

Ninna Mörner, January 8, 2018.
Second Report EU-directive 2011/36

Report from the Platform Swedish Civil Society against Human Trafficking EU-directive 2011/36

as per Article 20 of Directive 2011/36 for the Second Report on the Progress made in the fight against trafficking in human beings. In accordance with Directive 2011/36/EU (Recital 27 and Articles 19 and 20) comments on assessments of trends in trafficking in human beings, measuring of results of anti-trafficking actions, including gathering of statistics in close cooperation with relevant civil society organizations active in this field, and reporting.

This report is structured as follows:

1. Information about the Platform Representing the Swedish Civil Society.
 - 1.1. Presentation of the National Support Program*
 - 1.2 Identification and Assistance Given & Recommendations*
2. Noted Trends and Challenges.
 - 2.1 Cooperation and the Current Situation*
 - 2.2 A National Action Plan (NAP)*
3. The Legal procedure & Recommendations

NOTE: Data collection will be sent in a separate file.

1. THE PLATFORM SWEDISH CIVIL SOCIETY AGAINST HUMAN TRAFFICKING

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 to a victim's first and human right approach with the main focus to strengthen the support and assistance to VoT, and 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.

Furthermore The Platform has the ambition to be a *part of the solution* on how to implement the international conventions and directives that Sweden has ratified, and has therefore actively taken part in close dialogues in facilitating the authorities' efforts and responsibilities to fulfill the responsibilities in the EU-directive. For instance, we have taken an active role in the task force to carry out the development of our 1st National Referral Mechanism. We are now involved in the implementation of it, and have taken part in the dissemination and training procedures.

However, it should be noted that the Platform has not yet received any financial resources for its existence, coordination and activities, except for some short-term funding to carry out the complementary national support program.² The work carried out by the Platform is done by representatives from different civil society actors with no compensation and no allocated resources to activities, such as arranging meetings, covering travel costs or participation in lengthy meeting with national authorities. With this in mind, the Platform anyhow, by own initiatives and the firm belief in that THB only can be fought in a joint effort with and multidisciplinary and a co-operative is the way forward, has been engaged and carried out several activities:

- *Platform meetings.* Hosts four annually thematic platforms meetings where we invited the Platforms members to meet with each other and exchange knowledge with experts

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 National Support Program, program and structure to carry out the rights also for victims of trafficking that for different reasons do not participate in the legal process but still need 30 days of reflection period, or need protection and support for them and their family members without having any contact with authorities or need other kind of help or integration measures to build up a life free from exploitation and threat.

from the field. Representatives from authorities and university are invited and participate as well regularly.

- *Training sessions.* Part of education and training for staff at the social services regionally, and the migration board locally and regionally and nationally, as well as the police education and taken part of the activities and conferences and workshops arranged by the national coordinator. Also training participants involved in different EU-projects and also exchange students and visiting academics from US.
- *Legal expertise.* Additionally we have: a core-group of lawyers for strengthening and advising on the rights and to support the Platform on legal writing and comments on legislation proposal and convictions and other legal matters.
- *Methods and Best practice.* We've taken initiatives to exchange methods and best practice from other countries (hosted study visit from NGO-platforms in Finland and Spain to exchange best practice) and also to initiate and connect with researcher and higher education at Södertörn University as well as Uppsala University and to some extent Malmö University. We have participated in many international workshops and conferences and have established a wide network.
- *Close ongoing dialogue with authorities.* The National Coordinator at the Administrative County Board of Stockholm (also funders to the pilot of the national support program) has been very supportive from the early start, the National Rapporteur (whom we have a very good cooperation with, for instance on data collection), the National Coordinator at the Migration Board (whom really has done an impressive work only the last year and a half, to improve identification and cooperation - and also is very supportive) and also representatives from the Ministries' have all been very inviting and encouraging towards the Platform and the cooperation has been much appreciated. The atmosphere is encouraging and we see plenty of goodwill. This is an exceptionally good starting point. We believe that Sweden is ready to take one step more forward by following the recommendations below. We will certainly continue our work to strive for the fulfillment of this as well as the entitlement of the human rights for all VoT's (as well as their family and especially the children to VoT).
- *Coordination.* One main coordinator compiling, reporting and analyzing data, and coordinating meetings and the dialogues with all stake holders on different levels, attending hearings and lobby for Victim first and acting as the voice of the civil society as well as being in charge of the administration of the National Support Program(NSP) that as until end of 2017 has received funding from the National Coordinator Office (County Administrative Board).

1.1 The National Support Program (NSP)

The Platform runs a National Support Program, NSP, to provide VoT 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".

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 bigger 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 deal 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.

1.2 Identification and Assistance Given

The organizations in the civil society serve as the first responders for two third of all the VoT that we offer services to. These VoT have either got in touch with the civil actors by own force or been identified by represents 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

³ See Europe Council Convention 2005, ratified 2009 by Sweden, <http://www.regeringen.se/49c82a/contentassets/aeb6ad6cbba544b5918fcef417cb1fac/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

extent encourage them to do so) and this due to many causes. Further reasons for that may be: their vulnerable legal status in the country (third countries citizens), another the fact that they do not feel safe, as they often have family members in the home countries that is threaten by the traffickers, or they have children with the traffickers and are by this fact still under their control (all this we know by analyzing our data collection). This means that they do not receive their rights to the reflection period, as it still only is the investigating police who can apply for this. Consequently, the result is that the shelters offering help to VoT cannot cover the costs for assistance, accommodation, food or any other part of the first short term assistance and immediate response. They are identified, but yet outside the formal/official Swedish assistance system and not visible in official data.

To solve this situation the Platform runs, as mentioned above, a National Support Program (NSP) with funding from the County Administrative Board in Stockholm (CABS) that may cover costs for a suspected VoT up to 30 days at a shelter, and also add on 90 days. It is only NGOs which have applied to be part of the program that can apply for covering costs by NSP. To be part of the program the NGOs have to live up to a minimum standard set by NSP, and use standardized needs assessment, instruments etc. Part of the pilot is an ongoing dialogue with the Migration Board, and we have an informal agreement with the co-ordinator to be able to move an identified suspected VoT from an accommodation for asylum seekers to a shelter for VoT. In this way we may have something to offer VoT that we identify, but whom we cannot expect to immediately report to the police and by this way receive a reflection period. We may also after 30 days help the VoT to return to their home countries if they wish to do so. We believe that by first offering first assistance in up to 30 days and then ensure their safe return, it is more likely to avoid re-trafficking - at least there are better chances than the alternative for those who do not like to report to the police and co-operate in an investigation; a one way ticket home directly after identification.

Furthermore we have found that nearly 2/3 of the women we assist do have children, and many of them have more than one child. Therefore we 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. In Sweden children that have been exposed to living in a situation when one parent is abused by the person she (or he, it is gender neutral) is living with the child is granted a status as victim although not as part in a legal process. The victim status entitled the child to receive trauma treatment and support for the stress and inconvenience brought to them as experiencing that a parent is abused. We see the same need very strongly appears for the children to VoT. Yet they are no initial need assessment including in the well being of the children to the VoT.

Internal/domestic trafficking is a fact in Sweden, and according to our data collection it seems to be growing. Mostly girls with disabilities and mental illness seem to be exposed, and the most common arena for exploitation is targeted online.

Still we have no specialized shelters for male victims. Still we know many is never identified and many is, although they are in some respect identified not treated or regarded as victims of trafficking in human beings.

The situation of forced labor is very complex - regarded as bad working conditions; forced to commit crimes, to beg etc. – and /or treated as criminals rather than victims; VoT in other countries seeking asylum in Sweden – are dealt with as Dublin-cases.

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 administrate 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-periods*. Once a system is established that can handle demands for a granted reflection period de-linked to 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.
- *Shelters for male victims and other types of exploitations* is to be developed in the present year of the Platform and this should be encouraged. We suspect there are many not yet identified male VoT and unfortunately there may be a growing risk group among all the persons denied refugee status.
- The risk for being exposed to THB if sent back as a Dublin-case should be a circumstances taken into account in the asylum seeking process. *We promote new routines to mitigate the risk for re-trafficking*.
- *Permanent Support Program*. 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 also, when a legal process is started and 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.
- Children that come along 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.
- 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 (half of all). The Swedish authorities should further develop a comprehensive and coherent statistical system.

We need disaggregated data, as the civil society today does collect. This way we can see needs and trends and understand how to best match and develop the assistance. This is how we found support for the knowledge about the vulnerable situation for the children to the victims.

2 NOTED TRENDS AND CHALLENGES

The Platform has developed a close cooperation with the Swedish National Rapporteur regarding data collection and the annual trends reports to the government. Earlier civil society was not included at all. Nowadays, the Platform has taken a lead in the data collection, as we do collect disaggregated data and may follow data based on ethnicity, gender, forms of exploitation etc. Thus we are able to yearly analyze the outcome and identify patterns and needs among different categories of VoT, potential VOT and people at risk to be.

We've decided to always ask if the victim do has children, and if so where the children are. 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 to encourage the VoT to enter the legal process, as well as the possibility to receive an unconditionally reflection period; on this the Platform as well as the National Rapporteur is convinced; we think that this also would lead to better testimonies from calm and informed VoT.

We see that more and **more VoT come from third countries** and have been exposed in their home countries and as well all along the route up to Sweden where they seek protection, but have problems getting it as they are not formally VoT in Sweden (to be that you have to report to the police and the police has to open an investigation which is not done if there are no offenders in the country, the crime has been committed outside Sweden). Also we see that more and more **children unaccompanied risk to be exploited** when enter Sweden (and often have been on the route too). All groups are vulnerable for exploitation if they are not granted asylum or refugee status and stay undocumented in Sweden.

As we have been gathering data since 2013 we can also see changes in the needs and help given from civil society. The share that have their **first and only contact with civil society is growing**. Partly it is 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 and in many respect 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, or 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 a growing number 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 as a **consequence of the big migration** 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 also in the destination country as undocumented, if not granted refugee-status or asylum. Access to the rights as victim of trafficking is along the way jeopardized and hindered. There is a gap between being identified as a potential victim of trafficking and as such actually getting access to the rights victims of trafficking are entitled to. **Especially victims 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.

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. 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 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) and yet a greater risk when the children and other asylum seekers, in accordance with the recently more strict regulations, do not get refugee status granted. This means that they may hide in Sweden and obviously risk to be exploited in human trafficking as the mere illegal condition is an effective control mechanism.

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 – Italy, 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 the Directive– that it really should enclose all VoT with-out discrimination.

The migration have put the **whole help-system in to high pressure** and human trafficking has not been prioritized, as it has not been regarded as life-saving – but facts shows that counter trafficking initiative is needed immediately and has to been taken into account 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** as this is the only way to cover the costs 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. But there is no sign of any funding from the state that can help us fill this gap.

2.1 Cooperation and the Current Situation

The Platform has developed a **close cooperation with the Migration Authorities (MIG)** and their special coordinator for human trafficking. She has in her turn built up a strategic structure with regional coordinators that train local contact persons to train all staff at their own departments. The regional coordinators have regular meetings and are constantly educated and informed on trends. The regional coordinators in Stockholm and Örebro regularly attend the Platform meetings and also often the national coordinator at MIG is to. The Platform has taken part in the training of regional coordinators as well as locally of contact persons. The Platform has been reviewing the web education developed by MIG to inform all that may meet a potential VoT on indicators and how to respond if they suspect someone to be a VoT. This is a good example of cooperation and step-by-step progress. Then we have to move another step and that is to go from identification by MIG to support and help to the VoT.

Also the Platform work as previously described **close with the National Rapporteur** on data collection and reporting and exchange of information on trends etc, and **cooperate with the National Coordinator at CAB with support to VoT** and how to strengthen the help chain, with the NRM, the National Support Program and education and awareness raising. **Collaboration also is in place with the Ambassador for combating human trafficking** and prostitution, for instance around study visits but also for giving input of the daily work on the field in Sweden to the Ambassador.

There is thus a lot of good will and trust between persons and between organizations in the civil society in authorities and among others and this indicates that there is a **capacity in place** that could when we cooperate in cases really succeed in helping VoT in their best interest. We have a **NRM and there are ambitious education program** for the police, the Migration Authorities and in some places for social services. If this emerging structure could develop in a steady path this could be promising. Unfortunately the courts, especially the judges, but also the border police has not at all kept updated in their work and actions. There is also a big **variation among municipalities** and in the social services that could be described like a **lottery when it comes to capacity to meet the demands from a VoT**. We have experienced more than once that moving a VoT from one municipality to another could entitled them to completely different offer for help and possibilities to cover costs for support given by civil society.

For the **moment we know very little as the work against THB has been transferred (1.1.2018) to a new authority with the mission to work with equality**. The civil society has been assured that everything will work as it should but there is no funding for the support program or any work at all performed by the Platform after December 2017. All applications sent in have also been denied funding. Also governmental represents have declared when the Platform has tried to open up dialogue around the need for ongoing funding for the support program that as there is a NRM all support should be carried out by the municipalities and the decision to transfer the work against THB has been made already. This trend that decisions is made regarding human rights for VoT before having dialogue with civil society and that **the large responsibility taken and performed by civil society is not taken into account** is

worrisome. It can jeopardize a lot of good work carried out and trust built up during many years struggling.

It seems like the knowledge and good cooperation among the authorities on operational level and civil society, that seems so promising, **is hindered by lack of knowledge and cooperation among departments at political level.** There is still hope though, as the intention on the political level is to try to build up a structure that can be long lasting for all kind of work in the name of equality, also THB. We hope that there is room for humbleness and openness to adjust to the reality and acknowledge the importance of the work carried out by the civil society and its growing role to meet the demand of future vulnerable groups at risk as well as VoT from third countries.

Many of those potential VoT among the migration stream will, if ever, be identified by the civil society or contact the civil society firstly. We therefore see a strong need to be ready. We have a program, we have qualified service providers and a model to accredit and train more and also to develop assistance to male VoT. We have a coordination among the civil society actors that means we can work together and see to that all kind of help, from identification to first aid, legal aid, health care, information, clothes, trauma treatment, family contact, protection etc and all the way to safe return of safe stay is ensured and given. We need resources to do all we like and can do, and we need a partner; a strong central focal role as an enforced national coordinator can play in the Swedish society.

2.2 A National Action Plan (NAP)

The civil society has also asked and suggested that there will be a **National Action Plan for all forms of THB.** We see this as a way of structure the work, assure that the work is prioritized and funds given to combat THB and support VoT. In March we did write a debate article in media and called for a NAP and warned against the increasing amount of vulnerable people at risk for being exploited and the pressure on civil society, an article that more than 20 different organizations signed.⁴ In October 2017, without further notice, the government invited the civil society for a expert round table to give input to a forthcoming Nation Action Plan. There was at the meeting a consensus among the represents from the civil society and also the invited trade unions that the **focus of the forthcoming NAP should be on supporting VoT** as this also include fighting re-trafficking. Several structured inputs where given and the Platform all so sent before ddl 25 October, a draft on important points to include in the NAP. To follow up the Platform contacted the governmental represents inviting us on the next step and was informed that we might be invited again when the NAP was to be implemented during spring 2018. This is very unfortunate when you are asked to give time, input and expertise but then have no say or information on the process or outcome. We of course believe that the government really liked to have our expertise and will take it into account, not merely note that they did include civil society in the work making it *sound* like we were closely involved. (When we did the outline of the NRM with the National Coordinator at CAB we were really closely involved, and this is also the case when we report to the annual report to the National Rapporteur). Those once again there seem to be **a lack of**

⁴ <https://www.dagensamhalle.se/debatt/stoppa-profiteringen-pa-maenniskors-desperation-32500>.

acknowledgement from political level of the importance of including and also taking into account the expertise from civil society.

In the draft we sent in we listed 18 measures, here in sum:

1. A strategy to see that the NRM is in practice in all municipalities. Smaller municipalities can cooperate. Costs for shelter and support should be in the budget.
2. A national hotline for guidance. Should be open 24/7. There has been one in use 2017, what will happen after 1.1.2018?
3. Strategic national cooperation. Structures built up with capacity to cooperate around cases should be given funding and ensure that there are guide lines, following up and data collection performed.
4. Identification. Further education and foremost routines to ensure that identification leads to support, regardless of the judicial procedure. Ensure that potential VoT are not treated as illegal migrants by for instance border police.
5. The Refection period should be applied when the police formally identify a VoT (today this is not routine) and funding to the support program should be given to ensure that all VoT can have unconditionally help for 30 days in accordance with the structure built up and also guarantee that the period is filled with the content stated in the convention art 13.
6. The police is building up a structure to enhance the capacity to work against THB. Devote means and mandate to ensure this process. Include better understanding of threat against VoT and develop the work around protection and risk assessment.
7. Acknowledge the importance of the role and function of the civil society to carry out the work and meet the needs of all VoT's, regardless of status. Ensure the funding for the national support program and allocate 1, 2 MSEK yearly for three years and then evaluate the program by an external researcher. In the prolongation make the Platform a first point of notification and the possibility to apply for reflection period directly from the Migration Authorities.
8. Develop and educate the number of certified NGOs in the whole country. The Social department should make a call for application to NGOs that like to certify a shelter to help VoT in accordance with the model already in place by the national support program. Also there should be means to apply for develop other kind of support, for instance information to prevent risk for exploitation for forced labor among risk groups.
9. Support on several languages to potential VoT. A hotline for VoT to help with information and support. A mission could be given to the Platform in line with the development of screening for potential VoT.
10. Return program in cooperation with IOM is appreciated but should also be open for VoT that have been exposed outside Sweden and witnesses, for instance minor siblings.
11. Prevent Re-trafficking. Always have a plan for every potential VoT, regardless of status, how to gain a life without exploitation.
12. Children sensitive perspective always into account and include the children to VoT in the support given and grant them status as victims of violence too. Children in home countries should also always be asked for and as far as possible secured.

13. The National Rapporteur in cooperation with civil society form a task group to monitor trends and new challenges and with some funding to fast react if needed.⁵
14. Analysis of consequences. Some decisions can cause higher risk for THB. Explore a method to analysis the risk before.
15. Data collection should be improved in accordance with international standards.⁶ This should be a mission for the National Rapporteur.
16. A strategy for a more effective legal procedure is needed as we have very few convictions. Education. Earlier legal assistance to VoT. Sharper legislation.
17. Cut demand. Keep informing and work on awareness-raising.
18. Prevent at risk gropus. Educate front line on indications and what to do.

3 The legal procedure

Few of the reported cases lead to charges and even less leads to conviction.

When it comes to forced labor and labor exploration there is lack of legislation to charge anything less than an obvious case of THB. The law has to our knowledge not yet been applied for a case of forced labor (only one for forced begging) , although the amount of reports the last year has increased and even for a time surpassed report on trafficking for sexual purposes. The new suggested legislation brings up the possibility for two new crimes that could be used to convict offenders that use and exploit other persons for forced labor etc. The Platform has reported on the suggested legislation quite extensively and in sum approve of the two suggested crimes. To be added is that one third of all potential VoT for sexual purposes we gathered data on also were exposed for other forms of human trafficking. In the court cases of THB for sexual purposes (although there also is other forms involved) not seldom are transferred from a case of THB for sexual purposes to a case of procurement and the other forms part is not seen at all in the conviction.

When the cases are on sexual exploitation the charge is as noted above often changed from THB to procurement, thus the VoT becomes a witness. One reason is the persistent ignorance of the court that it is not any longer needed to prove that control was executed. Still, there is a focus by the court on the extent of control exercised and less on the intention of the traffickers. The testimony of the VoT is crucial and perhaps even more crucial for the understanding of the complexity of the crime made by the judges. Although the legislation changed 2010, so that it wouldn't be necessary to prove that there is a relation of power and control executed, still the judges do not change their convictions. They still refer to the chapters originating before 2010 and say that no power relation and execution of control has been proven and therefore this could not be THB. The new (2016) investigation of the legislation, that suggests two new crimes equivalent to procurement for other forms of THB, also underlined that there is no need for a power relation and to prove that control have been executed and that this is already changed in 2010 and they see no need to further emphasizes

⁵ Addressing Human Trafficking and Exploitation in Times of Crisis- Evidence and Recommendations for Further Action to Protect Vulnerable and Mobile Populations, IOM 2015, <https://publications.iom.int/books/addressing-human-trafficking-and-exploitation-times-crisis-evidence-and-recommendations-0>.

⁶ Se Estimating Human Trafficking Worldwide: A Multi-Mode Strategy, by Jan van Dijk, 2015, <https://www.unodc.org/documents/data-and-analysis/tip/TiPMSE.pdf>

this although judges seemingly still haven't taken this to account. In the reply from the Platform we stated that seemingly there is still a need to be even more explicit as no change has occurred in practice. And then March 14, 2017 we have a new conviction from the highest court that although mentioning the change 2010, and that the investigation 2016 take up that there is no need for proving control the court still refer to the chapters dating from before 2010 presenting the legislation and stating a need to prove control and thus on those grounds dismiss that this is a case of THB and instead charge for procurement. The Platform feels a strong need to have special judges or specially trained judges in special courts dealing with cases of THB. The judges seem to be a group of persons that are very reluctant to new knowledge and as THB is such a moving target we are afraid that we step by step will be surpassed of the traffickers if the judges do not apply and practice the updated legislation.

There are several youngsters caught for petty crimes in the Stockholm area and these are mostly treated as criminals. In reports from the institutions where they are held and locked in it seems more likely they may be VoT. The awareness of the non-punishment article is low. We have also reason to believe this may be the case with former VoT forced to smuggle drugs and even to cultivate and sell drugs.

RECOMMENDATIONS

- There is a need for special judges and courts, specifically qualified trained and to handle charges of THB.
- The legislation has currently been scrutinized to see if it is working in the way it was intended. The Platform is welcoming an improvement of the law enforcement procedures to cover all forms of THB and to be more up-to-date when it comes to the existence of control means. We are now looking forward to an implementation of this new legislation.
- The non-punishment article has to be raised awareness on. We suggest a mapping in Swedish prisons to investigate the amount of interns that may be VoT.