



SCANDINAVIAN
HUMAN RIGHTS
LAWYERS

STRATEGIES TO COMBAT
HUMAN TRAFFICKING
AND PROTECT
VICTIMS' RIGHTS
IN SWEDEN



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**Scandinavian Human Rights Lawyers
provide legal assistance to victims of human
trafficking.**





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Scandinavian Human Rights Lawyers are partners in an Exit Program with the Angel in the prostitution street / Red Light District





Human trafficking in Sweden

- Destination country
- Sexual & labour exploitation, forced begging and criminality

Human trafficking in Sweden

- **Prosecution** of the traffickers
- **Preventive** measures
- **Protective** measures for the victims of human trafficking



Anti trafficking work in Sweden

- National Coordinator – County Board Sthlm
- Ministry of Justice / Ministry of Social Affairs / Ministry of Labour / Ministry of Foreign Affairs
- Swedish Ambassador against THB
- National Rapporteur: Police Authority
- NMT - National Task Force against prostitution & human trafficking
- Specialized units within the Police Force
- NGO:s and the Swedish Civil Society Platform



National Referral Mechanism

1. Identification
2. Initial support and protection
3. Long-term support and social inclusion
4. Return (IOM)
5. Criminal proceedings



Migrant and refugee flows in 2015

- Unaccompanied children are a particularly vulnerable group for human trafficking and many children have disappeared after arriving in Sweden.
- In a statement by Europol in 2016, nearly 10 000 unaccompanied children disappeared after arrival to the EU.
- In light of the increasing migrant and refugee flows in 2015 the Police Authority adopted a particular policy decision which aims to strengthen the means of combatting trafficking.



Prosecuted crimes 2015

Type court	Guilty verdict district	Waiver of Prosecution	Punishment	Total
Human Trafficking (all forms)	2	–	–	2
Procuring	11	–	–	11
Gross Procuring	4	–	–	4
Purchase of sexual services	112	1	217	330
Purchase of sexual acts of children	39	–	1	40



Human trafficking in Sweden

- Very low number of convictions
- Legislation under evaluation
- 179 THB crimes reported to the police 2015
- Only 2 persons convicted for human trafficking for sexual exploitation 2015: one man & one woman from Romania



Human trafficking

Chapter 4. 1 a § Penal Code (2010: 371)

*Anyone who, in cases other than those referred to in § 1, by unlawful **coercion, deception, exploitation** of anyone's vulnerable location or with other such improper means **recruiting, transporting, transferring, harbouring or receiving** a person in order that he or she will be **exploited through sexual exploitation, removal of organs, military service, forced labour or other activities** in a situation means distress for the victim, shall be sentenced for human trafficking to imprisonment for not less than two and not more than ten years. Whoever commits an act referred to in the paragraph against a person under the age of 18, will be convicted of human trafficking even if no such improper means specified therein have been used. If the offense referred to in the first or second paragraph less rough, sentenced to prison terms of up to four years.*



Procuring

Chapter 6. § 12 Penal Code (2004: 406)

*A person who promotes or improperly **financially exploits a person's engagement in casual sexual relations** in return for payment shall be sentenced for procuring to imprisonment for at most, four years. If a person who, holding the right to the use of premises, has granted the right to use them to another, subsequently learns that the premises are wholly or to a substantial extent used for casual sexual relations in return for payment and omits to do what can reasonably be done to terminate the granted right, he or she shall, if the activity continues or is resumed at the premises, be considered to have promoted the activity and shall be held criminally responsible in accordance with the first paragraph. If a crime provided for in the first or second paragraph is considered gross, imprisonment for at least two and at most eight years shall be imposed for gross procuring. In assessing whether the crime is **gross**, special consideration shall be given to whether the crime has concerned a **large-scale activity, brought significant financial gain or involved ruthless exploitation** of another person.*



Purchase of sexual services

Chapter 6 § 11 Penal Code (2011: 517)

A person who, otherwise than as previously provided in this Chapter, obtains a casual sexual relation in return for payment, shall be sentenced for purchase of sexual service to a fine or imprisonment for at most one year. The provision of the first paragraph shall also apply if the payment was promised or given by another person.



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Legal aid for victims of human trafficking in Sweden



Legal aid for victims of human trafficking in Sweden

- Public counsel in asylum cases. Lawyer or solicitor appointed
- Public counsel: Swedish Migration Agency decides. Funded by the state. The asylum seeker does not need to pay.
- Exeptions: Dublin cases etc.



Victims of trafficking – criminal proceedings

- Victims of crimes as described in *Ch. 4 and 6 of the Penal Code (Brottsbalk 1967: 700)* will have a public counsel appointed once a preliminary investigation has been initiated.
- Under 13a § and 14§ of the *Preliminary Investigations Act (Förundersökningskungörelsen)* a victim can make a claim for compensation only once the crime has been reported to the police



Victims of trafficking – criminal proceedings

- Compensation for victims of violent crimes is ensured under the *Criminal Injury Compensation Act (Brottsskadelag 2014: 322)*.
- Under this act, a deciding board, the Crime Victim Compensation & Support Authority (Brottsoffermyndigheten) has the task of attending to the needs of victims and overseeing and making decisions regarding victim compensation



Victims of trafficking – criminal proceedings

- Victims can be compensated if the crime took place within Sweden or if it happened to a Swedish resident outside the state's borders.
- Along with the *Liability Act* (Skadeståndslag (1972:207)) a victim of a crime such as human trafficking, is entitled to compensation for physical as well as psychological “damages” caused to the victim.



Victims of trafficking – criminal proceedings

- A claim should be filed within 2 years following the conclusion of court proceeding
- In cases where victims are identified outside the legal process such as by members of society or NGOs in cases where the perpetrators cannot be identified the social service may assist in providing the victim with a small amount of funds in the form of an “emergency assistance” to provide for the victim’s daily needs.



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Circumstances specific to child trafficking victims





Circumstances specific to child trafficking victims

- Should a minor be granted a residence permit, he or she is entitled to have a legal representative appointed when making a claim of a human trafficking offense.
- Child victims who has a Swedish residence permit receive the same social and health benefits as native Swedes and have the right to go to school.
- According to the Social Services Act, once an investigation is initiated, a legal guardian who will be responsible for an unaccompanied minor's wellbeing, will be appointed.



Circumstances specific to child trafficking victims

- Child victims of, or witnesses to a violent crime, either within Sweden or outside its borders (individuals with Swedish residence permit), are entitled to claim for compensation for a trafficking offense which has been reported to the police.
- Under the *Criminal Injury Compensation Act*, the minor is entitled to initiate a claim for compensation up until the age of 21 thereafter, no claim can be made unless the circumstances are deemed justified

Case No. B 2042-16

- 1. Plaintiff – Romanian national**
- 2. Perpetrators – Two Romanian nationals**

Crime: Trafficking

Penalty: Imprisonment for 3 years and 6 months

Deported from the country

The perpetrators were sentenced to pay legal compensation to the plaintiff with 125 000 SEK



Case No. B 2042-16

Legal problems arising during the judicial proceedings:

Oral evidence. The District Court and the police were not able to contact the plaintiff and summon her to the oral hearing

Solution:

The prosecutor asked the District Court to use the interrogation from the preparatory hearing in the District Court.



Case No. B 2042-16

- General legal problems arising during judicial proceedings:

Moral Dilemma:

- The need to gather enough evidence concerning the crime and therefore not interfere too early
- *against*
- The moral difficulty to passively watch a situation of oppression and exploitation.



Case No. B 10040-15

- 1. Plaintiff: Romanian national**
- 2. Perpetrators: Two Romanian nationals (male born 1979 and female born 1992)**

Crime: Trafficking

Penalty: Imprisonment for 2 years and 6 months

Deported from the country

The perpetrators were sentenced to pay legal compensation to the plaintiff with 82 200 SEK



Case No. B 10040-15

- **Challenge: To ensure financial compensation** to the victim from the perpetrators:
- MC and LFR were sentenced to pay financial compensation to the victim LA with 82,200 kr plus interest.
- **Solution: Sequestration**
- Stockholm District court ruled for sequestration, to seize property (jewelry, necklace, bracelets, earrings etc.) that belonged to MC and LFR and to hold it until payment could be ensured.