GRETA’S SECOND REPORT ON SWEDEN

8th of June 2018

**GRETA-** the Group of Experts on Action against Trafficking in Human Beings responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties- published its second evaluation report on Sweden, assessing developments.

Firstly, it must be noted that according to statistics of Brå (National Council for Crime Prevention), the reported offences of THB had been increasing from 93 in 2014 to 214 in 2017. These reported offences included trafficking for sexual purpose, forced labour, forced begging and other unspecified purposes. Out of the total number of reported cases, those concerning children were 19 in 2014, being increased till 62 in 2017. It was clear that the number of reported offences of THB for the purpose of labour exploitation had increased over the last three years, but nevertheless sexual exploitation offences remain the largest group. An increase was observed in victims subjected to THB for multiple purposes.

Since the sharp increase in the number of asylum seekers and migrants arriving to Sweden from war-torn conflict in 2015, concerns were expressed to GRETA that many unaccompanied children were trafficked or at risk of trafficking, particularly for sexual exploitation and forced criminality. **GRETA noted that the above-mentioned statistics on reported offences concerning children probably did not reflect the real scale of child trafficking in Sweden, given the high number of unaccompanied and separated children disappearing.**

In this regard, GRETA considered that the Swedish authorities would have to examine the possibility of designating as a National Rapporteur a separate organisational entity or another independent mechanism for monitoring the anti-trafficking activities of State institutions. In that sense, **the Platform Swedish Civil Society against Human Trafficking** was formally registered on 31 March 2017 as an umbrella organisation of NGOs working against THB and supporting victims of THB

According to the second report, Sweden has made progress in a number of areas; particularly in the development of the legal framework for combating human trafficking, the setting up of specialised anti-trafficking police units and the establishment of the National Support Programme, allowing victims of trafficking to receive proper assistance through the **Platform Swedish Society against Human Trafficking.** However, they focus on sexual exploitation and therefore not all forms of human trafficking are sufficiently addressed.

In that sense, GRETA asked the Swedish authorities to ensure that the new Gender Equality Agency, effectively addresses all forms of trafficking in human beings, in terms of combatting them and assisting the victims, since in September 2016 the Government announced its decision to transfer all functions related to coordinating action against human trafficking from the CABS to the new Gender Equality Agency, which started operating on 1 January 2018, based in Gothenburg. The Swedish Agency for Public Management expressed concerns about the loss of anti THB competencies as a result of the move and recommended to maintain the CABS’ mandate for anti-THB co-ordination because it was well-established, functional and in order to avoid disruptions and spending resources on building new structures.

The Swedish authorities indicated that the new Gender Equality Agency would address all forms of THB. However, GRETA is concerned about the implications of the decision to transfer the mandate for anti-trafficking action to the new Gender Equality Agency in Gothenburg since the primary focus of the new agency would be trafficking for the purpose of sexual exploitation, given that its creation was linked to the new National Strategy to Prevent and Combat Men’s Violence against Women. The complexity of trafficking in human beings requires a range of legal and operational measures to be implemented against it. Trafficking for the purposes of forced labour, forced begging and forced criminality affects women, men and children and the Council of Europe Convention on Action against Trafficking in Human Beings requires States Parties to address the full range of human trafficking situations, in accordance with the non-discrimination principle contained in Article 3 of the Convention. In the context of the current migration and refugee situation in Europe, unaccompanied and separated children are particularly at risk of trafficking for all forms of exploitation, as is noted in the recently adopted Council of Europe Action Plan on protecting refugee and migrant children. **In its comments on GRETA’s draft second evaluation report, the Swedish Government explained that the Gender Equality Agency will perform the same tasks and operational measures concerning prostitution and trafficking as those for which the CABS was responsible, including support to governmental authorities, NGOs, the National Task Force against Prostitution and Trafficking, the regional co-ordinators and the Voluntary Return Programme.** To ensure a smooth transfer of competencies, the CABS has been asked to assist the Gender Equality Agency in its task to combat prostitution and THB until the end of 2018.

GRETA considered that the Swedish authorities should strengthen action against THB for the purpose of labour exploitation, by reviewing the legislative framework, improving the identification of victims suffering THB for the purpose of labour exploitation, and involving civil society, trade unions, labour inspectorates and the private sector. The national action plan should aim to address all forms of THB, define concrete activities and stakeholders responsible for their implementation, envisage budgetary resources, and be accompanied by a mechanism for monitoring the implementation of the activities.

Despite the CABS several training activities provided for relevant professionals, GRETA noted that several professional groups have not yet received training on THB, urging the Swedish authorities to take further steps to provide regular training on THB for different types of exploitation to all relevant professionals, including medical staff and labour inspectors. GRETA also considered that additional training should be provided to police officers, migration staff and asylum officers to enable them to proactively identify victims of trafficking, as well as to prosecutors and judges. Further, training should be provided to private companies hired to carry out public sector services, such as the Visa Facilitation Service.

Moreover, while welcoming the inclusion in the statistics of data on victims of trafficking assisted by NGOs, GRETA considered that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Swedish authorities should develop and maintain a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical data on measures to protect and promote the rights of victims as well as on the investigation, prosecution and adjudication of human trafficking cases. Statistics regarding victims should be collected from all main actors and allow disaggregation concerning sex, age, type of exploitation, country of origin and/or destination. This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

GRETA invited the Swedish authorities to continue providing funding and support for research projects on THB. Areas where further research could be promoted include trafficking in children, trafficking for the purposes of forced criminality and begging, trafficking of EU nationals, and trafficking for the purpose of labour exploitation.

Regarding of measures to prevent trafficking in human beings for the purpose of organ removal (Article 5), GRETA considered that the Swedish authorities should ensure that, as part of their training, medical and other health care professionals involved in organ transplantations are sensitised about THB for the purpose of organ removal, encouraging also the Swedish authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal.

**GRETA urged the authorities to intensify their efforts to prevent and combat different manifestations of trafficking in children** (trafficking for the purpose of forced criminality, forced begging and forced marriage). This Group of Experts also stressed the importance of **strengthen Sweden’s efforts to prevent unaccompanied and separated migrant and asylum-seeking children.**

Recalling that Article 5, paragraph 5, of the Convention, requires Parties to take specific measures to reduce children’s vulnerability to trafficking, notably by creating a protective environment, GRETA urged the Swedish authorities to intensify their efforts to prevent trafficking in children, in particular by:

- raising public awareness about the risks and different manifestations of child trafficking, including trafficking for the purpose of forced criminality, forced begging and forced marriage;

- strengthening efforts to prevent unaccompanied and separated migrant and asylum-seeking children from going missing from care, including by timely appointment of guardians, as well as better training and supervision of guardians and staff working in homes for such children;

- improving the exchange of information on missing unaccompanied children between police forces and local authorities;

- systematically carrying out police investigations into disappearances of unaccompanied and separated children and strengthening follow up and alert systems on reports of missing children;

- sensitising and training child welfare professionals across the country on risks of trafficking and effective prevention measures;

- ***raising awareness by including THB as a topic in the national school curricula, accompanied by appropriate training of teachers***.

GRETA also considered that the Swedish authorities should review the restrictions placed on family reunification in the 2016 Temporary Act on Migration, so as to enable legal forms of migration for children and reduce vulnerability to trafficking.

**GRETA urged the Swedish authorities to ensure more effective and timely identification of child victims of trafficking** with a view to providing them with appropriate assistance, and in particular to:

- conduct expeditious registration of asylum-seeking children who are at risk of disappearing; - ensure the timely appointment of guardians and adequate resourcing of the guardianship system in all municipalities, including limiting the numbers of children assigned to a guardian; - ensure that the child’s views are taken into account in asylum interviews, at which they should always be accompanied by a guardian and/or lawyer;

- routinely consider the possibility of child-specific forms of persecution, including trafficking, when interviewing asylum-seeking children;

-proactively identify unaccompanied and separated boys at risk of being trafficked for sexual exploitation and forced criminality;

-proactively identify unaccompanied and separated asylum-seeking children who might have become victims of THB for the purpose of forced marriage on their way to Sweden, including any related sexual exploitation;

-prevent violence or abuse at places of accommodation for unaccompanied asylum-seeking or irregular migrant children;

-ensure that adolescent victims of trafficking who are transitioning to adulthood continue to receive specialised support and assistance.

**In the report GRETA also urged the police, labour inspectors and other relevant actors to adopt proactive approach, increasing their work to identify potential victims of trafficking.**

GRETA considered that the Swedish authorities should make further efforts to prevent trafficking for the purpose of labour exploitation, in particular by:

- continuing to sensitise relevant officials, including labour inspectors, police officers, prosecutors and judges, about THB for the purpose of labour exploitation, as well as the rights of victims;

- ensuring that on-going training is provided to WEA and Tax Agency inspectors to enable proactive detection of human trafficking cases, and that labour inspections are properly resourced, frequent, unannounced and targeted at sectors which show a high potential for human trafficking;

- strengthening the monitoring of recruitment and temporary work agencies and reviewing the legislative framework for any loopholes that may limit protection or preventive measures;

- taking steps to prevent possible THB exploitation in diplomatic households, including through interviews with household staff and monitoring of the terms and conditions of employment of staff;

- working closely with trade unions, civil society and the private sector to raise awareness of trafficking for the purpose of labour exploitation, prevent trafficking in supply chains and strengthen corporate social responsibility, drawing on the Guiding Principles on Business and Human Rights and Recommendation CM/Rec(2016)3 on human rights and business.

**GRETA urged the Swedish authorities to take steps to ensure that:**

- formal identification of victims of THB, upon which assistance measures largely depend, is not made conditional on their co-operation in the investigation and criminal proceedings or the initiation of criminal proceedings;

 - the police, labour inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking;

- increased attention is paid to the identification of victims of trafficking among asylum seekers, migrants and persons placed in detention centres.

As a conclusion, the report noted that the number of investigations, prosecutions and convictions in human trafficking cases still remains **low**. Particularly, GRETA urged Swedish authorities to take **measures to ensure that all human trafficking offences are investigated and prosecuted effectively**, leading to proportionate and dissuasive sanctions, in particular by:

 - ensuring that units investigating THB offences are properly resourced;

- continuing to improve the knowledge of investigators, prosecutors and judges about the seriousness of THB, the severe impact of exploitation on the victims and the need to respect their human rights;

- ensuring that THB cases are systematically prosecuted by prosecutors in the international prosecution offices;

- making full use of the existing legislation, including in view of safeguarding the victims’ rights in the criminal proceedings;

- strengthening efforts to investigate and prosecute cases of trafficking for the purpose of labour exploitation.