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Office of the United Nations High Commissioner for Human Rights OHCHR. Special Rapporteur on Trafficking – Report to Human Rights Council: Swedish Platform Civil Society against Human Trafficking

Report by Paulina Bolton, Meghan Donevan, Ninna Mörner and Madeleine Sundell

Presentation of the reporting body

The Platform Swedish Civil Society against Human Trafficking (hereafter called The Platform) was formed as a network in May 2013. Today there are as many as 20 NGOs and civil society actors cooperating in the Platform and in the steering committee there are represents from 8 different organizations.¹ Together we apply a victim's first and human right approach with the main focus to strengthen the support and assistance to VoT, and we aim to combat modern slavery in its manifold forms.

The Platform holds a key role in gathering the disparate civil actors on a human right basis and to:

- A) Coordinate and strengthen the assistance to victims given by the civil actors
- B) Improve the knowledge and information exchange among the civil actors
- C) Act as one voice, in order to communicate with and work together with responsible authorities to give added value from the civil society's experiences and front-line information.

The Platform took part in the development of the National Referral Mechanism in Sweden². Further, to fill in the gap created by the high threshold that the Swedish system require a report to the police to formally identify a potential VoT as such and thereby first gain access to the status and the rights that follow, the Platform also developed the Support Programme. This program grants any potential VoT, identified by the accredited NGOs 30 days of reflection unconditionally (as stated in article 13). The National Support Program, NSP, aims to provide VoTs with the assistance that is needed according to international documents,³ and to fill in the gaps and thus be a complement to the Referral Mechanism. Trafficking in Human Beings".

¹ In March 31, 2017, the platform was formed into a formal and registered umbrella-organization with selected board, task forces and memberships. 2013-2016 the Platform has been organized as an informal network with a coordinator/coordinating group and thematic/topical working groups.

² The National Referral Mechanism was developed under the guidance of ICMPD during 2015-2016. It is a practical guide on who is supposed to do what and when and is to be used by professionals that encounter a potential VoT. The entry to obtain the assistance offered through the referral system is a report to the police. The investigating police is the only one that can apply for 30 days of reflection. There is also a Return Programme in cooperation with IOM that have been in use for a couple of years with good result. VoT hat has not been trafficked in Sweden can however not any longer be included in the programme, neither VoTs that are identified before they have been exploited. An English version is to be found at www.nmtsverige.se

³ See Europe Council Convention 2005, ratified 2009 by Sweden, <http://www.regeringen.se/49c82a/contentassets/aeb6ad6cbb544b5918fcef417cb1fac/europaradets-konvention-om-bekampande-av-manniskohandel> as well as the GRETA reports on the implementation, <http://www.coe.int/en/web/anti-human-trafficking/country-monitoring-work>; Directive 2011/36/EU, <http://eur-lex.europa.eu/legal-content/SV/TXT/PDF/?uri=CELEX:32011L0036&from=SV>; Lanzarote convention <https://rm.coe.int/1680084822>; Study on the Gender Dimension of Trafficking in Human Beings, http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf

Introduction

This report gives a brief overview of the capacity in Sweden to identify VoT in the migration flow and the vulnerabilities among potential VoT. We emphasize the challenges for VoTs to access their human rights through the Swedish referral mechanism. Specific attention is given to the difficult situation for third country VoTs due to the asylum procedures and regulations in practice. We note several shortcomings but also efforts to solve practical hindrances and ensure that VoT can get assistance regardless of where they have been abused and also outside the legal system. Finally, we set up recommendation to enhance the access to rights such as assistance and protection, and to lower the risk for re-trafficking.

The report has been produced in a limited time span and is the result of the cooperation between representatives from different member organizations in the umbrella-organization Swedish Platform Civil Society against Human Trafficking.⁴ This has enabled us to gather expertise from direct contact with individual cases and VoTs in practice, as well as from the wider perspective gained through the data collection⁵ and the Support Programme⁶ that the Platform runs.

The report is structured in the following way:

1. The Migration Flow. An Overview.
2. Vulnerable groups: Children and Minors
3. Asylum status, Dublin and Re-trafficking
4. Formal Identification. Report to the Police
5. Identification. Challenges and Opportunities
6. Return and Long-Term Assistance
7. Recommendations

1. THE MIGRATION FLOW. AN OVERVIEW

In Sweden in 2015 there were increasing numbers of refugees and migrants crossing the border. The Swedish government therefore decided to temporarily insert stricter border regulations (temporary regulations that have recently been prolonged).

As we have been gathering data since 2013 we can see changes in the needs of VoTs and assistance provided by civil society. The share of VoTs that have their first and only contact with civil society is growing. This is partly because more NGOs fill in the data collection but mostly this has to do with the migration situation and that a growing number of VoTs are not -

⁴ Paulina Bolton represents the shelter Noomi run by Hela Människan and Meghan Donevan the shelter Talita, with wide experiences of assistance from identification to long term assistance in Sweden or home country - both organizations are members in the Platform and also accredit shelters in the Support Program ran by the Platform. Madeleine Sundell is representing the Salvation Army in Sweden (member in the Platform with three shelters in the Programme and front line work) and is also vice-president of the Platform. Ninna Mörner is president of the Platform and coordinator of the Support Program. Together we formed a working group to fulfill the task of composing this report.

⁵ The data collection gather disaggregated information regarding each single individual identified as potential VoT and is thus possible to run the data to provide information for different purposes and discover patterns and trends. Each year a presentation and an analysis is sent in to the National Rapporteur and the Annual Report. In 2017 there were 70 VoTs reported in the data collection. Compared to previous years the amount of VoT from third countries is increasing and also the share that have their sole contact with the civil society and likewise the share reporting to police is decreasing. In sum the role of the civil society seems to be growing in importance. Summaries can be found at the web site as well as the form to fill in; www.manniskohandel.se

⁶ The National Support Programme was a pilot starting in 2015 to lower the threshold for VoTs and their children, to obtain the support an unconditionally 30 days of reflection (which can be prolonged 90 days in a row) gives and other assistance that they according to human rights should be entitled to, but for various reasons is not given through the state system. In 2017 there were 27 VoTs and their children that received various kind of help through the programme. Two VoTs (and their children) were granted permanent permits to stay after integration measures through the programme.

and in many respects cannot - be formally identified by police and given support as VoT from the state. The VoTs are undocumented, have family members that are under pressure in the home countries, have been exploited before entering Sweden or do not for other reasons dare to do so. A growing trend and a big challenge is that we fear that there will be increasing numbers of people exploited after being denied asylum and hiding in fear of being sent back. Many of them can also have been VoT already when applying for asylum, but some are at risk as a consequence of the strict migration policy and legislation put in place 2015.

We would like to stress that the situation in Sweden is also more severe today due to the large migration flow from conflict areas. We see a very strong link between forced migration and human trafficking. Refugees and migrants are vulnerable for human trafficking in their home countries; during the escape; in the refugee centers at the border areas; and in the refugee centers in the destination country where they seek asylum and, if they are sent back according to Dublin-regulation, again in the first country of arrival; and finally, remaining undocumented in the destination country if not granted refugee-status or asylum. Access to the rights as VoT is along the way jeopardized and hindered. There is a gap between being identified as a potential VoT and as such, gaining access to the rights VoT are entitled to. Especially VoT from third country nationals lack the protection and support that they are entitled to, according to international documents, when identified as potential victim in the destination country, here Sweden.

We see vulnerable people on the move, both from countries in conflict such as many in Africa and the Middle East, as well as from poorer countries with high corruption and low equality agenda such as Albania and Kazakhstan. The flow heads towards the Nordic countries, especially Sweden, where they hope to find a better future or at least to be safe: but unfortunately, they risk being exploiting and exposed to human trafficking all along the route and also in the destination country Sweden. We see all forms; forced begging, forced labor, forced to commit petty crimes (mostly youngsters) and of course prostitution. Women, men and children are all victims of trafficking.

We see an increase in women from third countries being exposed along the migration route and when arriving in Sweden seeking asylum they are sent back to the first country in EU – as a rule in Southern Europe, thus jeopardizing their access to their rights as potential victims in accordance with several international documents. The Platform in Sweden give assistance to the women and their children and try to raise complaint against that they are being sent back to first country or to their home-country. The Platform demands that they get access to their rights as victim of human trafficking although the crime has not been committed in Sweden. We argue this for humanitarian grounds and the out-spelled purpose in international conventions and directives – that it really should enclose all VoT without discrimination. We recognize a potential risk also in the increasing number of unaccompanied children disappearing in Sweden (several thousand disappeared among the 35 000 that arrived last year, see more beneath) and yet a greater risk when the children and other asylum seekers, in accordance with the recently stricter regulations, do not get refugee status granted. This means that they may hide in Sweden and obviously risk being exploited in human trafficking as the mere illegal condition is an effective control mechanism.

The migration crisis has put the whole support-system into high pressure and human trafficking has not been prioritized, as it has not been regarded as life-saving – but evidence shows that counter trafficking initiative is needed immediately and has to be taken into account from day 1. Conflict, forced migration and human trafficking are closely connected.

Today we see the consequences in the whole EU, and maybe particularly in Sweden of the lack of understanding the need to combat human trafficking as part of the immediate crisis. For us in the civil society this means that we see a growing pressure on the support program (more below) as this is the only way to contribute to cover the costs that the organization have for helping and supporting VoT outside the legal system. We have more and more cases in the program also when VoT contacts the authorities or are discovered as potential VoT by authorities and referred to the support program for help and support. We also see a growing pressure on the civil society to meet and fulfill the international obligations towards VoT.

2. VULNERABLE GROUPS. CHILDREN AND MINORS

In 2015 more than 35 000 unaccompanied children arrived to Sweden. Over a period of time there were more than 3 000 children arriving each day to the Central Train Station in the southern city of Malmö. The situation was chaotic. Screened NGOs, represents from Migration Authorities and the local social services lined up to welcome and give first aid to the children. Also present were non-screened volunteers with unclear agenda. Some children disappeared before they even were registered. Some children arrived with their elder brother, an uncle or a husband (which of course is problematic if the girl is beneath 18 or even 15 years old). The possibilities to check if this was the case, or if the adults rather were traffickers of the children, were small. Information was given to the children of their rights and were to ask for help if someone abused them or forced them. Some children later actually took contact and stated that they have been forced. First aid shelters were improvised and space were scarce, most of the children went up northbound in Sweden. Some children were actually placed by the local authorities in the southern part of Sweden on a north-going train, around their neck they hang a note with a text in Swedish “I am an unaccompanied child, please help me to find the following address xxxx”. Some of those children never arrived to the destination. No further investigation was made on what has happened to them.

As a rule, the refugee centers for children in Sweden are run by the state. The welfare system always places the responsibility for children within the regime of the authorities. If employees of the state encounter a child suspected to be in distress, they are required to notify the authorities. This means for instance that there are no children begging on the streets in Sweden – they would immediately be taken under the care of the social welfare system. The system is built up to protect children out of their best interest, but in reality, there are some shortcomings, for instance when it comes to identifying victims of human trafficking or protect identified minor victims. The child centers have little experience or education on human trafficking and indicators of this (in contrary to the Migration Authority that have really made an immense progress in identifying among adults). NGOs that come to inform and give aid have noted that there are indicators of human trafficking: the children disappear in the morning and come back late with expensive new clothes: the children buy drugs (with money they are not supposed to have): the children are nervous, talk in their cell-phone, plan something and later disappear to not come back.⁷ If there is an identified child VoT, for instance identified by the police, the VoT will be under the care of the social services in the municipality she or he happen to be in. The municipality will send the child to a center or an institution for children in distress where they are kept with other juvenile and children with family problems etc. There are no locked doors and no safety routines to protect the children

⁷ There was a mapping of the prevalence of human trafficking among children carried out of the office were the National Coordinator is hosted. Available at <http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2015/R2015-30-manniskohandel-med-barn-WEBB.pdf>. Furthermore many NGOs have informed the author of the situation when welcoming the unaccompanied children.

from persecutors. Not until the social services has notified the legal system that this is needed and a decision to protect and secure is made – which will take at least two weeks. During this time many of the children have disappeared. Sometimes they have been fetched by their “uncle” for instance. In Sweden the lack of knowledge and routines endanger the safety of the identified victims and they are therefore immediately after identification at risk for re-trafficking.

Most of the unaccompanied children arriving to Sweden 2015 and 2016 have been boys from Afghanistan. Some of them have told the NGOs in the Platform (that give them help and support unconditionally), that they left Afghanistan to avoid being forced to do military services for the Taliban regime.⁸ One may note that this is a form of human trafficking: forced recruitment of children soldiers is unfortunate common *modus operandi*. UNODOC notes that in crisis and conflicts, armed groups recruit or abduct children to use them as combatants. Thousands of victims have been documented in different conflicts, particularly in Sub-Saharan Africa and the Middle East.⁹ Further the Afghani boys have told NGO that they on the route escaping to Sweden were exploited sexually. This is something that is very hard for them to tell as the stigmatization is severe - and often this information is not passed on to authorities as for instance the Migration Authority. At the centers for unaccompanied children in Sweden, as we have described above, the Afghani boys are further at risk to be exposed to human trafficking. Several forms have been reported: forced criminality but also forced labor and sexual exploitation. In 2016 the Migration Authorities in Sweden have had a stricter regulation to follow and also have a changed opinion on the risk to be persecuted in Afghanistan. This had led to that many unaccompanied children from Afghanistan are not granted refugee status and many have already been sent home. (In October 2016 1200 unaccompanied children from Afghanistan had been granted permit to stay and a fourth, 400 unaccompanied children from Afghanistan was denied permit to stay.) The Swedish government has made an agreement with the regime in Afghanistan that means that the Swedish police will use force to bring Afghanistan citizens with denied refugee status back to Afghanistan. The children that have been notified that they are denied refugee status have shown signs of severe psychological stress and many are suicidal.¹⁰

NGOs in Sweden now see that the boys denied refugee status attempt to stay undocumented in Sweden to avoid the danger they fear if sent home. The undocumented status and the altered threat to by force be sent back can be used as a control mechanism by traffickers. To live in a precarious state of poverty, ill health, and insecurity make people vulnerable to human trafficking.¹¹ They risk being exploited for forced labor, criminal activities or sexual services.

3. ASYLUM, DUBLIN AND RE-TRAFFICKING

Many of the refugees and migrants that first reach Southern Europe (exposed for human trafficking or not) proceed their journey to Northern Europe. This was especially true before the stricter border regulations. Germany but also Sweden has been one of the most popular destinations and this is also the case for Finland. In Sweden and Finland third-countries

⁸ Information from front-line NGOs, such as Salvation Army and Caritas.

⁹ UNODOC *Global report on Trafficking in persons 2016*, p 10.

¹⁰ "Om förhöjd oro hos ensamkommande ungdomar och ökade behov vad gäller kontakt med barn och ungdomspsykiatri." [On unaccompanied children's altered stress and raised concern concerning their contact with psychiatry for children], *kbt.sverige*, November 29, 2016. Available at: <https://kbt.sverige.wordpress.com/2016/11/29/om-forhojd-oro-hos-ensamkommande-ungdomar-och-okade-behov-vad-galler-kontakt-med-barn-och-ungdomspsykiatri/> .

¹¹ Ninna Mömer, *Baltic Worlds*, Discrimination fosters human trafficking. Available at <http://balticworlds.com/empowerment-may-help-prevent-it/>

nationals that are victims for trafficking in human being cannot be granted asylum on the ground of being exposed to human trafficking. They are therefore in accordance with Dublin-regulation deported back to first EU-country, from where they probably recently escaped from human trafficking - and as shown above may risk being re-trafficked.

Thus, there is a gap between the rights that VoT are entitled to and access to the very same rights. This is especially true for cases where the victim is from a third country; the VoT has been abused and exploited in another country than the country in which the victim is seeking protection in; the victim does not collaborate with the law enforcement immediately when identified as potential VoT.

A recent Finnish mapping of the situation for Nigerian women and girls exposed to human trafficking present findings that shows that there is a pattern; Nigerian women and girls are identified as victims of trafficking in Finland, and then sent back to the first EU-country, here commonly Italy, where they might be re-trafficked. The majority of VoT for sexual purposes in Finland are Nigerian women and girls. The trend is increasing: 75% of the Nigerian victims identified in the help system have been exposed to trafficking for sexual purposes in Italy. The common procedure is that they then, in accordance with the Dublin-regulation, are sent back to first EU-country.¹²

The data the Platform gather shows that there are more and more VoT coming from third countries that have been exposed in their home countries and as well all along the route up to Sweden. Finally, here they seek protection, but have problems getting it as they are not formally VoT in Sweden and there is a high risk for being sent back to the first EU-country in Southern Europe, according to Dublin regulations.

The Migration Supreme Court in Sweden has established the possibility of refraining from applying the Dublin-regulation in the event of “strong humanitarian reasons”.¹³ In these cases, the asylum application is instead processed in Sweden; this exemption has in some cases been applied to VoT, given the severe risks of the victim being re-trafficked if sent back to Southern Europe.¹⁴ However, these are exceptional cases, with the majority of THB cases handled in accordance with the Dublin-regulations. In part, this appears to be a consequence of the knowledge gaps among the staff at the Migration Agency when it comes to THB. Individual migration case officers hold very different levels of understanding when it comes to the risks that VoT face and their need for protection. As such, a VoT’s likelihood of being sent back to the Southern European country, and the associated risk of being re-trafficked, is very much dependent on which case officer their asylum case happens to be handled by. On the 20th of January 2017¹⁵ the staff of the Migration Authority actually sent an open letter to the Minister of Migration in Sweden to highlight the problems and lack of effectiveness that follows when the staff were promoted to prioritize the easy cases and not, for instance, unaccompanied children. In the letter they further stated that they couldn't guarantee that similar cases were treated in a similar manner, but rather that the decisions in cases regarding asylum and reunion tended to be made randomly and the whole system after the new regulations had become more and more ad hoc based.

¹² Sexuellt utnyttjade människohandelsoffer med nigeriansk bakgrund i Finland: tillämpningspraxis för utlänningslagen. Available at: <https://www.syrjinta.fi/documents/14476/0/Nigerialaisten+naisten+tilanne+selvitys+svenska/c1f53daf-1091-4065-a2a2-b26e8c2356eb>

¹³ MIG 2007:8; MIG 2007:32.

¹⁴ <https://www.svd.se/over-hundra-asylsokande-offer-for-manniskohandel>

¹⁵ Dagens Nyheter (Daily News) 20.01.2018.

The Platform has also, as part of the Support Programme, written several complaints regarding decisions to deny asylum, follow the Dublin-regulation, or to deny siblings or children temporary permit to stay. The Platform has the experience that efforts and enlightenment of the human rights for VoT can give result. Which in turn means that without this help the VoT would not have been treated in accordance with their human rights. The hazard-like decisions show that the entire system for asylum granting is unreliable.

CASE 1:

Talita, having a case-officer with a thorough knowledge of THB and the risks associated with the enforcement of the Dublin-regulation has meant that a number of VoT, who would have otherwise faced very real risks of re-trafficking, were able to stay in Sweden and receive the rights and protection they were entitled to. Talita has also supported VoT who had been previously subject to the Dublin-regulation, resulting in them being re-trafficked to Sweden where they faced further humanitarian abuses.

RECOMMENDATION: It is therefore of utmost importance that the staff at migration agencies throughout Europe receive thorough, uniform training on the complexities of THB to ensure that the risks associated with the Dublin-regulation are accounted for.

CASE 2:

A shelter for undocumented women opened their doors in Malmö in southern Sweden and provided them with highly skilled legal assistance. The undocumented women had before, after being denied asylum, been living for long time hidden and in many cases in exploitation. Shortly after they received proper legal aid 8 out of 9 women were granted asylum. Many of the women had previously only been interrogated together with their husbands when applying for asylum, and wasn't therefore able to present their particular vulnerable situation as women.

RECOMMENDATION: It is therefore of utmost importance that the gender dimension is taken into account, and that each woman applying for asylum is addressed as an individual with her own causes. Further, it is essential that the legal assistance given is from well trained professional that understand the specific threats and vulnerability women may confront during the whole migration process.

Although in some cases VoT can be granted asylum on the basis of the “grave circumstances” they have faced, being a potential VoT is not sufficient reason for receiving asylum in Sweden. This is problematic; it means that even if VoT are successfully referred to support-service providers, their short- and long-term migration status remains unknown, thus posing a challenge to, and causing delays in, the VoT’s rehabilitation and reintegration. In our gathered years of experience offering long-term support to VoT for sexual purposes, we have seen how important a secure, stable environment is for the VoT to build trust with their care-providers and begin to work through their significant traumas. This becomes a challenge when a VoT’s future migration status is unknown. Not knowing whether one will be able to stay in Sweden and continue to receive the support and care a victim is entitled to, or otherwise be sent back to one’s home country where the VoT may face grave repercussions, creates a lot of instability and fear. The fact that being a potential VoT is not a reasonable ground for receiving asylum also means that women and girls who come from third countries

that are not amidst a conflict or crisis have very little chances of receiving the protection they are entitled to. Ultimately, they face a similar level of threat and danger as other asylum seekers, and thus should have equal chances of being granted the status of refugee.

We like to stress the difficulties that the Dublin regulation creates in ensuring the safety and access of rights for VoT. The risk for re-trafficking, and in some cases reprisals for leaving the trafficking network, is eminent if a VoT is returned to his/her first country of entry. These risks do not seem to be considered, rather the transfer of a VoT to another member state according to the Dublin regulation is done without thorough investigation into the circumstances of the individual case. It is assumed that all member states have the capacity to ensure the safety of returning VoTs, however this is not the case as mentioned above. Before expelling an asylum-seeker the Migration Board must consider if the expulsion violates any international obligations (concerning VoT article 4 of the European Convention on Human Rights would for example be relevant). In our experience these obligations and principles are not being considered when transferring a VoT to another member state. Transferring VoTs to their first country of entry without thorough investigation has meant re-trafficking, slavery, torture and other inhumane treatment, violating our international obligations concerning the protection of VoT. There seems to be a lack in training for the case workers, or possibly a lack in policy and procedure, at the Migration Board in how to handle and assess the risks in cases of THB and the transfer to the first country of entry.

In addition to the rights and humanitarian treatment of the VoT the threat of being transferred to the first country of entry also discourages involvement in a criminal justice process. In our experience, if a VoT is faced with the risk of being return to the country where she/he has been exploited, she/he will be too scared to report to the Police. Instead, if the VoT is granted a safe place to stay, coupled with for example social workers that can make sure that the VoT gets all the information concerning his/her rights and options (ensuring the VoT can make well-informed decisions concerning the future), knowing she/he will not without regard be sent back to a country where the trafficking network might be looking her her/him, the chances of the VoT assisting in a criminal investigation will be much higher.

4. FORMAL IDENTIFICATION AND THE REPORT TO THE POLICE

Civil society organizations serve as the first responders for two-thirds of all the VoT that we offer services to. These VoT have either contacted the civil actors themselves or been identified by representatives of the civil society. More than 3/4 of those choose, mostly because of fear, not to contact or report to the police (although we inform and to some extent encourage them to do so) and this is due to many causes. Further reasons may be: their vulnerable legal status in the country (third countries citizens), the fact that they do not feel safe as they often have family members in the home countries that are threatened by the traffickers, or they have children with the traffickers and are thereby still under the trafficker's control (these factors have been identified by analyzing our data collection). As mentioned before the only actor who can apply for a reflection period is the investigating police once an investigation is initiated, so VoT who are unwilling to report to the police are not eligible for the right to a reflection period.

It is problematic that the assistance is often based on the cooperation and the success of a criminal investigation. We have even cases where the VoTs have been granted a temporary residency permit as they did cooperate with the police in their investigations, and were willing to report their traffickers. However, as in most trafficking cases, the investigation was

dropped due to a lack of evidence and thus no charges were made. As soon as the investigation is dropped, the residency permit for the VoT is withdrawn and with that, much of the help from for example social services will be withheld, despite the fact that the VoT has fully cooperated to her full ability. The VoT will within two weeks be transferred either to the first country of entry - if the woman is a third country national, - or to her home country (usually Romania) if she is an EU-citizen. We see this as a huge safety risk to send away a VoT whom has reported his/her trafficker, given her statement to the police, in some cases leading to the Police interrogating the trafficker and so on. The risks of the trafficking network finding the VoT again can be huge and the reprisals from them if they suspect she/he reported them to the Police could be horrible.

We would like to see that the temporary permit issued to VoTs for cooperating in criminal investigations wouldn't be withdrawn immediately when the investigation is closed. It is difficult to encourage a VoT to press charges when we know that usually she will give her report to the Police and then be sent away - maybe facing a potential revenge from former traffickers on top of all other risks and threat. If the same help could be offered (a temporary stay in Sweden, psychological help, help to plan for the future, time to plan for a safe possible return to a home country) regardless of the success of the criminal investigation, we think that the chances of ensuring the safety of the VoT would be much higher.

The Swedish Migration Agency has for each year identified a growing number of VoT (over 400 in 2017). This partly as a result from the massive education programme they have undertaken the last two years (which is of course good). But for most the increase of identification is due to the fact that there are growing amounts of VoT that enter Sweden. The flows are constantly changing; for instance the Migration Agency has over the recent months witnessed a growing trend of asylum seekers coming from Cuba, of whom a large proportion are suspected VoT for sexual purposes or forced labor. For this reason, the Migration Agency has been in increased contact with police authorities surrounding these cases.¹⁶

After identification the Migration Authority as a rule report to the police, but this does rarely lead to a legal process or transfer of the status of the person to a VoT. This in its turn is due to two main reasons; the VoT doesn't see any point in cooperating with the police to become a crime victim because they fear for their own or family members safety; or the VoT has been exposed *before* entering Sweden and thus the police will not open the investigation and with no legal process in the country it is not in the system to obtain the rights that should be entitled to VoT. This means that the identification done by the Migration Agency in individual cases seldom lead to any *access* to assistance. Nor is human trafficking as such enough to be granted asylum, which we will discuss more below.

In sum; to set the threshold to be identified as a potential VoT to report to the police is excluding many VoT that as a consequence will not be able to obtain their rights and assistance by the society. Further, to tie the assistance to the success of the investigation is not in line with a human right approach and victims' perspective.

¹⁶ Migrationsverket. 2017. *Allt fler fall av misstänkt människohandel*. <https://www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2017/2017-09-04-Allt-fler-fall-av-misstankt-manniskohandel.html>

5. IDENTIFICATION. CHALLENGES AND OPPORTUNITIES

The border police routinely send "illegal migrants" to detention centers. This is also the case when there are clear indicators of THB. They are then expelled within three days which gives little time for NGOs to find out whether the individuals in fact are VoTs and are entitled to be treated as such. This is also the case even when the border police are called in when a brothel is dismantled and several women in prostitution are found all from the same country and region. One case reported to the platform concerned 30 women from St Petersburg that were threatened by the traffickers that the police in St Petersburg would take their family in custody if they revealed anything.

The Migration Authorities identify, as suggested above, increasing numbers of VoT among asylum seekers, which they attribute not only to the increasing numbers of asylum seekers in general, but also their ability to better identify cases as a result of training, better tools, and refined methods.¹⁷ At the same time, Migration Authorities seldom follow up with referral to the NGOs for support. Most often the VoT are simply identified but not granted any special treatment or rights. What is worse is that this means that there is no risk assessment done and in fact we are worried that mere identification can lead to putting the not only the asylum seeker in danger, and but even their family members. Thus, albeit improvements in training and methods, there is a lack of routines in place to ensure that VoT receive the support they are entitled to.

CASE 3

A volunteer visits a refugee center and discover a Nigerian woman with a newborn child that is harassed by her fellows, because it has been known that she previously has been exploited in THB for sexual purposes. The volunteer contacts the Platform to ask for advices. 24 hours later the women and her child were placed at a shelter in a different part of the country, provided with care and safety. The shelter fills in a initial need assessment report and apply for her to be taken in to the NSP. The woman is accepted as a potential VoT and receives 30 days of reflection, with a special cover for the child also. She receives legal assistance from lawyers in the Platform's network (the process is still on). As she hasn't been exploited as a VoT in Sweden she was not given any support as such from the society, although she was identified as a VoT.

RECOMMENDATIONS: We have to create routines for transferring VoT to safety once they are identified. Today it is all ad hoc based and to be identified may in fact rather endanger the situation for women.

As a way to improve the early identification and effective referral of VoT in the Swedish context, the National Task Force Against Prostitution and Human Trafficking (NMT)¹⁸, a group consisting of governmental authorities working against prostitution and human trafficking, has together with experts from civil society organizations developed the manual *National Referral Mechanism Protecting and supporting victims of Trafficking in Human*

¹⁷ Migrationsverket. 2017. *Allt fler fall av misstänkt människohandel*. <https://www.migrationsverket.se/Om-Migrationsverket/Nyhetsarkiv/Nyhetsarkiv-2017/2017-09-04-Allt-fler-fall-av-misstankt-manniskohandel.html>

¹⁸ NMT functions as a strategic resource for developing and increasing the efficiency of cooperation in the work against human trafficking. The cooperation focuses particularly on supporting municipalities and regions which have limited experience with the work against prostitution and human trafficking. NMT offers operational method support to municipalities, governmental authorities and NGOs in human trafficking cases through its helpline and website.

*Beings in Sweden.*¹⁹ This National Referral Mechanism manual (NRM) is built upon Swedish legislation, validated experiences and international directives. The document contains five steps and a number of measures which are to be carried out in order to ensure efficient and secure referral of persons who may have been subjected to THB and to offer them support and protection. The manual is primarily intended for professionals who either work against prostitution and human trafficking or may identify potential victims and in that way are participating in the support process, for example police, social services, officers at The Swedish Migration Agency, NGOs, shelters, prosecutors, lawyers and psychologists.

The document is divided into five steps:

- Step 1 - Identification
- Step 2 - Initial Support and Protection
- Step 3 - Long-term Support and Social Inclusion
- Step 4 - Return
- Step 5 - Criminal Proceedings

The manual is intended to guide the above-mentioned actors in order to guarantee support and protection to presumed victims of THB. This document presents:

- WHAT measures are to be taken in every individual case of THB
- WHO is responsible for carrying out the measures
- WHEN the measures are to be taken
- HOW the measures are to be carried out

The manual described above however only is valid when a VoT has been formally identified - that means reported to the police. As stated above two third of the VoTs that contact the civil society have not and will not report to the police, for various reasons. This means that they will be excluded from being offered assistance as VoT. Thus, the majority of VoTs remains outside the formal/official Swedish assistance system and are not visible in official data. To solve this dilemma, the Platform runs the previously described National Support Program (NSP) until the end of 2017 funded from the County Administrative Board in Stockholm (CABS). The National Support Program, NSP, can provide VoT with the assistance that is needed according to international documents,²⁰ and to fill in the gaps and thus be a complement to the Referral Mechanism.

CASE 4

The Salvation Army in Sweden and Netherlands are currently running the EU-project Safe Havens. One of the objectives in to identify more potential victims of human trafficking among undocumented and other very vulnerable target groups who rarely contact authorities due to risks and treats. One work package running as Swedish pilot during is replicating TSA Netherlands model called "perspective on rights"

¹⁹ <http://www.lansstyrelsen.se/Stockholm/SiteCollectionDocuments/Sv/publikationer/2016/R2016-29-national-referral-machanism-trafficking-webb.pdf>

²⁰ See Europe Council Convention 2005, ratified 2009 by Sweden, <http://www.regeringen.se/49c82a/contentassets/aeb6ad6cbb544b5918fcef417cb1fac/euoparadets-konvention-om-bekampande-av-manniskohandel> as well as the GRETA reports on the implementation, <http://www.coe.int/en/web/anti-human-trafficking/country-monitoring-work>; Directive 2011/36/EU, <http://eur-lex.europa.eu/legal-content/SV/TXT/PDF/?uri=CELEX:32011L0036&from=SV>; Lanzarote Convention <https://rm.coe.int/1680084822>; Study on the Gender Dimension of Trafficking in Human Beings, http://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf

where potential victim's client get matched with a law student legal buddy with the help of legal experts to get time to build trust and opportunities to find out perspectives on their rights to access the NRM-system, the NSP of the platform or other opportunities to get identified to get their rights and needs they are entitled to and as "formal identified victim".

RECOMMENDATION: It is of urgent needs to include undocumented people and other vulnerable groups they are actual but invisible real victims into the NRM-system to lower the threshold of the rights catalogue of the "right of the potential victims". As for now, it is only within the care of the civil society that these obligations of the Swedish state are carried out.

Through the NSP we provide the following assistance from a human rights-based approach (which they otherwise would not be guaranteed to receive);

A. *Protection and support.* Up to 30 days "de facto" recovery period after identification and before reporting to the police, and also possibility to build on for another 90 days if the society do not cover the assistance and protection (for instance when the VoT is asylum seeking and exploited before entering Sweden or if the VoT is undocumented in Sweden or have other reasons to not to report to the police or if the VoT is an EU-migrant and the offenders are no longer in Sweden and thus the investigation is closed.) Both periods include assistance and protection to the children of VoT. Thus the support program offers unconditional and structured support outside the legal process.

B. *Specific needs during the criminal investigation* if those not covered by the state, for instance removal of tattoos from former "owners" of the VoT, and specific needs during the integration period after the trial if they wish and have the opportunity to stay in Sweden, rather than return to the home country, and the needs are not covered by society or other actor.

The different types of assistance we offer finance for through NSP can only be applied for of accredited service providers (seven today in the three biggest cities). Firstly, the accredited service provider has to apply for an informal identification of the VoT to NSP. All service providers live up to certain minimum standards and use standardized need assessment instruments. Beside the assistance granted through NSP, the program also deals with helping VoT to secure return if they do not use the official Return Program through IOM and also to in individual cases push for asylum grants and appeal for not following Dublin-regulation in cases of human trafficking.

We have found that nearly two-thirds of the women we assist have children, and many of them have more than one child. Sometimes the children are with the victims and have shared their situation and have also been exposed to threat and violence. Sometimes the children are in the home countries, under threat or at risk to be trafficked. To protect the whole family and especially the children is crucial.

We also see a need to incorporate a proper child-rights approach to serve the well-being of these children, the in-direct VoT, in the assistance plan for VoT, not to mention the need of risk assessment plan. We would like to argue children to VoT would be entitled to a status as victims/witnesses that need assistance and protection.

CASE 5

A minor of 14 years old is placed into custody in her home country after being exposed to sexual offences by her father. She sees her elder sister being kidnapped by traffickers and exposed to severe violence. She later flees together with her sister to Sweden to escape the traffickers. The VoT succeeds to get a work permit (with a little help from a shelter) but the minor sister is placed in the care of the society as she is a minor. The minor girl is denied asylum and not granted reunion status. The Platform urge and apply to grant her asylum as a witness to THB in accordance with article 1 in the convention and also stresses the risk for repressions from the traffickers, and high risk for re-trafficking.

RECOMMENDATIONS: Not only the children to VoT, but other family members as well may be exposed to high risk and violence. To be witness as a minor to violence against the people you depend on for your safety is traumatizing and most be acknowledge as reason enough to be given assistance and protection.

According to the latest statistics, no single case of labor trafficking in did reach the Swedish courts in 2015-2016. In 2015, Swedish NGOs helped two victims of forced labor. No such efforts occurred during the previous two years. At the same time, the Swedish Migration Board has noted an increasing number of cases of trafficking in human beings, including trafficking in human beings. In the first half of 2016, 163 potential victims of trafficking were noted, of which more than 20 were for forced labor. 2015 was 195, and in 2014 a total of 111 potential victims were noted. Although there are clear indications that the problem is increasing, the number of cases that lead to convictions are very low.

On 18 May 2017, Sweden ratified the ILO Additional Protocol Convention on Forced Labor from 1930. A protocol as among other things sets requirements for protection for vulnerable and also requirements for action plan to combat forced labor. The government has estimated that no legislative changes required to meet the requirements of the protocol.

In 2017 the present National Coordinator at CABS carried out a project and conducted a report and analysis of the situation; *Addressing trafficking for Labor Exploitation in Sweden (ATES)*, in cooperation with the Baltic Sea Action Council on Human Trafficking (CBSS TF-THB). Within the framework of the project, EU Member States were further involved in the work on forced labor: Belgium, Finland and the United Kingdom.

The report had the following findings and recommendations for Sweden:

- Need for enhanced government cooperation and information exchange,
- Strengthen knowledge of trafficking in human beings,
- Improved support for victims,
- Strengthen efforts to combat work-related trafficking in human beings,
- Broad-based legislation
- Involve labor market actors in suspected human trafficking manual and Inform migrant workers about their rights.

To be able to identify victims of forced labor the Platform therefore sees a need for Labor inspectors with expanded mandate and/or multidisciplinary teams with the purpose of preventing and combating human trafficking for labor exploitations. To prevent forced labor it is essential to inform migrant workers on their rights and get the labor unions more

engagement in vulnerable worker's conditions. Further we here see a need for shelters for men or at least assistance target for victims for labor exploitation and/or multiple exploitation forms.

6. SAFE RETURN. LONG-TERM ASSISTANCE

IOM's Assisted Voluntary Return program²¹ has been a key factor in ensuring many of the VoT we come into contact with receive the care and support they are entitled. There are many cases where VoT do not have the opportunity to stay in Sweden and receive appropriate assistance, most often when they have children or family they must care for in their country of origin. In these cases, providing a safe return and further assistance in the country of origin is an effective way of lowering the risk of the VoT being re-trafficked and promoting reintegration.

The AVRR program includes:

- *Pre-departure information, preparation and support in Sweden* (needs assessment, a risk and threat analysis, organizing travel documentation, etc.)
- *Travel arrangements* (bookings and transit visa waivers, departure and transit assistance at airports, escorts as necessary)
- *Post-arrival* (reception assistance, onward transportation, referral to partners, reintegration assistance, monitoring and follow-up).

The IOM in the destination country²² organizes and is responsible for the first two parts of the program, the pre-departure and travel assistance. Once the victim arrives in the country of origin, the IOM takes over the case and arranges the post-arrival support interventions. The post-arrival support intervention spans for a period of 6 months, and the goal of this period is twofold: to promote reintegration and prevent re-trafficking.

The post-arrival support includes the following:

- \$150 USD per month daily expenses (food, clothing, local transportation, etc.)
- \$300 USD total Medical and psychological support (doctor appointments, counseling, support groups, tests, medicine or rehabilitation costs, such as addictions treatment)
- \$300 USD total Safe housing (rent payments, electricity and other costs)
- \$3000 USD total Income-generating efforts (help to finish elementary school, start further education or participate in vocational training, find an internship or start a small company)

We would like to stress that the third step is often the most important for long-term success. In discussions between shelters and authorities abroad²³, it has been noted that risk and needs assessments by NGOs and authorities in the host country is particularly important. Without proper risk and needs assessments, it becomes a challenge for actors involved in the post-arrival support to ensure that the VoT's needs are met, thereby undermining the VoT's opportunities for reintegration and increasing the risk of them being re-trafficked.

²¹ Länsstyrelsen i Stockholms Län. (2010). Ett tryggare återvändande för personer utsatta för prostitution och människohandel, 2016. Rapport 2010:03. Retrieved from: <http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2010/rapport-2010-3.pdf>. This program is coordinated in Sweden in cooperation with the Administrative County Board in Stockholm (Länsstyrelsen) until the end of 2017 and thereafter by the brand new Authority for Gender Equality that is to take over also all working tasks concerning human trafficking.

²² In this case the IOM office in Helsinki who is responsible for the Nordic countries.

²³ Talita. 2017. *Breaking free: Improving support services for Romanian women and girls exploited in prostitution or sex trafficking*. <http://www.talita.se/assets/img/utomlands/Breaking%20Free%20Romania%20Final%202017.pdf>

Both individual shelters as well as the Platform have experiences of cases where case workers at the Migration Board called us out of concern for women that are about to be transferred to another member state. The case worker suspect that this is a case of human trafficking and that the VoT could be endangered when returning home. We find it noteworthy that they turn to the civil society for help to provide the safety of the asylum seekers after denying asylum (although we rather like them to do so than send the VoT home and most probably in the arms of the traffickers we of course prefer them to be granted the protection they applied for that is permitted to stay). The best help we can offer in a case like this is to help the VoT to appeal the decision to transfer her. This is not always possible. In those cases and in this phase of the process we can do little else than try to provide a safe return by contacting our fellow NGOs.

CASE: 6

A prison priest turns to the Platform for help regarding a woman that is to be expelled after serving 5 years of prison for smuggling drugs and not fear for her life when she return back and will be exposed to her traffickers that she had tried to escape. After taken in the story we suggest that she actually is a VoT and that even the smuggling was part of the trafficking situation. However she is expelled without further notice but we managed to make sure that she was met up at the airport by represents from in this case the Salvation Army. A year after this case is by the police seen as the first Swedish case of a VoT for smuggling drugs.

RECOMMENDATIONS: To apply a much stronger and comprehensive victim's rights approach and including perspectives of prevention of human trafficking, including re-trafficking.

We find it noteworthy that the Migration Board will call us being concerned about the decisions they themselves have made in transferring VoT. We get the sense that there are no formal policies on what a case worker is supposed to do once they identify a VoT. They turn to us in the civil society hoping that we can ensure the rights and safety of the VoT that they are about to transfer. To us this raises the concern about what happens to all the VoT that have ended up with a case worker at the Migration Board that might not go above and beyond to try to get help for the VoT. We assume that the few cases where case workers have called us asking for help are only a drop in the bucket out of all the VoT that pass through the Migration Board. We would like there to be formal referral mechanisms that all case workers can follow as soon as a asylum seeker is identified as a VoT. Our fear is that most VoTs are merely identified, but that their cases just proceed like any other asylum case without regard for the specific risks and rights involved in a case of THB.

7. RECOMMENDATIONS

➤ **Let acting first-responder-NGOs**, that are qualified in accordance with the NSP, to directly be entitled to apply for a reflection period that equivalent with is described in the convention, unconditionally and for the best interest of the *potential* VoT. This could solve the problematic situation we have when only the investigating police can apply for 30 days and then prolong it with a temporary permit to stay - only if the victim is needed in the trial. The solution we offer today through the program NSP is working in practice and can be acceptable but then there must be more resources allocated to make it possible to meet the demands for a reflection period and also to manage the program and to keep on accredit more service providers (a strength in this

construction to go through NSP to arrange for de facto reflection periods is that there is no need for contact with authorities and that it is inbuilt a quality guarantee in the assistance given).

➤ ***A system for the granted reflection-and recovery periods.*** Once a system is established that can handle demands for a granted reflection period independent of the legal process we can begin to scan for VoT among risk groups among civil society and the different front-line organizations and others that may meet potential VoT.

➤ The risk for being exposed to THB if sent back as a Dublin-case should be *a* circumstance taken into account in the asylum-seeking process. ***We promote new routines to mitigate the risk for re-trafficking.***

➤ We suggest an overview of the ***grounds to be granted asylum*** and that it should be possible to be protected as a VoT from the risk of being exposed to human trafficking and for this reason given a permit to stay. To have been exposed to human trafficking is as routine dealt with as a concern for the legal system in the home country although it is clear in international documents that all victims, regardless of where they have been exposed, should be granted assistance and protection.

➤ ***Make National Support Program permanent.*** The standardized routines for assistance to VoT developed by NSP for the partners in the program should be used by all the service providers. The pilot should be granted funding to become permanent and offered to all VoT in need, to fill in the gaps and serve as a complement to the Referral Mechanism.

➤ ***Let VoT bring their children to Sweden during the reflection period*** and when a legal process is underway, they are granted permit to stay. Investigate how to best help the victims' children during this time. Is it the child's best interest to let VoT have their children with them?

➤ ***Can we ensure the safety for family members?*** Include the *safety for the whole family* in the risk assessment procedure.

➤ ***Ensuring rights and needs Accompanying Children?*** Children that come along with their parents are often also to be called victim as far as they witness, experience and are part of the control, threat and violence against their parent/s (most often we encounter this with children that has more or less grown up with mothers oppressed and exploited for sexual purposes). We like to include the victims' children in the assistance planning for victims and recognize the trauma and vulnerability and stress they are subjected to and need protection from and support to overcome.

➤ ***Official data on victim's outside the justice procedure*** VoT's who does not report to the police are today invisible in the official data collection and only seen in the data from the civil society (two third of all). The Swedish authorities should further develop a comprehensive and coherent statistical system.