

## Report from the civil society to the EU-Commission regarding EU:36/2011:

# Regarding trends and measures taken

The Platform Swedish Civil Society against Trafficking in human beings<sup>1</sup> presents a report on the assessment of trends in trafficking in human beings, as well as measuring of results of anti-trafficking actions. Beneath we list some of our reflections and experience regarding trends and measures taken. We propose recommendations regarding the implementation of EU:dir/2011.

## 1. IDENTIFICATION

### Data collection

The Swedish authority responsible for gathering data on all criminal statistic, also THB, do not do this in accordance with the EU-standards for following up THB cases. There are data on number of reports to the police, and statistic on amount of cases in court; but it is still not possible to follow a case from report to verdict. (The number of notifications is compared with the number of prosecuted individuals, despite the fact that most of the notifications were made the previous year) There are **no official disaggregated data on THB** regarding gender, age, origin countries and so forth. To have a more complete image of the phenomena the only way is to go back to the sources; to read police interrogations, court decisions and so forth. This is not satisfactory.<sup>2</sup>

Still, in 2014, we do not know the extent of trafficking in Sweden. The Swedish National Council for Crime Prevention concluded, in the evaluation of the action plan against trafficking and prostitution from 2012 that "*...there are still gaps in knowledge regarding the magnitude of problems and character, as well as regarding effective tools to help the victims.*" As a consequence of the lack of data, it is difficult or impossible to compare over time and follow trends for trafficking in Sweden.

We may add that there are **no satisfactory official data on applied and denied and granted temporary permit** to stay, permanent permit to stay or reflection period for victims of THB. Also it is hitherto only the civil society that has gathered data on if the victims do have children and in that case asked where the children are. **Secondary victims** seems to be a group we ought to know more about.

### "Invisible victims"

There are **no official data on presumed victims**, only on reported to the police, as stated above. The civil society's recently collected data<sup>3</sup> gives a hint on the amount of cases not reported to the

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<sup>1</sup> The Swedish Platform Civil Society Against Trafficking in Human Beings was formed 2013 to improve the assist to victims, to strengthen their rights and raise awareness of the phenomena. 18 NGO:s are cooperating and structure their work in three working groups. The Platform share the human right based value ground and place the Victim First. More information at [www.manniskohandel.se](http://www.manniskohandel.se)

<sup>2</sup> See for instance: HARD DATA: Data Collection Mechanisms on Human Trafficking in the Baltic Sea Region (CBSS TF-THB) or GREYs country report first evaluation round 2013, page 25, "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden".

<sup>3</sup> See the data collection from the Platform presented by the National Rapporteur in English in the report to the EU-commission regarding on Article 20 of Directive 2011/36

police(nearly a third). We would like to emphasize that we are worried that the victims that do not report to the police are invisible in the official data collection. This hinders them from getting assistance or acknowledgement of their difficult situation, and we as NGO have to cover all costs by our own means.

Furthermore many of the victims that do not report to the police are undocumented. Victimhood of THB does not per se alter the chances to receive an asylum in Sweden, or even a temporary or permanent permit to stay (also see beneath our remarks regarding the reflection period). We think this situation also partly explains why administrators at migration board tend to not report presumed victims they encounter in their work<sup>4</sup>; to be victim of THB from third country do not entitled you to any more assistance than you have as an asylum seeking. Thus we like to highlight the risk that **undocumented victims** and victims exploited in other countries and then seeking asylum in Sweden are not visible in the data or in the system, even if officials do suspect that they are victims of THB.<sup>5</sup>

Through the years, on several occasions, the question whether to grant VoT of THB asylum and/or permit to stay as a standard has been raised, but rejected with argument shifting between that this may be misused, and that this would lower the credibility of the victim testimony in court.<sup>6</sup>

**Unaccompanied children** are another "invisible" group, that might be victim of THB. The National Board of Institutional Care (*Statens institutionsstyrelse*, or *SiS*) have in their care youngsters that might be VoT. There are indicators that they might be under control from other persons, pressuring them and that they are "on the move".<sup>7</sup> Occasionally it has been reported that unaccompanied children do disappear from migration centers and alike.<sup>8</sup> Few efforts have been made to detect them. Still we have not seen a strategy to inform and protect them. There seems to be unclear who is the main responsible stakeholder, and information sharing has not been made in due time when a child has disappeared. The children have not been reported as presumed VoT, merely as "disappeared".

➡ **RECOMMENDATION:** There is a need to develop a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.).

➡ **RECOMMENDATION:** Data collection regarding traffickers and the final consumer or perpetrator must also be improved in order to understand current trends and improve measures taken to prevent the crime and curb demand.

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<sup>4</sup> There is an informal report from the Migration Board stating the number of presumed VoT that never have been reported to the police. The NGO:s have also noted that the victims that seek help without reporting to the police often have had or have contact with the Migration Board, without any further measures taken.

<sup>5</sup> NGO:s have noted that the some victims with strong indicators of THB have been in contact with the Migration Board previously. Although strong indicators of THB the officials did not report to the police, or referred for assistance to a NGO or the social services.

<sup>6</sup> See for instance the Proposition from the Department of Justice 2010, "Förstärkt straffrättsligt skydd mot människohandel, Prop. 2009/10:152, chapter 6:2, page 28ff.

<sup>7</sup> The National Board of Institutional Care's (*Statens institutionsstyrelse*, or *SiS*) mapping of unaccompanied children, 2014.

<sup>8</sup> Ingrid Åkerman, *Barn utsatta för människohandel - en nationell kartläggning*, Löpnummer: Rapport 2012:27, Länsstyrelsen Stockholm (County Administrative Board of Stockholm).

➡ **RECOMMENDATION:** We need official data on applied and denied and granted temporary permit to stay, permanent permit to stay or reflection period for victims of THB.

➡ **RECOMMENDATION:** We like to urge for the need to improve the identification of victims of trafficking among irregular migrants and asylum seekers.

➡ **RECOMMENDATION:** Make it a standard routine to always check and ask if the VoT do have children. Gather data also on children as secondary VoT.

➡ **RECOMMENDATION:** Present clear routines and check lists what to do to if or when an unaccompanied minor seems to be under pressure and risk to/or do disappear to a) lower the risk and b), to find the child. Follow up that those routines are followed and that the check list is spread.

## 2. ASSISTANCE AND PROTECTION

### Reflection period and temporary permit to stay

We like to alert that we still do not find that a reflection period is granted as standard for presumed victims to give them an unconditionally pause and relevant information on their alternatives. We think such a standard would be crucial in the support to the victims, as was pointed out also by GRETA in their report.<sup>9</sup> This would, we believe, also lead to better testimonies in the court and to prevent re-trafficking. We see a clear need for granting reflection period as standard, a period that is design to be **victim oriented and placing the best interest of the victim** in the fore room. Today we note that the persistent focus is whether the victim is needed in the legal proceeding or not, and if she should be sent home or be granted a permit to stay during the legal proceeding. This is to make the reflection period conditionally in counter to the spirit in the EU policy and framework.

Representations from the civil society have since 2010 tried to change the routines regarding the use of the reflection period in Sweden.<sup>10</sup> In the beginning we mostly noted ignorance of the existence of such. Slowly a shift has happen and it is now acknowledged as something victims are entitled to. The situation is still problematic as **victims do not get a reflection period as standard**. We believe we are not always talking about the same thing when we say reflection period, GO:s and NGO:s. Even in the NRM-process this seems to be some confusions of the concept and its meaning.

Still there is a lack of knowledge and awareness of the intent and meaning of a reflection period. Instead as a standard, conditionally temporary permit to stay is granted six month for participation in the legal procedure. This is a persistent trend.

### Children's wellbeing a concern

Many young women exploited for sexual purposes that are identified have **children, they are VoT, indirectly, or secondary**. This is a new trend, that we are slowly recognizing those children and their needs of assessment.<sup>11</sup> Today in Sweden our shelter reports that many **women choose to immediately go home** to support their children. They note that the women often are traumatized

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<sup>9</sup>GRETA's country report first evaluation round 2013, page 25, "Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden", p 40ff.

<sup>10</sup>Article by the Swedish Platform Civil society Against Trafficking, in Svenska Dagbladet January 31, 2014, "[http://www.svd.se/opinion/brannpunkt/battre-stod-behovs-for-traffickingoffer\\_8946602.svd](http://www.svd.se/opinion/brannpunkt/battre-stod-behovs-for-traffickingoffer_8946602.svd)"; Article by The Foundation Safer Sweden 22 February 2011 in Svenska Dagbladet "[http://www.svd.se/opinion/brannpunkt/brister-i-skyddet-for-brottsoffer\\_5959001.svd](http://www.svd.se/opinion/brannpunkt/brister-i-skyddet-for-brottsoffer_5959001.svd)".

<sup>11</sup> See the data collection from the Platform, presented by the National Rapporteur in English in the report to the EU-commission regarding on Article 20 of Directive 2011/36.

and in need of assistance and help, but that they do not take help offered as they are anguses about their children's wellbeing.

There is a lack of routines how to provide the children with assistance and accommodation, other than on ad hoc basis. There are uncertainties how to assist the women and also provide the children with assist, whether in Sweden or in the home country. It could be a good strategy to let the women bring **the children to Sweden** during the reflection period, or at least during the temporary permit to stay during the legal procedure. This will of course then raise the question on what assistance we may offer and if this will be in the child's best interest.

### **Risk assessment**

We are worried that a **proper risk assessment is not carried out** as a routine. In our statistic we only knew of two cases out of 35 that had a risk assessment carried out.<sup>12</sup>The police may have done it before placing them at one of our shelters, but still we should have been informed in that case. We also like to stress that the now used manual for women abused by their partner (that the police if you ask them refer to as the manual they use) is not satisfactory for cases of THB. In THB cases we have several perpetrators and a transnational chain of them also, that even might threat the families and friends of the victim back home. It is important to also include the risk and safety for all those involved in a proper risk assessment we believe. We may add that the safety of the staff at the shelter should also be taken into account.

### **Safe return**

We like to express our worry that the very **good and appreciated programme on safe return** that the County of Stockholm Administrative Board have initiated with IOM will be redrawn when the period with allocated resources ends. On the contrary we like to see an extension and make it mandatory to use the programme for all municipalities. We also like to develop the following up routines after a victim is sent home. Here we like to underling that all measures should take into account the child's best interest.

➡ **RECOMMENDATION:** Ensure that a recovery and reflection period is provided to all persons in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking. It should be made clear that the granting of the recovery and reflection period is not subject to co-operation with the law enforcement authorities in criminal proceedings.

➡ **RECOMMENDATION:** Victims of THB should be allowed to apply for the recovery and reflection period in person or through the social services and NGOs that have detected them. All victims of trafficking should be systematically informed of the possibility of benefitting from a recovery and reflection period and should be effectively granted such a period.

➡ **RECOMMENDATION:** Make it a standard there are secondary victims. Investigate whether children to VoT should be granted temporary permit to stay as well as the victim during the criminal procedure. Investigate what assistance they might need and what we can offer.

➡ **RECOMMENDATION:** The National Referral Mechanism includes proper risk assessment. There is a need for a manual for risk assessment adjusted for cases of THB. There is also a need for

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<sup>12</sup> See the data collection from the Platform, presented by the National Rapporteur in English in the report to the EU-commission regarding on Article 20 of Directive 2011/36.

implementing risk assessment as a routine. To make proper risk assessment a standard in practice there is need for training also.

➡ **RECOMMENDATION:** Make the safe return programme in cooperation with IOM mandatory for all municipalities, and see to that there are routines for following up.

### 3. LEGAL ASSISTANCE AND PROCEDURE

#### Resource allocation and the police

When there were a NAP, resources were allocated to promote the police to investigate and work with cases of THB. When the NAP ended the police forces allocated their resources, even human resources, towards other areas. Today **it seems that fewer cases are investigated by the special police force** than before, and that fewer cases are brought to charge. It seems that knowledge is lost when the police do not prioritize THB to the same extent and that victims do not get access to legal proceedings in the way they are entitled to.

We have noted that there are **regional differences** when it comes to measures taken to combat trafficking. An inspection report from the Swedish National Police Board concludes that 21 out of 24 inspected police districts do not allocate any resources to work against purchase of sex<sup>13</sup>, and cases of trafficking for sexual exploitation risk to remain undetected.

During the last 18 months the police district of Gothenburg, the second largest city of Sweden, has explicitly stated that they will no longer allocate any resources to combat trafficking – despite the fact that the city has experienced problems with trafficking for several years.<sup>14</sup> This is due to an increased problem with gang criminality that requires a re-allocation of funds. The decision to stop all investigations concerning trafficking cases has been heavily criticized, from civil society organization and individual police officers alike.

#### Few convictions

Both police and prosecutors witness that judges lack of understanding for the mechanisms of trafficking makes it difficult to reach a conviction.<sup>15</sup> We believe this may be one explanation to the very low level of convictions in Sweden. The Swedish Authority for Crime Compensation was, according to the NAP, to conduct training of staff on all authorities that could expect to encounter VoT. This of course included the legal represents. In their report of the mission The Swedish Authority for Crime Compensation note that they did not reach one group to the extent that they had liked ; the judges. <sup>16</sup> It seems as the judges do not like to be educated in THB. This is our strong impression. <sup>17</sup>The judgeseems to reason that they, in their strive to keep objective in their professional role, should avoid to attend conferences, educations or any other gatherings that

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<sup>13</sup> Rikspolisstyrelsens Tillsynsrapport 2013:7, s.3. (National Police Authority)

<sup>14</sup> The head of the task force against trafficking at the police department in Gothenburg is quoted in media and there have been several articles on the matter published in the News Magazine ETC in October 2014, see for instance; "<http://goteborg.etc.se/inrikes/manniskohandeln-okar-polisen-gor-ingenting>".

<sup>15</sup> Lägesrapport 14 RPS, s. 12

<sup>16</sup> "Prostitution och människohandel för sexuella ändamål Utbildningsprogram för ökad kunskap och bättre bemötande Ju2008/7290/KRIM, Redovisning av ett regeringsuppdrag", The Swedish Authority for Crime Compensation, 2011.

<sup>17</sup> In December 2014 there will be a new training occasion for judges on THB, arranged by the Judicial Academy under the Courts of Sweden. Hopefully it will be well attended.

highlight the victim's perspective.<sup>18</sup> As a result **the judges do not understand the vulnerability of victims** and the different ways a victim may be under control or the trauma they have been exposed for. The difficulties for the court to fully understand the oppression that the victims suffer from is clearly shown in the verdicts and **leads to few convictions** for the crime of trafficking.<sup>19</sup>

### All forms of trafficking of human beings

The NAP we had didn't address THB for other purposes than sexual. There are however **cases of THB for other purposes** reported to the police, but they seldom lead to charges; even more seldom than for sexual purposes. There may be a lack in the legal system to deal with other forms of THB. When it comes to sexual exploitation we may at least often fall back on the law on prohibition of buying sex and to procure sexual services; and in that way motivate to open charge. It may also be a lack of resources allocated to investigate the cases of THB for other purposes. We also have to keep in mind the likelihood of multiple forms of exploitation.

➡ **RECOMMENDATION:** The special police forces are important tools in the combat of THB. Do allocate resources and keep the knowledge focused on the anti-trafficking work.

➡ **RECOMMENDATION:** . Recently a researcher at Örebro University was granted means to investigate and go through all convictions regarding THB from a victim approach. The results from this research should be taken into account in a strategy how to improve the number of charges and convictions in cases of THB.

➡ **RECOMMENDATION:** There has to be a stressed that we need a strategy to investigate cases of THB for other purposes. Certainly there are best practices to gain experience of from abroad. There is a need of allocated resources and a special police force to detect, investigate and charge THB for all forms.

## 4. PREVENTION

There are cases, both men and women, connected to the berry picking sector and the restaurant sector which has been highlighted. But there is hitherto no comprehensive strategy to deal with forced labor. One measure taken however is, the **Migration Board's changed routines** to fight salaries below minimum. Before granting temporary permit to work in Sweden the companies have to ensure a wage above minimum. In reality this measure did not seem to change the exposed situation for the berry pickers; instead we have heard that withdrawn were made from the salary to cover expenses as accommodation, transport, food etc - sometimes even to an extent that place the pickers/workers in debt. We have also heard that companies charge the migrate workers to cover the cost for a working permit, and then when the workers arrive the company do not exist anymore, or is a shell for another company: there are no work or salary to collect. But on the paper all looks fine! Those strategies **for exploitation of migrant workers** in Sweden were presented also in the *Adstringo* report from 2013<sup>20</sup>. This points to that there is a need to have a strategy to counter fight forced labor, and that the measures taken by Migration Board have to be followed up.

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<sup>18</sup>"Människohandel (för sexuella ändamål)- möjligheter och svårigheter vidrättstillämpningen. Rapport 2RättsPM", Utvecklingscentrum 2007, Åklagarmyndigheten (The Swedish Prosecution Authority).

<sup>19</sup>Lägesrapport 14, Rikspolisstyrelsen (National Police Authority), p. 12.

<sup>20</sup> Vogiazides, L. & Hedberg, C. (2013) '[Trafficking for forced labour and labour exploitation in Sweden: Examples from the restaurant and the berry industries](#)' in Ollus, N.; Jokinen, A. & Joutsen, M. eds. *Exploitation of migrant workers in Finland*,

### Curbing demand

Swedish legislation that **prohibits the purchase of sexual services** is seen as an important instrument to combating human trafficking. For the police on the field the law gives an opportunity to conduct investigation and search for sexbuyers, and those also to find cases of THB and VoT. For many actors and NGOs operating in Sweden the law is an important tool that helps awareness raising campaigns and the preventive work. The demand is in this regard seen as the engine of the chain crime THB. NGO:s in Sweden work in Schools to prevent both trafficking and sexual violence. The corporations and private sector are also included to secure that the Social responsibility programs include trafficking issues including the purchase of sexual services in connection to employment activities. Still there is a demand for sexual services and THB for sexual purposes continue to exist.

### Preventive care

Sexual exploitation of children is criminalized; nevertheless there is an existing demand that seems to be rising. To curb demand for sexual exploitation of children and combat trafficking with children for such purposes further measures must be taken. In these cases **measures that target perpetrators directly to reduce demand** for sexual exploitation are needed, such as preventive care and treatment for people experiencing difficulties controlling their sexuality.

We are therefore concerned that the government hesitated to provide the **national helpline** PrevenTell long-term funding. The helpline should be made permanent and the accessibility to preventive care must be extended to all parts of Sweden.

➡ **RECOMMENDATION:** Formulate a strategy to follow up if the working permit granted are misused and workers exploited or even trafficked.

➡ **RECOMMENDATION:** Training of staff at hotels, taxi drivers etc is valuable to prevent THB. Also it is important to cooperate with business to prevent demand and to reduce the use on Internet as a tool for marketing.

➡ **RECOMMENDATION:** Preventive care is fundamental in the struggle to curb demand. We must believe that it is possible to make people change behavior and add care and treatment of perpetrators to the strategy against THB for sexual purposes.

## 5. TRENDS AND RISKS

### Vulnerable groups and risk groups

Organizations giving support to abused women have reported several cases of exploitation of women that entered Sweden as wives, but in reality from the beginning have been exploited. In our statistic we also find support for that this occurs. These **women exploited in households** are seldom identified as VoT. We have noted cases of multiplied exploitation, for sexual purposes and in household among "imported wives". We note a trend where Swedish men "import" wives that they exploit for sexual services and in households. <sup>21</sup> Those women are in a vulnerable situation and often afraid to ask for help and/or be detected as VoT.

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*Sweden, Estonia and Lithuania: Uncovering the links between recruitment, irregular employment practices and labour trafficking* Publication Series No. 75, Helsinki: Heuni.

<sup>21</sup> See for instance the data collection from the Platform presented by the National Rapporteur in English in the report to the EU-commission regarding Article 20 of Directive 2011/36.

There is a clear trend of a growing number of people, often from South-East Europe, that beg in the streets in the major cities in Sweden. Many seem to belong to the Roma communities. There may be a risk that they are under control of criminal organization. They are however in any circumstances a risk group; they may both be, or risk to become, victims of THB. Reports from volunteers state that the **people begging** tell that they have been offered (or at least shown) a large amount of money in exchange for sexual services or any other type of services. Sometimes our volunteers suspect that they are victims of THB and/or exploited. These people have little if any knowledge of their rights and they do not see themselves as victims of THB. Often they are illiterate and do not identify themselves as VoT.

Another vulnerable group is **young Swedish women**, often with some kind of **dysfunction or other vulnerability**. We have noted that **Internet** may be a mean to capture this group. They get involved with men that after a while ask them to perform sexual acts. This has occasionally led to closer contact and abuse and even to the extent that they have been exploited and sold to “friends” of the grooming “boyfriend”. This is quite new information; that Internet-related sexual offences even may lead to THB. We have notification of three Swedish girls exploited for sexual purposes. We like to highlight that Internet may be a way for traffickers to contact Swedish vulnerable girls, with dysfunction or living in trashed families or institutions, and expose them for the risk of exploitation and even THB. We urge this also to be taken in account if a new NAP or rather maybe a strategy, is to be formulated.

➡ **RECOMMENDATION:** Inform *all* foreign women marrying a Swedish citizen of the rights they have, and that there are places to call for women in need of assistance.

➡ **RECOMMENDATION:** Awareness raising that people begging is a risk group, and that money is a mean of recruitment. A strategy for empowerment for this risk group should be included in a future NAP. Adjust information to the needs of this risk group.

➡ **RECOMMENDATION:** Awareness raising that young Swedish woman with dysfunctions may be target for THB and that Internet may be a mean of recruitment. A strategy for empowerment for this risk group should be included in a future NAP. Adjust the information to the needs of this risk group.

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*The Platform Swedish Civil Society Against Trafficking in Human Beings consists of 18 member organizations, and several more associated partners (please read more at [www.manniskohandel.se](http://www.manniskohandel.se)). This report is an independent NGO-report regarding EU36/2011, from the civil society in Sweden to the EU-commission.*

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