



## **PARLIAMENTARIANS AGAINST HUMAN TRAFFICKING**

**Information below is fully based on UNODC publication “Human Trafficking in the Baltic Sea Region: State and Civil Society Cooperation on Victims’ Assistance and Protection Published by UNITED NATIONS, New York, 2010, p. 158 – 169.**

### **SWEDEN SUMMARY OVERVIEW**

In Sweden the role of civil society organizations in support of victims of trafficking is more limited than in other countries, as State and municipal actors are responsible for most assistance services. Yet differences in perception of the trafficking phenomenon, for instance between State service providers and law enforcement agencies, are reported in Sweden too, as well as tensions in interpreting legislation and determining priorities in a way that ensures a balanced approach at the operational level.

These and other features seem to indicate that mandates are more important in shaping perceptions of priorities in anti-trafficking efforts than the status of the stakeholders involved – i.e. State actors or civil society.

In Sweden, anti-trafficking work currently focuses on trafficking in persons for sexual exploitation within the Framework of the National Action Plan (NAP) on combating prostitution and trafficking in human beings for sexual purposes. Practitioners recognize the need to address forced labour as well. Recent Measures

- The National Coordinator (NC) was appointed in January 2009 tasked by the NAP to develop and increase the level of cooperation between the relevant state actors as well and civil society actors in Sweden;
- An anti-trafficking NAP against prostitution and human trafficking for sexual exploitation was approved in 2008;
- An operative national coordination unit (National Support Operations against Prostitution and Trafficking in Human Beings) has recently been established;
- The anti-trafficking provision in the Penal Code (2002) was revised to address all forms of exploitation and internal trafficking in 2004;
- Legislative amendments have been proposed to increase efficiency (2008) forthcoming Measures;
- Legislative amendments have been proposed to the increase efficiency of the Trafficking provision in the Penal Code (2008) and the intention is to amend the law in 2010

#### Focus Areas

- Improve coordination at national policy level by ministries and the Government – also in relation to instructing and managing the work of the authorities;
- Address trafficking for labour and other forms of exploitation through policies and operational measures;
- Involve relevant stakeholders related to the labour market e.g. trade unions;
- Sensitise criminal justice authorities on human trafficking cases and implications of trauma for victims of the crime of trafficking (VoTs).

## **ANTI-TRAFFICKING NATIONAL ACTION PLANS**

The Government of Sweden adopted its first NAP against Combating Prostitution and Trafficking in Human Beings for Sexual Purposes in July 2008.

### **NAP focus**

The plan covers five priority areas and includes 36 measures and tasks for Swedish authorities and other relevant stakeholder, focusing in particular on:

- 1) Greater protection and support for people at risk
- 2) More emphasis on preventive work
- 3) Higher standards and greater efficiency in the justice system
- 4) Increased national and international cooperation
- 5) A higher level of knowledge and awareness

Although legislation covering different forms of human trafficking has been adopted in 2004, policy measures addressing other aspects of the human trafficking phenomenon (e.g. trafficking for labour exploitation, illegal purposes, forced begging, removal of organs, etc.) have not been developed yet.

A draft NAP against Trafficking for other forms of exploitation than sexual purposes has been developed by the Ministry of Labour (2008) but it has not yet been presented by the Government to the Parliament. At the time of writing it is unclear if it will be in the future.

### **Reporting**

The National Rapporteur reports to the Government annually on progress in implementation of anti-trafficking measures, investigations, court rulings, and other relevant developments in the field of human trafficking (see National Rapporteur below).

### **Monitoring and evaluation**

The NAP covers the period 2008-2010. An evaluation of the current NAP and a proposal for follow-up measures is expected to be presented to the Parliament in 2011. It is not yet known whether a revised NAP will be considered. Policy measures contained in the NAP are currently being evaluated by the Swedish National Council for Crime Prevention. A first draft of the evaluation report will be presented in 2010. Furthermore, Malmö University is conducting research on the measures contained in the NAP and how the activities are coordinated.

### **NATIONAL COORDINATION MECHANISMS**

#### **National Coordination Mechanism**

\*The NC has a limited mandate for the time period of the NAP with the responsibility to increase the level of cooperation and coordination at the operational level (see National Coordinator below). Government actors report to the Ministry of Integration and Gender Equality or other responsible Ministries (e.g. the Police reports on its anti-trafficking work to the Police Unit at the Ministry of Justice).

\*\*There is no permanent mechanism for coordination meetings on the topic of human trafficking in particular, as inter-ministerial cooperation is an established practice for all cross-sector matters in Sweden.

### **NATIONAL COORDINATOR**

A NC was appointed in January 2009 under the auspices and for the duration of the national action plan. A number of features differentiate the mandate of the Swedish NC from similar institutions in other countries in the region.

The NC is based at the County Administrative Board of Stockholm and will “develop methods for increased cooperation and coordination in the field of counter trafficking between key stakeholders



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at the operative level in Sweden”. The NC does not have an overall coordinating role for the counter trafficking work in Sweden, nor is he coordinating the various measures in the NAP. Moreover, the NC in Sweden is only responsible for efforts related to human trafficking for sexual exploitation. He reports to the Ministry of Integration and Gender Equality (MIJ).

In terms of specific tasks, the NC was mandated to develop and streamline existing regional cooperation networks and expand them into a national network. To implement this task, the National Support Operations against Prostitution and Trafficking has been established (see anti-trafficking coordination unit below) with the aim to ensure coordination of different stakeholders in order to enhance support and assistance services to victims of trafficking. The NC is also responsible for strengthening cooperation between the regions through the 21 County Administrative Boards of Sweden, and to disseminate information and raise awareness among actors involved in this field.

In the framework of the ministerial conference organized by the Swedish EU Presidency for the EU Anti-Trafficking in Persons Day, the Ministry of Justice has set up an inter-ministerial working group. The Government offices use this forum to cooperate on the issue of human trafficking.

In most countries, the NC is based at the same Ministry that acts as a focal point.

### **INTER-AGENCY COORDINATION BODIES**

There is no inter-agency coordination body at the policy level. Ministries in Sweden coordinate routinely on multi-disciplinary issues. This is also the case for policies and decisions on trafficking in human beings. The responsible institution acting as a focal point for anti-trafficking efforts within the Government Offices is the Ministry of Integration and Gender Equality (MIJ). Many State actors report to the MIJ, although the Ministry does not have an overall coordinating role at the policy level. The counter trafficking work of the law enforcement agencies is reported to the Ministry of Justice (MoJ); the Ministry of Social Affairs manages the work of the Social Board of Welfare in their support to victims of trafficking and work against trafficking for labour exploitation takes place in the Ministry of Labour.

State actors refer to the MIJ as an overall focal point against trafficking for sexual exploitation. However the MIJ does not have an overall coordination mandate and is not responsible for trafficking for other forms of exploitation than sexual exploitation. This set-up does not seem to be conducive to a clear division of tasks and responsibilities and it may ultimately be an obstacle to efficient synergies and lead to duplication of efforts.

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### **ANTI-TRAFFICKING COORDINATION UNIT**

To enhance the cooperation at the operative level, a unit called “National Support Operations against Prostitution and Trafficking in Human Beings” (Nationellt Metodstödsteam mot prostitution och människohandel/NMT) has recently been set up. This body is composed of representatives from



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the Swedish National Police Board, the National Criminal Police, the Specialised Police Units on human trafficking as well as the Border Police, the Migration Board, the Prosecutors Chambers and the Social Welfare Authorities from the three big city areas in Sweden.

The unit focuses on operational work, coordination of activities, tasks, case management and tries to ensure efficient information-sharing among agencies and information-gathering at the national level. This effort builds upon experiences gathered through the project “Cooperation against Trafficking” (see Formalised Cooperation Agreements below).

See [www.nmtsverige.se](http://www.nmtsverige.se) for more information.

### **WORKING GROUPS AT THE OPERATIONAL/LOCAL LEVEL**

Since 2005, Regional Operative Teams have been active in the three capital areas in Sweden: Stockholm, Göteborg and Malmö. The teams are composed of Police, Migration Board, Social Welfare Department and the Prosecutorial Authorities. The regional teams are complemented by local teams of civil society actors which are contacted on an as needed basis.

### **SPECIALISED UNITS**

The National Police Board and the National Criminal Police have specialized staff focusing on counter trafficking work. Specialized police units dealing with human trafficking cases for sexual exploitation and related crimes are present in the cities of Stockholm, Gothenburg and Malmö.

In Stockholm the Commission against Trafficking in Human Beings within the Stockholm Police has about 25 staff and works as a support unit for other police authorities in Sweden. The Commission deals with trafficking for sexual exploitation and related crimes, while the Border police are in charge of cases of trafficking for labour exploitation and trafficking of children for other purposes than sexual exploitation. Cases are handled with the assistance of the National Criminal Police if appropriate. In Gothenburg and Malmö the distinction of mandates for the different forms of human trafficking does not exist.

The special law enforcement units work jointly with a social worker from the local social welfare authority. The social worker has the main responsibility of ensuring that victims have access to all necessary assistance (see Referral and Support and Assistance System below). The International Chamber of the Prosecutors Office, responsible for prosecuting trafficking cases, has three specialized units in Stockholm, Göteborg and Malmö.

### **NATIONAL RAPPORTEUR OR EQUIVALENT MECHANISM**

The Government assigned to the National Police Board with the task of a National Rapporteur on trafficking in human beings in December 1997. The task was subsequently delegated to a detective inspector who works at the National Police Board.

The responsibilities of the National Rapporteur include:

- Collection of information on the extent of trafficking in human beings in Sweden and abroad
- Study of effective action to prevent and combat trafficking
- Monitoring progress in the fight against trafficking (e.g. assessment of the effectiveness of the legislative and policy framework on trafficking in human beings, including policies and legislation criminalizing the demand for sexual services)
- Analysis of investigations, prosecutions and sentencing of buyers, procurers, traffickers and organized crime networks.

The division of responsibilities was agreed between the Commission and the Border Police in 2008.

- Monitoring, evaluation and dissemination of information about emerging issues, such as new forms and methods of trafficking in human beings to and within Sweden



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- Organization of seminars and trainings nationally and internationally
- Development of networks nationally and internationally
- Relations with the media and the public

To make it possible for the National Rapporteur to get information from the whole country, contact persons have been appointed at every police authority. In her capacity, the National Rapporteur reports annually to the Government on the results of countertrafficking efforts, investigations, court rulings and trends in trafficking in persons. Furthermore the National Rapporteur formulates recommendations to foster improvements. The Swedish National Rapporteur has a similar mandate to equivalent institutions in other countries but is not an independent institution.

## **FORMALISED COOPERATION AGREEMENTS**

In the field of counter trafficking, some agreements exist based on projects e.g. “Cooperation against Trafficking” (Samverkan mot Trafficking). The latter is often referred to as having contributed to establishing more effective cooperation practices among different stakeholders, including the Prosecutor’s services, Migration authorities, Law Enforcement Agencies, Social Welfare authorities, and various civil society counterparts (churches, museums, universities and non-governmental organizations). “Cooperation against Trafficking” started in 2005 and was organized into three thematic areas, one of which was focussed on improving cooperation to combat human trafficking. No detailed information is available as to what procedures have been addressed through the project and with what tools (e.g. if and what cooperation practices have been agreed upon, involving what stakeholders, what tools, if any, have been developed/ formalized, etc.). Given the specificities of the Swedish system, where the Welfare State covers most services and civil society actors have a minor role in victims’ assistance with respect to other countries, it may be argued that the need for cooperation agreements such as MoUs is less needed. However, insights into operational activities indicate that differences in perceptions of priorities may create tensions linked to mandates rather than to the status of the stakeholders involved. The following chapter attempts to shed some light on such aspects. In fact, the option of negotiating MoUs or similar cooperation agreements among different stakeholders is currently being considered by the stakeholders within the framework of the “National Support Operations against Prostitution and Trafficking in Human Beings” (NMT).

## **COOPERATION PRACTICES AT THE OPERATIONAL LEVEL**

### **IDENTIFICATION**

#### Identification Procedures

Identification can be carried out by any stakeholder without high degrees of formality. The rules applying to victims of human trafficking are the same as for victims of crime, therefore presumed victims who either selfreport or are identified by any front liner or operator do obtain access to support and assistance services. <http://www.samverkanmottrafficking.se/english.asp>

Procedurally however, the legal identification of a victim of trafficking in persons is carried out by the prosecutor. The police present the case to one of the Prosecutors of the International Chamber who decide whether the case can be brought to court. The victim is then legally identified as such and can benefit from the special resident permit for people involved in court proceedings.

Identification focus is still limited to trafficking cases for sexual exploitation both at the policy and at the operational level.

#### Identification Tools

Nationwide indicators and guidelines for identification of trafficked persons are currently being developed. No details are available about what forms of exploitation are going to be addressed by the forthcoming tools.



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## **REFERRAL**

The rules for referral are the same as those applied to other victims of crime (see also Assistance and Support System). Stakeholders interviewed reported that victims (of crime) would always be referred to the Social Welfare Department in the municipalities, as they have the obligation by law to provide support and services to all victims of crime in their respective municipality, including victims of trafficking. In Sweden, there is a long tradition of cooperation between police and the Board of Health and Welfare in the field of support and protection of victims of crime and cooperation is considered efficient.

The special law enforcement units work closely with a social worker from the local Social Welfare authority (in some regions Social Welfare officers are located within the specialized police force units). This renders the critical link between law enforcement agencies and service providers easier to coordinate than in other countries, facilitating the integration of security considerations and victims' support measures by competent professionals. In the joint teams, the social worker is responsible for keeping contact with the victim, ensuring access to all the necessary assistance services and trying to address the individual needs of the victim. At the same time, a threat assessment is carried out and helps determine where to place the victim depending on the circumstances. This favours the provision of prompt and effective support to victims. Such practices guarantee qualitative and humane assistance to victims in accordance with their individual needs and have proven to be a very efficient way of operating during investigations.

Prosecutors are also involved in this close cooperation effort, together with the Swedish Migration Board. These specific features of the Swedish system are conducive to an integrated approach to dealing with trafficking cases. Yet tensions between the Social Welfare authorities and law enforcement agencies have been reported in cases of trafficking in persons.

According to the police, the Social Welfare authorities sometimes do not report a trafficking case to law enforcement agencies invoking the Swedish Secrecy Act. As any crime entailing a punishment amounting to more than two years in prison lifts the secrecy clause, the police consider such decisions questionable. This seems to point out that such type of tensions, reported also in other countries, are independent from the fact that the service providers are State or civil society actors. Differences in understanding of the crime of trafficking lead to different interpretation of what rules to apply in specific cases and conflicting priorities. The lack of an agreed procedure for victims of trafficking addressing the issue of the right not to report cases to law enforcement agencies, if the victim so requests, emerged as a focus area within the Swedish system too, as in other countries. Such cooperation models can be found in Stockholm for example. This seems to indicate that although the actors involved at this stage of the process are all State actors, the need for clearer rules and a shared understanding of what needs to be done with trafficked persons as a specific category of victims of crime seems to deserve attention.

## **ASSISTANCE AND SUPPORT SYSTEM**

Protection and assistance to victims of human trafficking are provided mostly by the State and the municipalities in Sweden, the Social Welfare Departments of the municipalities being one of the main service providers. According to the Swedish Social Services Act (section 5, paragraph 11), the municipalities are responsible for providing support to victims of crime, such as medical support, psychological support, shelter and other forms of social assistance. As many shelters are run by NGOs, municipalities often provide the support in close cooperation with civil society actors.

Services offered are for victims of crime in general. There are also some specific services targeted in particular to victims of human trafficking. Victims of trafficking for sexual purposes get assistance from specialized prostitution units in the big cities. These units are responsible to ensure that victims of trafficking get the assistance and support needed.



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As mentioned above, in Sweden there is a long tradition of cooperation between police and the Board of Health and Welfare with respect to support and protection of victims of crime and assistance is provided by the Social Welfare units in the municipalities in close cooperation with the law enforcement agency handling the case. Awareness of the special needs of victims of trafficking is rather low in health structures. Health care personnel in hospitals are reportedly not always informed of trafficked persons' rights, in particular with respect to foreign victims of trafficking who have been granted a special residence permit and are entitled to free health care. Many stakeholders indicate a general lack of knowledge about what rights the special permit grants to victims. In this area, the Social Welfare units seem to face similar difficulties as social workers from NGOs in other countries and the lessons to be learnt are also very similar (e.g. clearer definition of rules pertaining to victims of trafficking, information to be disseminated more widely and effectively, awareness-raising of personnel etc.). It is usually the Police or the Social Welfare officer who inform the victim of her rights. This information is conveyed to the victim in a language the victim understands. Victims are also assigned a lawyer to support them during the court proceedings if appropriate. Integration measures, such as professional training and other courses, are offered by civil society organizations.

### **RESIDENCE REGIMES**

Victims of trafficking are entitled to a reflection period of 30 days. The reflection period is however rarely used as, according to State officials, most victims opt for return. Church organizations and communities as well as women's shelters organizations such as Sveriges Kommuner och Landsting (Kvinnofridsarbete)/Sweden's County and Municipality Board (gender based violence department), Riksorganisationen för kvinnojourer och tjejjourer/National Organization for Women's and Girls' Shelters in Sweden, and Stiftelsen Unga Kvinnors Vårn/Foundation for Young Women.

Amendments to the Aliens Act (2004) have introduced the possibility to issue a temporary residence permit to foreign victims of trafficking in Sweden. The permit is for six months initially and may be extended upon application by the prosecutor based on investigation needs.

### **VICTIMS/WITNESSES IN COURT PROCEEDINGS**

Victims and witnesses in court proceedings benefit from the same measures applicable to other victims of crime. Evidence can be gathered and presented to court without the presence of the victim. The victim can also be interrogated in her/his home country. Furthermore, the defendant may be asked to leave the court when the victim testifies. Due to specific circumstances linked with necessary surveillance in trafficking in persons cases, and in order to avoid further trauma for the victim, the special prosecutor and the police often try to collect as much evidence as possible before the trial to render proceedings more respectful of victim/witness' needs. Protection of the identity of the victim/witness is possible but has not been foreseen by the Swedish legal system. Other special court procedures, such as the use of equipment (video, audio equipment or screening) to avoid personal or eye contact between the victim/witness and defendants in court do apply. There is for example, the possibility to hear witnesses and the plaintiff via video link under specific circumstances. Victims are entitled to be accompanied by a social worker and are provided with a victim's legal adviser, a lawyer whose task is to protect the rights of the victim in court.

### **REGIONAL COOPERATION FOR THE SAFE REFERRAL, RETURN AND RE/INTEGRATION OF VICTIMS OF HUMAN TRAFFICKING**



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The responsibility for the return of victims is currently not coordinated nationally in Sweden. Activities related to return are dealt with by the municipalities, local police and NGOs (and to some extent the Migration Board). Return of victims of trafficking is carried out on an ad hoc basis.

Sweden also took part in a three-year regional initiative (2005–2008) implemented under the auspices of the Nordic-Baltic Project. The project had among its objectives to help build a network to facilitate regional referral for women victims of trafficking for sexual exploitation. Contacts with the countries of origin are limited. The number of victims declining the offer to be referred for assistance in their country of origin is rather high. Cooperation with Embassies and Consulates is deemed only partly useful. Contrary to the situation in other countries, in Sweden NGOs are not the main service providers and do not have a network of contacts to facilitate transnational referral.

With the support of the EU Commission a new cooperation project has recently been initiated between the law enforcement and social service providers in Sweden, Poland, Estonia and Romania to enhance cross-border cooperation in different areas, one of which is safe return.

The Office of the National Coordinator has been mandated with assessing the current system and developing a joint nation-wide cooperation model for safe return of victims of trafficking.

“The Nordic Pilot Project for the Support, Protection, Safe Return and Rehabilitation of Women Victims of Trafficking in Human Beings for Sexual Exploitation” implemented by the European Women’s Lobby. Countries involved: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden.

#### Perception of Cooperation Practices by Swedish Stakeholders

Stakeholders interviewed during the country visit indicated that:

- Cooperation is very good among the Social Welfare, Immigration, Prosecutors and the Police in the main cities, but it is not as good in smaller regions and sometimes among social services operating in different geographical areas
- There are no policy lines or instructions on how to deal with trafficking cases for other forms of exploitation than sexual (labour, forced begging, etc.). The level of awareness/knowledge about such cases is low within the system
- There is a need to improve coordination at the national policy level by ministries and the Government
- There is sometimes a problem of attitude towards trafficking. Many stakeholders have little understanding of the severity and complexity of the crime and perceive cases as just prostitution cases
- The national action plan defines objectives to combat trafficking in persons but does not always specify how to achieve them. For some areas there is no clear vision of how tasks should be implemented
- There is a risk of duplication and inefficiencies (e.g. information on cases getting lost in the system) as the mandate to combat trafficking has been divided between different units within the police
- Cooperation with judges needs to be improved (while the independence of the judiciary is mentioned as an important principle to respect, most stakeholders perceive it as an obstacle to legitimate capacity building initiatives)
- There is a need to reach out to front line officers and local authorities and administrations
- Cooperation among the different authorities on the issue of education and awareness-raising should be improved.



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