

Below are statistics on applications of criminal injuries compensation from the state (from The Swedish Crime Victim Authority). The amounts are in Euro (10 Swedish Crowns = 1 Euro). Age of the victim when the compensation was granted.

#### **2016**

5747/2016, Male, 69 years old, Bulgaria, THB for begging, 4 350 Euro  
 5748/2016, Male, 66 years old, Bulgaria, THB for begging, 5 850 Euro  
 5749/2016, Male, 63 years old, Bulgaria, THB for begging, 4 350 Euro  
 5750/2016, Male, 61 years old, Bulgaria, THB for begging, 5 850 Euro  
 6728/2016, Female, 17 years old, Romania, THB for forced labour and theft, 4 400 Euro

#### **2017**

625/2017, Female, 18 years old, Romania, THB for sexual exploitation, 12 350 Euro

#### **2019**

8517/2018, Male, 49 years old, Bulgaria, THB for begging, 7 750 Euro  
 8518/2018, Male, 41 years old, Bulgaria, THB for begging, 6 850 Euro  
 10947/2018, Female, 18 years old, Nigeria, THB for sexual exploitation, 13 600 Euro  
 11980/2018, Female, 35 years old, Nigeria, THB for sexual exploitation and gross procuring, 22 850 Euro  
 507/2019, Female, 17 years old, Bulgaria, THB for begging, 5 000 Euro  
 4835/2019, Female, 24 years old, Nigeria, THB for sexual exploitation, 15 850 Euro

#### **2020**

4622/2020 and 8882/2020, Female, 20 years old, Romania, THB for sexual exploitation, 21 437 Euro and 3 000 Euro  
 5170/2020, Female, 31 years old, Bulgaria, THB for begging and sexual exploitation, 16 500 Euro (compensation for THB, rape, assault and unlawful deprivation of liberty).  
 6055/2020, Male, 20 years old, Bulgaria, THB for begging, 6 000 Euro  
 7069/2020, Male, 65 years old, Bulgaria, THB for begging, 4 000 Euro  
 7070/2020, Male, 50 years old, Bulgaria, THB for begging, 4 000 Euro  
 7071/2020, Female, 49 years old, Bulgaria, THB for begging, 5 000 Euro  
 8008/2020, Male, unknown age, Bulgaria, THB for begging, 6 000 Euro  
 8009/2021, Female, unknown age, Bulgaria, THB for begging, 6 000 Euro

#### **2021**

10907/2020, Female, 27 years old, Romania, THB for sexual exploitation, 7 500 Euro  
 10555/2020, Male, 68 years old, Bulgaria, THB for begging, 15 000 Euro  
 10556/2020, Male, 58 years old, Bulgaria, THB for begging, 15 000 Euro  
 12372/2020, Male, 50 years old, Romania, THB for begging, 2 000 Euro  
 1335/2021, Female, unknown age, Bulgaria, THB for begging, 2 470 Euro  
 8164/2021, Female, 45 years old, Bulgaria, THB for begging, 5 000 Euro

#### **2022**

11169/2021, Female, 29 years old, Romania, THB for sexual exploitation, 20 000 Euro

Below are statistics from the County Administrative Board of Stockholm (2016-2017) and the Swedish gender Equality Agency (2018-2021) on registered presumed and identified victims by the **Regional Coordinators** against prostitution and human trafficking and the **National Coordinator's** support phone line

## 2016

Total: 150 presumed and identified victims.

Breakdown by age (adults/children) and gender:

Total adults: 100 (72 women, 28 men).

Total children: 50 (28 girls, 14 boys & 8 accompanying children to adult victims).

Breakdown by form of exploitation:

Sexual exploitation: 70 adults (64 women, 6 men)  
24 children (17 girls, 7 boys)

Begging: 31 adults (9 women, 22 men)  
7 children (6 girls, 1 boy)

Labour: 1 adult (1 women, 0 men)  
3 children (2 girls, 1 boy)

Crime: 2 adults (0 women, 2 men)  
6 children (0 girls, 6 boys)

Forced marriage: 2 adults (2 women, 0 men)  
2 children (2 girls, 0 boys)

Unknown: 0 adults  
2 children

Most common nationalities:

Romania: 38 total (adults and children)

Bulgaria: 21 total (adults)

Nigeria: 18 total (adults and children)

Afghanistan: 9 total (children)

Morocco: 5 total (children)

Sweden: 5 total (children)

**2017**

Total: 225 presumed and identified victims.

Breakdown by age (adults/children) and gender:

Total adults: 169 (108 women, 61 men).

Total children: 56 (28 girls, 28 boys & 26 accompanying children to adult victims).

Breakdown by form of exploitation:

Sexual exploitation: 86 adults (83 women, 3 men)  
15 children (13 girls, 2 boys)

Begging: 73 adults (28 women, 45 men)  
19 children (14 girls, 5 boys)

Labour: 14 adult (3 women, 11 men)  
6 children (1 girl, 5 boys)

Crime: 6 adults (3 women, 3 men)  
15 children (1 girl, 14 boys)

Most common nationalities:

Bulgaria: 74 total (adults and children)

Romania: 54 total (adults and children)

Sweden: 21 total (adults and children)

Nigeria: 14 total (adults and children)

Morocco: 8 total (children)

Afghanistan: 5 total (children)

Albania: 5 total (adults)

Russia: 4 total (adults)

**2018**

Total: 262 presumed and identified victims.

*Breakdown by age (adults/children) and gender:*

Total adults: 205. (163 women, 42 men).

Total children: 57 (19 girls, 38 boys).

*Breakdown by form of exploitation:*

Sexual exploitation: 130 adults (127 women, 3 men)  
12 children (11 girls, 1 boy)

Begging:	36 adults (19 women, 17 men) 11 children (6 girls, 5 boys)
Labour:	16 adults (9 women, 7 men) 0 children
Crime:	14 adults (2 women, 12 men) 29 children (0 girls, 29 boys)
Forced marriage:	0 adults 3 children (3 girls, 0 boys)
Unknown:	9 adults 2 children

*Most common nationalities:*

Romania: 74 total (adults and children)

Nigeria: 32 total

Bulgaria: 27 total

Morocco: 23 total

Sweden: 9 total

Afghanistan: 7 total

Albania: 7 total

Russia: 6 total

Vietnam: 6 total

## 2019

Total: 298 presumed and identified victims.

*Breakdown by age (adults/children) and gender:*

Total adults: 249. (202 women, 46 men).

Total children: 49 (23 girls, 26 boys).

*Breakdown by form of exploitation:*

Sexual exploitation: 135 adults (133 women, 2 men)  
6 children (5 girls, 1 boy)

Begging:	34 adults (24 women, 10 men) 8 children (7 girls, 1 boys)
Labour:	40 adults (15 women, 24 men, 1 unknown sex) 0 children
Crime:	14 adults (6 women, 8 men) 12 children (2 girls, 10 boys)
Forced marriage:	0 adults 5 children (4 girls, 1 boys)
Unknown:	27 adults 18 children

*Most common nationalities:*

Romania: 75 total (adults and children)

Nigeria: 39 total

Bulgaria: 18 total

Vietnam: 16 total

Thailand: 15 total

Colombia: 14 total

Morocco: 14 total

Poland: 11 total

Afghanistan: 11 total

## 2020

Total: 320 presumed and identified victims.

*Breakdown by age (adults/children) and gender:*

Total adults: 245. (165 women, 79 men, 1 unknown sex).

Total children: 49 (26 girls, 22 boys, 1 unknown sex).

Total unknown age: 26 (16 women, 8 men, 2 unknown sex)

*Breakdown by form of exploitation:*

Sexual exploitation: 120 adults (119 women, 0 men, 1 unknown sex)  
7 children (6 girls, 0 boy, 1 unknown sex)  
10 unknown age (9 female, 1 male)

---

Begging:	18 adults (10 women, 8 men) 12 children (8 girls, 4 boys)
Labour:	79 adults (13 women, 66 men) 4 children (1 girl, 3 boys) 7 unknown age (2 female, 5 male)
Crime:	5 adults (2 women, 3 men) 12 children (1 girls, 11 boys)
Forced marriage:	2 adults (2 women, 0 men) 0 children
Domestic servitude:	3 adults (3 women, 0 men) 0 children 1 unknown age (1 female, male)
Organ trafficking:	3 adults (2 women, 1 man) 0 children
Unknown:	2 adults (1 woman, 1 man) 5 children (2 girls, 3 boys) 3 unknown age (2 female, 1 male) 1 unknown age and unknown sex
Multiple forms:	13 adults (13 women, 0 men) 9 children (8 girls, 1 boy) 2 unknown age (2 female, 0 male)

*Most common nationalities:*

Romania: 68 total (adults and children)

Bulgaria: 47 total

Nigeria: 23 total

Morocco: 11 total

Sweden: 9 total

Poland: 8 total

Russia: 8 total

Afghanistan: 8 total

## 2021

Total: 490 presumed and identified victims.

### *Breakdown by age (adults/children) and gender:*

Total adults: 394 (270 women, 124 men).

Total children: 54 (32 girls, 21 boys, 1 unknown sex).

Total unknown age: 42 (19 female, 18 male, 5 unknown sex)

### *Breakdown by form of exploitation:*

Sexual exploitation: 232 adults (225 women, 7 men)  
4 children (3 girls, 1 boy)  
13 unknown age (8 female, 0 male, 5 unknown sex)

Begging: 18 adults (14 women, 4 men)  
16 children (14 girls, 2 boys)

Labour: 120 adults (15 women, 105 men)  
3 children (1 girl, 2 boys)  
22 unknown age (7 female, 15 male)

Crime: 3 adults (0 women, 3 men)  
4 children (0 girls, 4 boys)  
3 unknown age (0 female, 3 male)

Forced marriage: 2 adults (2 women, 0 men)  
6 children (5 girls, 1 boys)

Domestic servitude: 0

Organ trafficking: 0

Military service: 1 adult (0 women, 1 man)  
0 children

Unknown: 5 adults (3 women, 2 man)  
9 children (2 girls, 7 boys)

---

2 unknown age (2 female, 0 male)

Multiple forms: 13 adults (11 women, 2 men)  
 12 children (7 girls, 5 boy)  
 2 unknown age (2 female, 0 male)

*Most common nationalities:*

Romania: 105 total (adults and children)

Thailand: 65 total

Nigeria: 28 total

Bulgaria: 13 total

Colombia: 10 total

Sweden: 9 total

Venezuela: 8 total

Ukraine: 7 total

Vietnam: 7 total

The statistics above from the Regional Coordinators gives some indication of support to victims. The Regional Coordinators register all potential victims whom they come in contact with. Some of these receive extensive support through the Regional Coordinators, other government agencies, and civil society. However, due to a variety of different circumstances, some registered victims in the data above have only received minimal support, such as information on their rights and possibilities of assistance. The data above does not show the extent of the support provided to each individual.

The Swedish Gender Equality Agency funds the Assisted Voluntary Return and Reintegration Program implemented by IOM Finland. It offers safe return and sustainable reintegration support to victims of trafficking for all purposes.

Statistics on beneficiaries of the Assisted Voluntary Return and Reintegration Program.

## **2018**

Total number of returnees + reintegration assistance: 31  
 10 females, 21 males

*Age groups:*

68+: 2

58-67: 2

48-57: 7

38-47: 7

28-37: 4

18-27: 6

14-17: 3



*Form of exploitation:*

Forced begging: 24

Sexual exploitation: 4

Criminal activity: 2

Multiple: 1

*Only have info on country of return, not nationality***2019**

Total number of returnees + reintegration assistance: 13

9 females, 4 males

*Age groups:*

31-45: 5

18-30: 8

*Form of exploitation:*

Forced begging: 3

Sexual exploitation: 3

Criminal activity: 3

Forced marriage: 1

Multiple: 3

*Only have info on country of return, not nationality***2020**

Total number of returnees + reintegration assistance: 20

10 females, 10 males

*Age groups:*

41-99: 5

31-40: 6

21-30: 6

0-17: 3

*Form of exploitation:*

Forced begging: 7

Sexual exploitation: 4

Criminal activity: 5

Domestic servitude: 3

Labour: 1

*Only have info on country of return, not nationality*

**2021**

Total number of returnees + reintegration assistance: 15

Total number with only reintegration assistance: 46

Total beneficiaries: 61

37 females, 24 males

*Age groups:*

41-99: 7

31-40: 13

21-30: 20

18-20: 6

0-17: 15

*Form of exploitation:*

Forced begging: 5

Sexual exploitation: 17

Criminal activity: 1

Labour: 35

Multiple: 3

*Only have info on country of return, not nationality*

➤ **Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).**

Swedish official crime statistics on investigations concerns the number of investigated offences (table below) and does not include the number of victims concerned.

	2015	2016	2017	2018	2019	2020	2021
Sexual purposes	45	48	67	80	71	89	74
Forced labour	18	15	21	25	40	28	31
Begging	51	27	32	44	13	15	12
Organ trading	0	0	1	0	1	1	0
War services	0	3	0	1	0	0	1
Other purposes	22	33	32	43	63	56	28

➤ **Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).**

Swedish official crime statistics on prosecutions concerns the number of investigated offences of which prosecution has been initiated (table below) and does not include the number of victims and defendants concerned.

	2015	2016	2017	2018	2019	2020	2021
Sexual purposes	1	5	2	3	3	4	4
Forced labour	0	0	0	1	0	0	5
Begging	0	1	2	7	0	4	0
Organ trading	0	0	0	0	0	0	0
War services	0	0	0	0	0	0	0
Other purposes	0	0	0	0	2	2	1

➤ **Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).**

The data on convicted perpetrators is available disaggregated by sex and age. The data concerns county court conviction decisions.

	2015	2016	2017	2018	2019	2020
Male	1	4	4	13	2	4
Female	1	2	1	2	0	3

	15–17	18–20	21–24	25–29	30–39	40–49	50–59	60–
2020	-	-	1	2	-	2	2	-
2019	-	-	1	-	1	-	-	-
2018	-	1	1	2	6	3	1	1
2017	-	-	-	-	2	2	1	-
2016	-	-	-	1	4	1	-	-
2015	-	-	1	-	1	-	-	-

➤ **Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.**

Number of conviction decisions (District court, statistics regarding Court of Appeal and Supreme Court is not available), by principal offence (trafficking in human being) and by principal sanction. Data is not available according to age of victim nor whether the convictions were enforced or suspended.

	2015	2016	2017	2018	2019	2020
Imprisonment	2	6	5	15	2	6
Average duration, months	30	28	38	39	37	37
Conditional sentence						1

➤ **Number of judgments in THB cases resulting in the confiscation of assets.**

No data available.

➤ **Number of convictions of legal entities for THB.**

No data available.