

NATIONAL REFERRAL MECHANISM

A support and protection process for victims
of trafficking in human beings in Sweden

Second version



The National Task Force against Prostitution and Human Trafficking (NMT) is coordinated by the Swedish Gender Equality Agency and consists of governmental authorities working against prostitution and human trafficking.

NMT offers operational method support to municipalities, governmental authorities and NGOs in human trafficking cases through its support line: 020-390 000.

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of trafficking in human beings in Sweden

Second version



**SWEDISH GENDER
EQUALITY AGENCY**

The Swedish Gender Equality Agency
Gothenburg, November 2019

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FOREWORD

The Swedish Gender Equality Agency is responsible for coordinating Sweden's efforts to counteract prostitution and trafficking in human beings. The agency coordinates Sweden's efforts to combat trafficking in human beings for all purposes, establishes collaborations between authorities and other actors and assists authorities with method support and skills development.

In connection with this work, the agency has updated the National Referral Mechanism. The National Referral Mechanism offers guidance for professionals and contributes to increased cross-agency cooperation.

Lena Ag

Director General of the Swedish Gender Equality Agency

September 2019

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Lena Ag, Director General of the Swedish Gender Equality Agency



INTRODUCTION

Assisted Voluntary Return and Reintegration (AVRR) - Terminology

Voluntary return: The assisted or independent return to a country of origin, transit or another third country based on the free will of the returnee.

Forced return: The compulsory return of an individual to the country of origin, transit or another third country, on the basis of an administrative or judicial decision.

Assisted voluntary return and reintegration: Administrative, logistical, and reintegration support to rejected asylum seekers, victims of trafficking, stranded migrants, qualified nationals and other migrants unable or unwilling to remain in the host country who volunteer to return to their countries of origin.

ABOUT THE NATIONAL REFERRAL MECHANISM

A number of European countries have introduced a *National Referral Mechanism* (NRM), a special process through which victims of trafficking in human beings are identified and referred to the correct agencies so that they may receive the protection and support they are entitled to under the Council of Europe Convention on Action against Trafficking in Human Beings, for example¹. This is the Swedish version of the NRM, which describes the support and protection process applied in Sweden for victims of trafficking in human beings. It is a document that builds on existing legislation and tried, and proven approaches gathered from experience in operational work.

The National Referral Mechanism was originally developed by the County Administrative Board of Stockholm, which was responsible for coordinating national efforts to combat prostitution and trafficking in human beings between 2009-2017, in collaboration with the International Centre for Migration Policy Development (ICMPD)², professionals in the Swedish Prosecution Authority, the Swedish Police Authority, the Swedish Migration Agency, social services agencies (representatives from Mikamottagningen, regional coordinators against prostitution and trafficking in human beings), and the Swedish Platform Civil Society against Human Trafficking. The Swedish Gender Equality Agency, which has been responsible for the NRM since 1 January 2018, has updated the material since the responsibility for coordinating national efforts to combat prostitution and trafficking in human beings was transferred to the agency.

The purpose of the National Referral Mechanism is to provide

1 Refer to the section, “Obligation to offer support and protection to victims of human trafficking”

2 ICMPD is an international organisation with 17 Member States represented and has been granted observer status at the UN General Assembly

support and practical guidance for professionals who meet victims of trafficking in human beings and to provide a general overview of the support and protection offered to victims of trafficking in human beings in Sweden. The NRM clarifies the responsibilities different authorities, what actions they can take in human trafficking cases, as well as what method support they have access to through the Swedish Gender Equality Agency. The NRM can be regarded as an aid for professionals and aims to contribute to increased inter-agency collaboration.

The Swedish Government's "Action Plan to Combat Prostitution and Trafficking in Human Beings", which was launched in the beginning of 2018, strongly recommends that relevant authorities and actors apply the applicable portions of the National Referral Mechanism in their activities. The action plan also recommends that the relevant authorities and actors develop guidelines for their work to combat trafficking in human beings, keep records of cases that have been handled and follow up on how these cases have been handled³.

As of 1 January 2019, all authorities presenting statistics based on individuals in their annual reports shall provide sex-disaggregated data⁴. Statistics broken down by sex, is an important tool in the work to create equality and has also been requested by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA)⁵.

Special attention needs to be paid to children who are victims of human trafficking, as well as to accompanying children of adult victims of human trafficking and children in the home country. In the mechanism, the term *child* refers to persons under the age of 18, in accordance with the United Nations Convention on the Rights of the Child (the CRC)⁶. For more detailed information regarding the administration of cases involving children, refer to the National Board of Health and Welfare's *Barn i internationell människohandel och exploatering, vägledning för socialtjänsten* (Children in international human trafficking and exploitation, guidance for social services –

3 Action plan to combat prostitution and trafficking in human beings, Annex to Government decision 2018-02-08 no. II:1

4 Ch. 3, Section 1 in Ordinance (2000:605) concerning annual reports and budget documentation

5 GRETA is described further in the section, "Obligation to offer support and protection to victims of trafficking in human beings"

6 New York 20 November 1989. Sweden ratified the convention on 21 June 1990. As of 1 January 2020, the CRC enters into force as a law in Sweden.

Swedish only – 2018), as well as the material developed by the County Administrative Board of Stockholm in collaboration with Unicef Sverige, *Kan det vara människohandel? Kortfattad information för myndigheter med flera som kan komma i kontakt med barn som utsatts för människohandel* (Could it be human trafficking – Brief information for authorities and other persons who may come into contact with children who have been exposed to trafficking in human beings – Swedish only) This is available at www.nmtsverige.se.

For the purposes of the National Referral Mechanism, the terms *victim of human trafficking* or *presumed victim* are used⁷. Across the rest of Europe, the terms potential victim, presumed victim and identified victim are terms that are widely used. In Sweden the support for victims of trafficking of human beings is incorporated in the social welfare system. Therefore there is no designated actor in Sweden who is tasked with formally identifying victims, or to assign a person formal status as a victim of human trafficking in the country. This means that these concepts can be misleading in comparison to how they are used across the rest of Europe. Where the NRM describes identification, this refers to the process of detecting that a person can be presumed to have been exposed to human trafficking.

The NRM contains six steps for ensuring that persons who may have been exposed to human trafficking are offered support and protection. Victims of human trafficking are persons with unique individual experiences and individual needs. Therefore, the support process must be adapted for each individual.

The support and protection process is primarily based on a preliminary investigation. A police report and the initiation of a preliminary investigation are linked to the right to a reflection period and a temporary residence permit of six months, which can be a significant factor in determining whether a victim of trafficking in human beings will gain access to community support. However, in accordance with the international conventions to which Sweden is a party, all persons who can be presumed to be victims of trafficking in human beings have access to rights that must be met, regardless of whether criminal proceedings have been initiated. Therefore, the NRM also highlights situations where victims of trafficking in human beings do not have a temporary residence permit.

7 “Presumed victim” is also used by the European Commission and the European Migration Network, https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_en



Lisa Hultin Knutas, The Swedish Migration Agency.

EFFORTS TO COMBAT TRAFFICKING IN HUMAN BEINGS IN SWEDEN

Human trafficking is often thought of as a modern form of slavery and consists of the trading and exploitation of other people for one's own gain. It is a serious crime that constitutes a violation of the victim's human rights. The criminal activity is driven by a demand for services from, or goods produced by, victims of trafficking in human beings. Therefore, it is important that proactive measures are taken to combat human trafficking, for example, by countering demand for sexual services in prostitution. Trafficking in human beings for sexual exploitation is a part of men's violence against women, and the efforts to fight trafficking in human beings for sexual purposes is part of the Swedish National Strategy to Prevent and Combat Men's Violence against Women. The strategy took effect on 1 January 2017¹.

WHAT IS TRAFFICKING IN HUMAN BEINGS?

Trafficking in human beings is something that occurs across the world in different forms and for different purposes. Trafficking in human beings occurs in the countries of origin and transit countries as well as the destination countries, that is, the countries the victims come from and the countries they pass through until they reach the destination country where they are exploited. Sweden is primarily a transit and destination country. Across Europe, sexual exploitation is one of the most common forms of trafficking in human beings, followed by exploitation of labour². Sexual exploitation is often

1 Power, Aims and Authority – Feminist Policy for a Gender-Equal Future, a government document dated 2016/17:10 (only available in Swedish)

2 The European Commission's, REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL 3 December 2018, page 2

connected to prostitution, but it can also relate to other forms of exploitation, forced marriage, for example. Trafficking in human beings for the exploitation of labour with low or no salary and poor working conditions can occur anywhere, for example, within industries such as the restaurant industry, car washes, nail salons, construction sites or in the agricultural industry. Trafficking in human beings also occurs for organised begging, or for criminal activities such as theft or the illegal drug trade. According to the latest statistics from the EU Commission, the majority (about two thirds) of those exposed to trafficking in human beings are women and girls³. The EU Directive on trafficking in human beings states that trafficking in human beings is gender specific. i.e. trafficking in women and men is often done for different purposes, and that aid and support measures should also be gender-specific as needed⁴.

In addition to gender, victims of trafficking in human beings may be exposed to a number of power structures, based on categories such as social background, transgender identity or expression, ethnic affiliation, religion or other beliefs, disability, sexual orientation or age.

The Swedish penal code is built upon the United Nation's (UN's) Convention against Transnational Organized Crime⁵, and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, often referred to as the Palermo Protocol⁶.

Since the protocol is a supplementary protocol to the respective convention, the provisions set out in the convention shall, to a large extent, also be applied for trafficking in human beings. All forms of trafficking in human beings are covered, both nationally or transnationally, regardless of the potential connection to organised crime. Women and children are highlighted as especially vulnerable groups in the Palermo Protocols. the Palermo Protocol contains the UN's definition of trafficking in human beings; the global definition of trafficking in human beings which is used internationally⁷.

3 The European Commission's, REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL 3 December 2018, page 2

4 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/RIF, part (3)

5 New York 15 November 2000

6 Palermo 15 November 2000

7 The Palermo protocol, Article 3a

Swedish penal provisions on trafficking in human beings are formulated as follows: A person who by means of unlawful coercion, deceit, exploitation of a person's vulnerable situation or by any other such improper means, recruits, transports, transfers, houses or receives another person, and in so doing takes control of that person in order for the person to be exploited for sexual purposes, removal of organs, active military service, forced labour or for some other purpose in a situation involving distress for the victim, shall be sentenced for trafficking in human beings⁸.

It is the intention of the trafficking act (recruitment, transport, transfer or housing) that is significant, no actual exploitation needs to take place in order for a crime to have been committed. It is also important to keep in mind that through the use of improper means, any consent a victim of trafficking in human being may have given, loses its significance.

If the act is committed against a child (under the age of 18), it is considered as human trafficking even if improper means have not been used. Therefore, for such an action to be considered a crime it does not need to include unlawful coercion, deceit or exploitation of a person's vulnerable situation.

The forms of exploitation specified in the Penal Code's provisions on trafficking in human being should not be considered an exhaustive list, rather, other forms of exploitation, such as begging and criminal activities may be accommodated under "other activity in a situation that creates an emergency for the victim.

There are also a number of other offences that may be relevant if it is not possible to prove that all of the necessary conditions are present, as described in the paragraph on trafficking in human beings, e.g. procuring⁹. On 1 July 2018 a new crime was introduced stipulating that any person who by means of unlawful coercion, deceit, exploitation of a person's vulnerable situation, insecurity or plight, exploits a person through forced labour, work under obviously unreasonable conditions or begging can be convicted of human exploitation. Therefore, this crime can be relevant in cases where any action relating to trafficking, such as recruitment, transport, transfer or housing has not occurred, or cannot be proven.

Other instruments relevant to rights for victims of crime:

The Council of Europe Convention on preventing and combating violence against women and domestic violence (also known as the Istanbul Convention)

The UN Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW)

The UN Convention on the Rights of the Child (CRC or UNCRC)

The UN Convention on the Rights of Persons with Disabilities

⁸ Ch. 4, Section 1a of the Swedish Penal Code (1962:700)

⁹ Ch. 6, Section 12 of the Penal Code

OBLIGATION TO OFFER SUPPORT AND PROTECTION TO VICTIMS OF HUMAN TRAFFICKING

In accordance with international commitments under the Palermo Protocol as well as under the Council of Europe Convention on Action Against Trafficking in Human Beings (the Convention)¹⁰ and Directive 2011/36/EU¹¹ (the anti-trafficking directive), Sweden has an obligation to provide support to persons who are victims of human trafficking. The anti-trafficking directive emphasises the need for help and support for children as well as the need for help, support and protection for unaccompanied children who have fallen victim to human trafficking¹². It also clearly stipulates that Member States shall provide care to victims with special needs, e.g. needs relating to a disability, medical condition or vulnerability.

In accordance with both the convention and the anti-trafficking directive, each nation shall adopt legislation or establish other measures to help victims recover physically, mentally and socially. At a minimum, these measures shall secure a standard of living that includes safe, secure housing as well as psychological and material assistance, access to emergency medical care, assistance with translation and interpretation, counselling and information on rights under the law, representation in criminal proceedings and access to education for children. The victim's need for security and protection shall be taken into account.¹³ There are also additional provisions that include reflection time, residence permits, labour markets, the right to damages and the right to safe return, preventative efforts and cooperation with actors in civil society.

The Convention states that the Council of Europe Member States and the other states that are signatories to the Convention consider human trafficking to constitute a violation of human rights as well as a violation of human dignity and integrity. Furthermore, that trafficking in human beings results in conditions of slavery for the victims, that respect for the rights of victims, protection of victims and

10 Warsaw 16 May 2005. Within Sweden, the convention entered into force 1 September 2010.

11 Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/RIF

12 Articles 14-16 of European Parliament and Council Directive 2011/36/EU

13 Article 12, items 1-2 in the Council of Europe Convention on Action against Trafficking in Human Beings, Article 11 in European Parliament and Council Directive 2011/36/EU

actions to combat human trafficking must be the primary objective of the Convention and that all measures and initiatives on human trafficking must be free of discrimination, taking a perspective that considers the need for gender equality and children's rights. Each country shall mainstream attention to gender equality in the implementation, application and evaluation of the measures.

Since human trafficking is a human rights violation, countries that are party to the Council of Europe Convention can be held responsible if they do not take the actions necessary to prevent human trafficking, to protect victims and to investigate cases of trafficking in human beings. In order to ensure the effective implementation and enforcement of the provisions, the Convention established a monitoring mechanism through the Group of Experts on Action against Trafficking in Human Beings (GRETA).¹⁴ GRETA regularly reports on the level of compliance with the Convention within the signatory states.¹⁵

THE SWEDISH GENDER EQUALITY AGENCY'S WORK TO COMBAT TRAFFICKING IN HUMAN BEINGS

On 1 January 2018, the County Administrative Board of Stockholm's responsibilities for national coordination were transferred to the Swedish Gender Equality Agency, and these duties became permanent upon transfer.

The Swedish Gender Equality Agency coordinates all national efforts to combat human trafficking for all purposes, works to establish collaboration between authorities and other actors as well as international actors, and assists the authorities with method support and skills development.¹⁶ The Swedish Gender Equality Authority achieves this goal in part by coordinating the network, the National Task Force against Prostitution and Human



For more information, see:
www.nmtsverige.se

14 Articles 36-38 in the Council of Council of Europe Convention on Action Against Trafficking in Human Beings

15 The latest report that concerned Sweden was published on 8 June 2018

16 Section 4, item 3 of the Ordinance with instructions to the Swedish Gender Equality Agency (2017:937)

The Swedish Gender Equality Agency
national support line for professionals

020-39 00 00

Trafficking (NMT), by staffing a support line, partially financing the regional coordinators and by financing a return programme. The Swedish Gender Equality Authority shall also promote the development of prevention measures to combat prostitution and human trafficking for all purposes.¹⁷

The National Task Force against Prostitution and Human Trafficking (NMT)

The Swedish Gender Equality Agency's duties include coordinating the NMT. In addition to the Swedish Gender Equality Agency, the NMT includes the Swedish Police Authority, the Swedish Migration Agency, the Swedish Prosecution Authority, the Swedish Work Environment Authority, the Swedish Tax Agency, representatives from social services (regional coordinators and specialised clinics) and members of the healthcare sector. The mission of the NMT is to strengthen the efforts to combat prostitution and human trafficking and to develop and streamline collaboration in the efforts to combat trafficking in human beings.

National support line

As a link in the support and protection process, the Swedish Gender Equality Agency operates a national support line for professionals. The telephone support service allows professionals working within municipalities and government agencies, as well as professionals within civil society to receive advice and method support in matters concerning human trafficking. If needed, the Swedish Gender Equality Agency can also provide a referral to the correct body.

Regional coordinators against prostitution and human trafficking

The regional coordinators against prostitution and human trafficking are assigned to seven regions which correspond to the seven Swedish Police Authority regions. Regional coordinators are employed through the social services. The regional coordinators are

¹⁷ Section 4, item 1 of the Ordinance with instructions to the Swedish Gender Equality Agency (2017:937)

financed through the Swedish Gender Equality Agency in collaboration with specific municipalities and county administrative boards. Coordinators are an important part of the support and protection process to assist victims of human trafficking and to support professionals who encounter cases involving human trafficking. Cases involving human trafficking which the Swedish Gender Equality Agency receives via the support line are often referred further to the regional coordinator.

The regional coordinators shall:

- Assist authorities including the police and social services by providing support in human trafficking cases. Function as a regional actor with specialised expertise in human trafficking.
- Assist victims and ensure that they receive the protection and support they are entitled to throughout the entire process. Coordinate inter-agency support initiatives, e.g. between social services, the Swedish Migration Board, health and medical care providers, police and different types of accommodations, and provide support and issue decisions in the process when applying to the Return Programme, see below.
- Act as a link in the efforts to combat prostitution and trafficking in human beings that occur at regional and national levels by maintaining continuous contact with the nationally coordinated efforts against prostitution and trafficking in human beings at the Swedish Gender Equality Agency.

For current contact information, see www.nmtsverige.se.

Assisted Voluntary Return and Reintegration (AVRR or the Return Programme)

The Swedish Gender Equality Agency is responsible for financing Sweden's return programme for persons who have been involved in prostitution or who have been victims of trafficking in human beings. The programme is coordinated by the International Organization for Migration (IOM), Helsinki office, Finland. Read more about the Return Programme in Step 6.

OTHER ACTORS INVOLVED IN THE SUPPORT AND PROTECTION PROCESS.

Social services

KAST (Buyers of sexual services) is located in Stockholm, Gothenburg, Värmland and Umeå

Mikamottagningen is located in Stockholm and Gothenburg

Evonhuset is located in Malmö

Social services and the Social Welfare Board are available in every municipality in Sweden. Social services have a special responsibility towards children and are ultimately responsible for those living in the municipality. Under the Social Services Act, municipalities shall work to ensure that victims and their relatives receive support and assistance, and therefore have an important role in the support and protection process.

There are also specialised municipal clinics available in the metropolitan regions (without the exercise of authority) that offer counseling and support to persons who have bought sexual services (KAST and Evonhuset), have received compensation for sex, or have been subjected to trafficking for sexual purposes (Mikamottagningen and Evonhuset). Support may also be available through other activities carried out by social services.¹⁸

The Swedish Police Authority

The Swedish Police Authority's organisation against trafficking in human beings is primarily conducted at the regional level. The capacity to combat trafficking in human beings exists throughout the country and through special human trafficking groups which are established in five out of seven of the country's police regions. There is also a Prostitution Group in Stockholm that works to combat the purchase of sexual services.

Sweden's Department of National Operations (NOA) directs and leads national and international police operations and provides support to the different police regions in various types of activities, including human trafficking. The Swedish Police Authority is the national rapporteur on issues related to human trafficking.

The Swedish Prosecution Authority

A specialised prosecutor at the Swedish Prosecution Authority's National Unit Against Organised Crime (RIO), has the operational

¹⁸ Ch. 5, Section 11 first paragraph of the Social Services Act (2001:453) (SoL), also refer to The National Board of Health and Welfare's guidance in, Victims of crime and their relatives, Social services' responsibility for providing support and assistance (2012)

responsibility for conducting preliminary investigations and prosecuting human trafficking cases, even if the preliminary investigation is initially led by a prosecutor at another unit in the Swedish Prosecution Authority during on-call time. A preliminary investigation of the related crimes, human exploitation or procuring, may be led by a prosecutor at the local public prosecution office.

The Swedish Prosecution Authority's Prosecution Development Centre in Gothenburg is responsible for methods development as it pertains to the authority's efforts to combat human trafficking.¹⁹

The Swedish Migration Agency

The Swedish Migration Agency's employees come into contact with presumed victims of trafficking in human beings within all the agency processes. The Swedish Migration Agency compiles annual statistics on detected cases. The Swedish Migration Agency has appointed a central coordinator for its efforts to combat human trafficking while there is also a regional coordinator for each region. Each operational activity has a contact person with specialised expertise who employees can turn to for assistance. The Swedish Migration Agency's role in the efforts to combat trafficking in human beings primarily consists of identifying presumed victims, notifying the police and social services, as well as to make decisions concerning temporary residence permits.

The Swedish Work Environment Authority

Within the framework of its inspection activities, the Swedish Work Environment Authority may detect persons who may be victims of human trafficking. Actors who disregard rules in order to gain a competitive advantage, what is known as unhealthy competition, often violate several different regulations at the same time. In addition to violations of working environment regulations and tax legislation, this can also concern labour exploitation and human trafficking. Between 2018-2020, the Swedish Work Environment Authority has been commissioned by the government to develop methods for inter-agency controls to combat cheating, rule violations and crime in the workplace. Included in the commission are the Swedish Pub-

¹⁹ As a national rapporteur, the Swedish Police authority publishes its annual progress report, "Trafficking in human beings for sexual and other purposes"

lic Employment Service, the Swedish Work Environment Authority, the Swedish Economic Crime Authority, the Swedish Social Insurance Agency, the Swedish Gender Equality Agency, the Swedish Migration Agency, the Swedish Police Authority and the Swedish Tax Agency.²⁰

Healthcare

Sweden's 21 regions (county councils) are responsible for coordinating the delivery of healthcare and offering access to quality care. However, some forms of care, e.g. school-based healthcare, fall under the responsibilities of the municipality. There are also private alternatives, which are connected to the tax-funded healthcare system. Healthcare providers may also identify victims of trafficking in human beings in their work. Actors within the healthcare sector are also included in the NMT network.

The Swedish Platform Civil Society against Human Trafficking

The Swedish Platform Civil Society against Human Trafficking brings together approximately twenty different organisations and actors who operate within the framework of civil society. These actors encounter victims or work to support victims of human trafficking and victims of forms of exploitation similar to human trafficking. Support may entail offering safe housing, legal advice, interpretation and counselling, internship and put reach work. The Platform has also run a National Support Programme (NSP) as a complement to the support offered by authorities, see Step 4.5.

The Swedish Ministry for Foreign Affairs

In Sweden, the Swedish Ministry for Foreign Affairs is the central authority (the Brussels II Regulation²¹ and the 1996 Hague Convention²²) and can assist all Swedish government authorities in their contact with authorities from another state in cases where the cooperation is based on the regulation or convention, see step 3.5.

²⁰ A2017/02422/ARM

²¹ Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility)

²² 1996 Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

OTHER ACTORS

County Administrative Boards

The County Administrative Boards are tasked with providing support for coordination within the county for efforts aimed at combating prostitution and human trafficking for sexual purposes. The County Administrative Boards shall give priority to efforts aimed at countering the demand for the purchase of sexual services. Since 2016, the County Administrative Board of Stockholm has had an ongoing assignment to strengthen collaboration and coordination between actors who meet the target group EU/EEA citizens exposed to human trafficking.

The Crime Victim Compensation and Support Authority

The Crime Victim Compensation and Support Authority works to promote victim's rights and to bring attention to their needs and interests. The Crime Victim Compensation and Support Authority can provide criminal injuries compensation from state funds if the person who committed the crime lacks the means to pay damages and if there is no insurance that covers the damages. The Crime Victim Compensation and Support Authority can also provide advice and information concerning victims' rights and case proceedings.

IMPORTANT THINGS TO CONSIDER WHEN ENCOUNTERING PERSONS WHO ARE VICTIMS OF HUMAN TRAFFICKING

The following approaches should be used by all impacted authorities and civil society actors in order to ensure the delivery of high-quality support, a dignified approach and to avoid situations where victims of human trafficking become victims of trafficking or other forms of exploitation once again:

- When the presumed victim is a child, language appropriate for the child's developmental level shall be used. Under the Convention on the Rights of the Child, a child's rights shall be considered, including the right to participation if possible, the right to make their views known and the right to information.
- Conversations should take place in a calm, secure environment.
- Interpretation shall be provided through an interpreting agency. Under no circumstances may authorities and staff at the individual's accommodation rely on interpretation provided by individuals found with the victim or who appear later on in the process, even if they claim to be friends, family members or similar.
- Individuals encountered shall be treated without discrimination in relation to their sex, transgender identity, ethnicity, religion or other beliefs, disabilities, sexual orientation or age.
- There needs to be an awareness of disabilities that may impede an individual's ability to express themselves.
- The treatment of an individual must not be judgemental regarding the presumed victim's previous experiences or their current choices and behaviours. There should be an understanding of the complex relationships that may exist between a human trafficking victim and a perpetrator, and for the feeling of responsibility they may have for the support of a family member in their home country, for example.
- There also needs to be an awareness that the presumed victim may harbour fear of the perpetrator(s), often based on a real threat against the individual or family members in their home country.

SUPPORT AND PROTECTION PROCESS FOR VICTIMS OF TRAFFICKING IN SWEDEN



Step 1: Identification entails looking out for and identifying presumed victims of trafficking in human beings as well as which actors are engaged in connection with identification.

Step 2: Emergency protection entails offering emergency protection and support during the first hours or days after a person has been identified as a victim of trafficking in human beings.

Step 3: Initial support entails support efforts provided during the first weeks after the need for identification/emergency protection and support have been addressed. Victims who do not possess a Swedish residence permit may be offered a 30-day reflection period in order to be able to recover and reach a decision about potential participation in a legal process.

DETECTION TIMES OF HUMAN WEDEN



Step 4: Long-term support refers to the period after the reflection period (if applicable) once the victim of human trafficking has decided whether to participate in a potential preliminary investigation. This step describes an application for a temporary residence permit of at least six months as well as which laws govern the right to take action for persons who do not possess a residence permit or right of residence in the country.

Step 5: Criminal proceedings entail the preliminary investigation and legal process, which will depend on what rights and obligations the victim of human trafficking holds.

Step 6: A safe return concerns what type of support which may be provided for the return and reintegration into the home country, or to a country where the victim of human trafficking has the right to reside.

At the end of each step there is a summary list of the various actors' responsibilities.



**Victims of human trafficking
may be detected by:**

- The social services
- The Police Authority
- The Swedish Migration Agency
- The border police
- Actors in civil society
- The Customs Authority
- The Embassy or Consulate
- The healthcare sector
- Trade unions
- The Swedish Work Environment Authority
- The Swedish Tax Agency
- The travel and hotel industry
- Family members or acquaintances
- Youth organisations
- Residences
- School or student health services
- Lawyers or legal representatives
- The general public

STEP 1:

IDENTIFICATION

This step involves looking out for and identifying presumed victims of human trafficking and the actors who will be engaged in connection with identification.

1.1 IDENTIFICATION

As described in the introduction, there is currently no system established in Sweden for assigning a person the formal status of victim of human trafficking, beyond the fact that the person in question is deemed to be the injured party in a preliminary investigation (see Step 5 on the criminal procedure). Since no specific actor has formally been assigned the function of identifying victims, all actors with knowledge in this area can identify presumed victims of human trafficking.

The regional coordinators and NMT's support line are available as a means of support for professionals in order to assess whether a person may be a victim of human trafficking. The Swedish Migration Agency has designated coordinators who are available to provide support to their case managers in the assessment.

Human trafficking affects women, men, girls, boys and people who identify as transgender. Being able to recognise the signs and indications can be one way to remain extra vigilant and detect that a person may be a human trafficking victim.

It is important to keep in mind that the individual circumstances for a presumed victim can vary, and that an overall assessment of the findings and the victim's own account must always be made. The presence of one or more indicators from a list does not automatically mean that a person is a victim of trafficking in human beings. Nor does the absence of indicators mean that the case in question does not involve trafficking in human beings.

The following are examples of general indicators of human trafficking.¹

¹ Downloaded from, BRISEIS Manual Identification of Victims of Human Trafficking for Forced Labour – Strategies for Professionals, APAV/Brottsförmyndigheten 2014. Other actors, including the International Labour Organization (ILO), have also produced lists of indicators that can help identify victims of various forms of human trafficking, for example, the Operational indicators of trafficking in human beings, ILO 2009.

Victims of trafficking in human beings may:

- Exhibit signs that their freedom of movement is being controlled.
- Feel that they are unable to leave their present situation.
- Show signs of fear or anxiety if they are contacted.
- Be exposed to violence or threats of violence against themselves, their families or their relatives.
- Have injuries that appear to be the result of violence or some form of control.
- Distrust authorities.
- Be exposed to threats of being turned over to authorities.
- Have handed over their passport or other i.d. documents to another person.
- Have false travel or i.d. documents.
- May not speak the local language and may not be familiar with the place they live and/or work.
- Have a third party bring their action when questioned.
- Act as if they are being controlled by another person.
- Be exposed to physical punishment.
- Receive low or no payment for their work.
- Live/sleep in inadequate housing.
- Lack access to healthcare.
- Lack access to their personal belongings.
- Lack social interaction.
- Have little or no contact with their family members.
- Lack the opportunity to freely communicate with other people.
- Remain under exploitation due to their debt to perpetrator.
- Find themselves in a situation where they are dependent on a third party.
- Have been misled about what they would be doing in the destination country.
- Have had their travel costs paid by intermediaries who they must repay through their labour or other services.

1.2 IDENTITY

It may be the case that presumed victims of trafficking in human beings have used different i.d. documents or identities in different countries. If the presumed victim's age cannot be definitively determined, and there is reason to believe that the victim is a child, the authorities involved must proceed under the assumption that the victim is a child. The respective authorities must then offer the appropriate protection

and support measures pending the determination of the victim's age.²

In cases where authorities encounter a foreign-born person without identification documents, the competent authority in Sweden generally contacts the Embassy or Consulate of the country of origin to verify the identity and citizenship of the person receiving assistance and to apply for the issue of identification documents or other documents. Embassies and consulates shall not be contacted if the person receiving support has expressed his or her wish to seek asylum or if the person is part of an ongoing asylum process. In case of the above, the Swedish Migration Agency is contacted instead.

For additional information on indicators in children,

see: *Kan det vara människohandel? Kortfattad information för myndigheter med flera som kan komma i kontakt med barn som utsatts för människohandel* (Could it be human trafficking – Brief information for authorities and other persons who may come into contact with children who have been exposed to trafficking in human beings – Swedish only). Also refer to the online training, *Human trafficking in children and young people*. This is available at www.nmstsvrige.se.

1.3 POLICE REPORT

When, in the course of its activities, the Police identify a victim of trafficking in human beings, the Police shall file a report for the suspected crime.

When victims of trafficking in human beings are identified by health and medical care staff or social services, for example, they are subject to duties of confidentiality according to the Public Access to Information and Secrecy Act. In the event of a suspected crime where the lowest possible criminal penalty is one year on the range of punishment, secrecy does not prevent the authorities from providing information to the police or prosecutor.³ Therefore, it is possible to file a police report on suspected trafficking in human beings even if the victim does not file the report himself/herself. In the event of a suspected crime against a child, there are rules overriding secrecy even for minor offences.⁴ Upon suspicion of trafficking in human beings which involves children, the Social Welfare Board should file a police report, unless doing so is contrary to the best

² Article 10.3 The Council of Europe Convention on Action against Trafficking in Human Beings, Article 13.2 European Parliament and Council Directive 2011/36/EU

³ Ch. 10, Section 23 of the Public Access to Information and Secrecy Act (2009:400) (OSL), as well as the general clause in Section 27

⁴ Ch.10, Section 21 in OSL

interests of the child.⁵ In certain situations, the Social Welfare Board may also submit the information to the police that is needed for an immediate police intervention for someone who can be presumed to be under 18 years of age.⁶

In the case of individuals or actors who are not covered by obligation to observe secrecy, any person who suspects trafficking in human beings may file a police report. It then becomes the responsibility of the police to determine how to proceed based on the report.

A police report can lead to the initiation of a preliminary investigation into potential criminal activity. If there is an alleged perpetrator, a preliminary investigation into trafficking in human beings shall always be led by a prosecutor. If the person who has been victimised by the crime is a child, a preliminary investigation into trafficking in human beings shall always be led by a prosecutor even if there is no alleged perpetrator.⁷ It is important that the crime classification is specified as trafficking in human beings when a criminal report is filed with the police as this must be investigated by the right unit and a prosecutor must be assigned to the case.

The victim may help facilitate the criminal investigation by participating in the investigation, though this is not a formal requirement. If a victim of trafficking in human beings who does not have a residence permit requests reflection time to recover and determine whether they wish to assist the authorities investigating the crime, the leader of the preliminary investigation shall apply for this on behalf of the victim,⁸ see step 2.6.

1.4 REPORTING AND APPLYING TO SOCIAL SERVICES

Social services are the authority that is ultimately responsible for ensuring that individuals who live within the municipality receive the

5 The National Board of Health and Welfare's regulations and general recommendations, SOSFS 2014:6 page 6 and the National Board of Health and Welfare (2012): The Social Welfare Board's obligations to file a police report upon suspicion of crimes against children

6 Ch.10, Section 20 in OSL stipulates that: Under Ch. 26, Section 1, the obligation to uphold privacy does not preclude an individual from submitting information to the Swedish Police Authority that may be needed when staff working in social services encounters a person who can be presumed to be under 18 years of age who is found to be 1. in circumstances that clearly present an imminent and serious risk to the young person's health or development, or 2. if the young person is encountered after he or she has committed a crime.

7 The Swedish Prosecution Authority's regulations and general recommendations (ÅFS 2005:9) on the handling of preliminary investigations in criminal cases

8 Ch. 5, Section 15 paragraph 2 of the Aliens Act

support and the help they need. Social services also have a special responsibility for children and young people.⁹ A case may arise through social services through a request for action, notification upon suspicion of child abuse, or otherwise.

Certain designated agencies and professionals have a mandatory reporting requirement to social services when there is suspicion of child abuse and to provide information that may be important in the investigation of a child's need for protection and support.¹⁰ This applies to concerns for children who are themselves suspected of being victims of trafficking in human beings, as children of victims of trafficking in human beings or children of suspected perpetrators. The mandatory reporting obligation supersedes the obligation to maintain secrecy between authorities when there is concern for the welfare of a child.¹¹ The police shall maintain ongoing collaboration with the authorities in social services and promptly inform them of any conditions which should precipitate action on their part.

Adult victims of human trafficking need to apply for assistance from social services and may need assistance in completing an application. Since some victims of human trafficking have a general distrust of authorities, it is important to create trust and peace of mind by having professionals contact a presumed victim frequently and purposefully early in the process. The regional coordinators and actors within the Swedish Platform Civil Society against Human Trafficking or other actors from civil society can act in a supporting role in this stage.

Children, guardians, custodians or trustees can also apply to the social services for assistance. Children over the age of 15 have the right to bring a claim and can apply for assistance even without the need for a guardian to represent the child. Children over the age of 15 shall have their case tried regardless of the guardian's position on the matter.¹²

9 Ch. 2, Ch.1 & 5, Section 1 in SoL.

10 Ch.14, Section 1 in SoL

11 Ch.10, Section 28 in OSL

12 The National Board of Health and Welfare (2015): *Handläggning och dokumentation inom socialtjänsten* (Processing and documentation within the social services – Swedish only), Ch.11 Section 10, paragraph 2 in SoL

SUMMARY OF DIFFERENT ACTORS' RESPONSIBILITIES IN STEP 1: IDENTIFICATION:

SOCIAL SERVICES

- Identify presumed victims of trafficking in human beings in its work.
- Assess whether a report shall be made to the police if there is a suspicion that a child has been a victim of human trafficking.
- Can notify the police of a crime for adult victims of human trafficking.
- Receive applications for assistance for children and adults and receives notification of concern for a child's well-being.

THE SWEDISH POLICE AUTHORITY

- Receives tips and notifications of crimes and draws up a written notification of crime.
- Initiates preliminary investigation.
- Identifies presumed victims of human trafficking in its surveillance and investigation activities.
- Notifies social services of concern for the well-being of a child.
- Informs social services in cases where a presumed adult victim of human trafficking wishes to apply for assistance.

THE SWEDISH PROSECUTION AUTHORITY

- Initiates preliminary investigation.

THE SWEDISH MIGRATION AGENCY

- Identifies presumed victims of human trafficking in all processes conducted by the authority.
- Notifies the police of crimes, or sends information to the police as collected intelligence/tip-offs.
- Notifies social services of its concern for the well-being of a child.

THE SWEDISH WORK ENVIRONMENT AUTHORITY

- Identifies presumed victims of human trafficking during workplace inspections.

REGIONAL COORDINATOR

- Provides support/consultation to professionals in identifying presumed victims of human trafficking.
- May identify presumed victims of human trafficking through conversation with the victim.

NMT NATIONAL SUPPORT LINE

- Provides support/consultation for professionals in the area of identification.
- Refers to the relevant actor who can provide support in the individual case.

THE SWEDISH PLATFORM CIVIL SOCIETY AGAINST HUMAN TRAFFICKING

- Identifies presumed victims of human trafficking in its outreach activities and at the accommodations run by operators within the platform.

1



STEP 2: EMERGENCY PROTECTION

Once a presumed victim of human trafficking has been identified, urgent needs for protection and care must be addressed. To ensure this, social services, police and in some cases, healthcare providers, need to be brought in. This step refers to actions taken in the first hours or days after identification.

If there is a need for emergency protection and support, contact:

- Social services (during office hours)
- Social emergency services
- The Police: (+46) 114 14 or (+46) 112
- Regional coordinators against prostitution and human trafficking (during office hours)
- National support line for professionals, for consultation +46 20 390 000 (during office hours).

2.1 CONTACT WITH REGIONAL COORDINATOR

After receiving the consent of the victim of human trafficking, the regional coordinator is contacted as a support to ensure that the rights of the victim of human trafficking are respected. The regional coordinator may also be consulted for general information about the support and protection process in cases where consent has not been obtained.

2.2 RIGHT TO BASIC INFORMATION

Providing information is an important step in the process to make the victim of human trafficking feel as comfortable and secure as possible. It is also the first step towards building trust in the relationship between the victim and the actor who is currently communicating with the victim, e.g. the authority or an actor in civil society.

At an early stage in the process, the victim shall receive information on his or her rights in the legal process, e.g. the possibility of

TRANSLATION AND SECRECY

It is important that at the earliest stage possible, the victim of human trafficking receives information from the relevant actor concerning the right to an interpreter, when there is a need, and about applicable professional secrecy regulations.

obtaining a temporary residence permit, the right to damages and the right to free legal assistance from a counsel for an injured party. The police may also use the Decree on Preliminary Investigations (FUK) to determine what information shall be provided to the victim.¹ The right to a reflection period is an important part of the support and protection process, see Step 2.6. Legal support provided through a counsel for an injured party is also important for the victim to feel secure in the process. No extended police interrogation should be conducted until a counsel for an injured party is appointed, nor before the victim is in a secure environment. The police or prosecutor shall apply for a counsel for the injured party, see Step 3.3.

2.3 INDIVIDUAL RISK ASSESSMENT

In accordance with European Parliament and Council Directive 2011/36/EU, Member States shall ensure that victims of human trafficking receive adequate protection which shall be based on an individual risk assessment, e.g. by providing access to witness protection programmes or other similar measures, if this is appropriate and permitted in accordance with national law or national procedures.²

In Sweden, the police and social services each perform their own individual risk assessments and shall cooperate in these assessments as needed. The need for protection may need to be reviewed on more than one occasion, since the situation for a victim of human trafficking can change over time.

Professionals must be extra vigilant and consider that persons in the presumed victim's environment, e.g. an accompanying friend or partner, may be involved in the organisation of the human trafficking activities. Victims of human trafficking can also have a controlling effect over other victims of trafficking in human beings. Therefore, talks with the victim must be held only with the individual. In cas-

1 Section 13a in FUK

2 Article 12.3

es involving children, guardians may be a part of the human trafficking organisation, e.g. by having received money in exchange for the child's exploitation or by having organised the illegal activity and/or by controlling the child themselves.

For children – for more information, refer to the National Board of Health and Welfare's *Barn i internationell människohandel och exploatering, vägledning för socialtjänsten* (Children in international human trafficking and exploitation, guidance for social services – Swedish only – 2018) at www.socialstyrelsen.se.

CHILDREN

For more information, also refer to the National Board of Health and Welfare's *Barn i internationell människohandel och exploatering, vägledning för socialtjänsten* (2018) (Children in International Trafficking in Human Beings and Exploitation, Guidance for social services – Swedish only) at www.socialstyrelsen.se.

Individual risk assessment by the Police

In order to establish an injured party's need for special protective measures during the preliminary investigation and the trial, the police shall conduct an individual risk assessment as soon as possible. The assessment shall take into account the seriousness of the crime and the individual circumstances of the injured party. An injured party under the age of 18 shall always be considered to have a special need for protection. An individual risk assessment shall be reviewed as needed.³

If, after consultation with other actors involved, the police come to the conclusion that there is a serious threat in Sweden, a special group within the Swedish Police Authority that works with personal protection can be engaged [Brottsoffer- och personsäkerhetsverksamheten, BOPS (Crime victim and personal safety measures)]. A more thorough threat and risk assessment is done in these cases to determine the level of personal protection needed.

Social services' individual risk assessment for children

When the Social Welfare Board receives a notification concerning a child, the board shall perform an assessment of whether the child needs immediate protection without delay.⁴ Social services' obligation to provide protection applies to all children, regardless of their

³ Section 13f in the Decree on Preliminary Investigations (1947:948) (FUK)

⁴ Ch. 11, Section 1a in SoL



legal status in the country. If there is found to be a need for immediate protection, social services shall take action in accordance with the Social Services Act (SoL) or the Care of Young Persons (Special Provisions) Act (LVU). For example, it may be necessary to immediately place the child in protective custody in accordance with the provisions in LVU.⁵ When issuing decisions on children domiciled outside of Sweden, please note the special provisions on, e.g. jurisdiction and the termination of protective measures that apply under the Brussels II Regulation and the 1996 Hague Convention. These provisions shall be applied alongside LVU. Read more about these provisions in Step 3.5. Since 1 September 2019 the Social Welfare Board can make decision regarding immediate protection in cases when actions from foreign authorities cannot await, even when Swedish courts do not have the authority to make decisions and judgements.

The National Board of Health and Welfare's risk assessment for children and adult victims of violence by a relative

The National Board of Health and Welfare has issued regulations and general recommendations for children and adult victims of violence by a relative, which include a stipulation that the Social Welfare Board shall evaluate the risk for further violence.⁶

2.4 SECURE ACCOMMODATION

Social services make decisions on placement in housing through the issue of an assistance decision or decision on immediate protective custody in accordance with LVU. When assessing an individual's needs, it is common that a resident needs arrangement to be made the same day and that these arrangements need to meet both the need for protection and support. This may involve a need for sheltered housing, home for care or residence (HVB), family home, etc., depending on the assessment social services make concerning individual needs. These can be run by municipal, public or private sector actors, as well as by actors in civil society. Within civil society, there are a number of residences specialising in providing support to victims of trafficking in human beings that are affiliated with

5 Section 6-6a in the Care of Young Persons (Special Provisions) Act (1990:52) (LVU).

6 The National Board of Health and Welfare's provisions and general recommendations on violence in intimate relationships, SOSFS 2014:4

actors within the Swedish Platform Civil Society against Human Trafficking. Accommodations may offer different levels of protection and access to different long-term assistance measures. This may apply, e.g. to a bed, food, counselling, social matters, help in contacts with authorities, help with a police report, help with everyday needs and help seeking maternity care or other care.

Both children and adult victims of trafficking in human beings often have an initial need for an accommodation that is staffed 24 hours a day in order to establish a feeling of security and to determine whether there is any need for emergency assistance and crisis support. There may also be a need for social services employees to accompany the victim as support during transport to an accommodation.

At this stage, the placement of one or more persons from the same human trafficking case in the same accommodation should be avoided. Individuals may have different relationships with others who have been involved in the act of human trafficking. To a varying extent, this in and of itself can be part of the way victims are controlled.

Child victims of human trafficking may be sought by the persons who organised the trafficking or may themselves contact the organisers directly or contact the organisers through friends. Under LVU, upon placement of a child, the person who delivers care shall maintain supervision of the child and, to the extent necessary to deliver care to the child, make decisions affecting the child's individual circumstances.⁷ Additionally, in some cases decisions can be made, e.g. restricting internet and mobile phone use for care delivered within the Swedish National Board of Institutional Care.⁸ It is important to work to prevent the child from being exposed to external and internal influences which cause the child to leave the accommodation and become vulnerable once again.

The obligation to provide victims of human trafficking safe, suitable, secure accommodation is central to the provisions in both the Council of Europe Convention on Action against Trafficking in Human Beings and European Parliament and Council Directive 2011/36/EU.

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⁷ Section 11, paragraph 4 in LVU

⁸ Sections 15 and 15a as they apply to placement under Section 3 in LVU

2.5 EMERGENCY HEALTHCARE

In this step, any urgent need of physical, psychological, dental or gynaecological care should be addressed. Immediate gynaecological care may be needed to ensure a victim receives proper care after a sexual assault, and just as other injuries sustained in connection with human trafficking, should be documented as evidence in a criminal act.

The County Council/Region is obliged to offer undocumented individuals residing in Sweden access to medical care that cannot be postponed but may also offer additional care. In cases involving children, this obligation includes the same access to health and medical care as for other children residing within the county.⁹ In terms of care for EU citizens and asylum seekers etc., see Step 3.7.

2.6 REFLECTION PERIOD

If a victim of human trafficking, who does not hold a residence permit, wishes to request a reflection period to recover and to determine whether they wish to cooperate with the competent authorities, the leader of the preliminary investigation shall apply for this on behalf of the victim.¹⁰ The reflection period is a temporary residency permit lasting 30 days, which is intended to allow the victim of a crime time to recover and provide relief from the stress of the situation so he or she can make a determination informed decision on participation in the legal process. The reflection period is an important part of the support and protection process.

Preconditions for the approval of a reflection period are that it is necessary in order for the preliminary investigation or main hearing in criminal cases to be conducted and that consideration for public order and safety does not preclude the granting of the reflection period.¹¹ A preliminary investigation must be initiated, which in legal terms means that there shall be reason to believe that a criminal offence that falls under the jurisdiction of public prosecution has been committed. At this stage, however, the victim does not need to have explicitly expressed a willingness to cooperate with the investigating authorities or to cooperate in the preliminary investigation. The purpose of the reflection period is to give the presumed victim the opportunity

9 Section 7 in Act (2013:407) on access to healthcare for undocumented migrants residing in Sweden

10 Ch. 5, Section 15 paragraph 2 of the Aliens Act (2005:716). An ongoing asylum process does not preclude an application for a reflection period.

11 Ch. 5, Section 15 paragraph 2 in the Aliens Act

to recover and reflect on their options without the imminent risk of rejection or expulsion.

An application for a reflection period should be made soon after a preliminary investigation has been initiated. The legislative history demonstrates that since it is in the State's interest that witnesses remain in the country, the leader of the preliminary investigation should not wait to apply for a residence permit for reflection time. The prompt submission of an application is also important from a victim's perspective. Persons who have fallen victim to human trafficking shall be able to access, e.g. healthcare and social assistance which shall be offered during the reflection period.¹² This can help reduce the likelihood that the individual will be exposed to further vulnerability, which is quite common in cases involving human trafficking.

The Swedish Migration Agency is the authority that makes decisions on reflection period applications, and this shall be done within a few days after the application has been submitted.¹³ Upon issuing a decision on a reflection period, responsibility for costs associated with the victim are transferred from the municipality/county to the Swedish Migration Agency.

A residence permit for a reflection period can be revoked if the conditions for granting approval are no longer met. The reflection period may also be extended after 30 days has elapsed if the leader of the preliminary investigation so requests and there is a special need for granting an extended reflection period. Special reasons may be that the victim has been subjected to especially traumatic experiences or that the victim is highly dependent on the perpetrators and needs more time for recovery.

The conditions for which a child may need to recover and make decisions about cooperating with investigating authorities may differ considerably from the conditions for an adult. Therefore, a prolonged reflection period can be appropriate when the victim is a child under the age of 18. The fact that the conditions for which a child may need to recover and make decisions about cooperating with investigating authorities are not the same as the conditions for an adult, clearly follows from the legislative history in the provision on the reflection period.¹⁴

12 The requirement for the prompt submission of the application is stipulated in Proposition 2006/07:53 page 29

13 The application is sent to the Swedish Migration Agency via fax or email; the form is available on the Swedish Migration Agency's website

14 Proposition 2006/07:53 page 48

SUMMARY OF DIFFERENT ACTORS' RESPONSIBILITIES IN STEP 2: EMERGENCY PROTECTION

SOCIAL SERVICES

- Perform an immediate individual risk assessment upon receiving notification of concern for a child's well-being and make decisions on immediate protective custody as needed.
- Assess the risk for further violence as well as the need for protection for adults.
- Make decision on placements and other emergency measures.

THE SWEDISH POLICE AUTHORITY

- Informs the victim about the right to a reflection period, the counsel for an injured party etc.
- Informs the victim of the option to contact the regional coordinator.
- Performs an individual risk assessment, and if there is a significant need for protection, transfers the case to BOPS.
- If the police are leading the preliminary investigation, the police shall apply for the reflection period and the counsel for the injured party.

THE SWEDISH PROSECUTION AUTHORITY

- Applies for reflection period
- Applies for a counsel for an injured party.

THE SWEDISH MIGRATION AGENCY

- Decides on a temporary residence permit as a reflection period.

2

REGIONAL COORDINATORS

- Ensure that the victim has contact with social services in order to have the need for emergency protection and support addressed.
- Coordinate support efforts between different actors.
- Informs about the option for a reflection period.

NMT NATIONAL SUPPORT LINE

- Provides consultation/support to professionals as part of the support and protection process.
- Refers to the relevant actor who can provide support in the individual case.

HEALTHCARE SECTOR

- Provides emergency healthcare.



2



STEP 3:

INITIAL SUPPORT

After the need for emergency protection has been addressed, other basic needs must to be taken care of. These include the continued need for secure housing, finances, education and healthcare. Basic information shall be provided to the victim of trafficking in human beings to the extent that this information has not yet been provided. In cases involving children, foreign authorities may need to be involved. This step concerns support provided during the period the victim of human trafficking resides in Sweden with the reflection period, or, if a reflection does not apply, during the first weeks after identification.

3.1 INFORMATION ON RETURN TO THE HOME COUNTRY

If contact has not already been established with the regional coordinator, contact can be made at this stage so that the regional coordinator is able to inform the victim about the option to initiate a voluntary return during the process, see Step 6.

3.2 ENSURING ACCESS TO BASIC INFORMATION

During emergency handling in the first phase, it can be difficult for a victim of human trafficking to understand and process the information provided. Therefore, it is important that the right to basic information is ensured, even later on in the process. In addition to verifying that the right to information described in Step 2.2. is met, there is also the opportunity here to provide further information about which authorities, organisations and other relevant actors are available to provide support, assistance and care.

3.3 LEGAL SUPPORT

Once a police report has been filed, a counsel for an injured party shall be assigned to the presumed victim of human trafficking as soon as possible. The police or prosecutor applies for the court to

appoint a counsel for an injured party by sending in a request to the court. The court then appoints a suitable person, taking into account the victim's own wishes or special needs.

A review of the right to a counsel for an injured party is made in relation to the injured party's personal relationship with the suspect or other circumstances,¹ where, e.g. a lack of knowledge of the Swedish legal system, language difficulties or disabilities can be factored in. Rights afforded under the Council of Europe Convention on Action against Trafficking in Human Beings and European Parliament and Council Directive 2011/36/EU must also be considered.²

If the victim is a child without parents, or if the parent(s) is the party who is suspected of subjecting the child to the crime, upon the prosecutor's request, the court shall appoint a special representative for the child rather than a counsel for an injured party.³ The special representative shall be a lawyer, associate at a law firm or another person suitable for the assignment. The representative protects the child's interests as a minor during the preliminary investigation and court proceedings.

A counsel to the injured party should be appointed even if it is uncertain, at first glance, whether the case is likely to go to trial since access to counsel in and of itself may be a contributing factor in determining whether the investigation moves forward. Access to a counsel for the injured party affects whether the victim feels secure and understands the steps in the criminal investigation, and thus whether the victim is willing and able to participate in the investigation. The early appointment of a counsel to the injured party or special representative for a child is a statistically proven way to help create a successful outcome in the investigation of violence and sexual offences in intimate relationships and against children.⁴ It can be reasonably assumed that the same applies to

1 Section 1 in Act (1988:609) on plaintiff's counsel

2 Article 12, item 1e in the Council of Europe Convention on Action Against Trafficking in Human Beings and Article 12.2 in European Parliament and Council Directive 2011/36/EU

3 Swedish Act regarding Special Representative for a Child (1999:997)

4 "Tvångsmedelsanvändning och beslutsfrister m.m. vid vålds- och sexualbrott i nära relation och mot barn" (The use of coercion and ultimatums etc. in violence and sexual relationships in intimate relationships and against children – Swedish only), the Swedish Prosecution Authority's Prosecution Development Centre in Gothenburg February 2010, Section 6.1,

investigations concerning human trafficking.⁵

The counsel for the injured party shall immediately contact the victim to provide the necessary information concerning legal alternatives and conditions. The counsel for the injured party's primary tasks is to:

- Provide support during the preliminary investigation, answer questions and participate during police questioning.
- Participate in the trial alongside the victim.
- Request compensation as damages for the injury caused by the perpetrators.

In addition to what falls within the framework of the legal process, the individual may have a need for further legal support in order to:

- If appropriate, apply for asylum.⁶
- Apply for an impediment to expulsion or appeal an expulsion order that has not yet taken effect legally.
- Monitor the right to compensation for unpaid salary.⁷
- Monitor the legal process for any offence the victim has been forced to commit as a result of being a victim of human trafficking and investigate the possibility of the offence being dismissed.⁸

Occasionally, actors within civil society, e.g. the Swedish Platform Civil Society against Human Trafficking may offer supplementary legal support and advice.

3.4 SOCIAL SERVICE'S INVESTIGATION AND ASSESSMENT OF SUPPORT

Investigation of cases involving children

Social service investigates a child's need for protection or support, decides on necessary actions and applies for care in accordance

5 "Människohandel, Granskning av handläggningen av människohandelsärenden under 2012-2013" (Trafficking in human beings, a review of the handling of human trafficking cases in 2012-2013 – Swedish only), Supervisory Report 2015:2 (Swedish only), the Swedish Prosecution Authority's Prosecution Development Centre in Gothenburg

6 Article 11.6 in European Parliament and Council Directive 2011/36/EU, for more information on asylum, see Step 4.3

7 Under Law (2013:644) on the right to salary and other remuneration for work performed by a foreigner not entitled to stay in Sweden

8 Article 8 of European Parliament and Council Directive 2011/36/EU

In actions concerning children, the best interests of the child shall be a primary consideration for the social services. This principle derives from Article 3 of the UN Convention on the Rights of the Child (CRC). The principle can also be found in Ch. 1, section 2 SoL and section 1 LVU. Another principle in the UN CRC is the right for children to express their opinions. It is stated in Article 12, as well as in Ch. 11 section 10 SoL and section 36 LVU. If the child wishes, it is possible to speak to social services without a parent or legal guardian present.

with the provisions in LVU as needed. If a notification of concern for the well-being of a child has been made to social services, social services shall issue a decision on the need for an investigation within 14 days from the receipt of the notification.⁹ If there is suspicion that a child has been a victim of violence or another form of abuse perpetrated by a relative, or has been a witness to violence or another form of abuse perpetrated by a relative, social services shall always conduct an investigation.¹⁰

The investigation of child victims of human trafficking is conducted according to the provisions of the Social Services Act, as are all investigations that concern children. This applies to children who are themselves presumed victims of human trafficking, but also to children accompanying presumed victims or suspected perpetrators. If the victim's homeland is an EU country or a country that has acceded to the 1996 Hague Convention, authorities in the home country can be contacted by the Swedish Ministry for Foreign Affairs, see Step 3.5.

If the Social Welfare Board has placed a child in immediate protective custody in accordance with LVU, the Administrative Court shall be notified within one week and examine the decision. If there is a continued need for protective custody in accordance with LVU, the Social Welfare Board shall apply to the Administrative Court.¹¹ When making decisions that concern children domiciled outside of Sweden, note the special provisions on, e.g. jurisdiction and termination of protective measures that apply under the Brussels II Regulation and 1996 Hague Convention which shall be applied alongside LVU. Since the 1 September 2019 the Administrative Court can admit immediate protection to continue even when Swedish courts do not have the authority to make decisions and judgements.

9 Ch. 11, Section 1a in SoL

10 Ch. 6, Section 1 in SOSFS 2014:4

11 Sections 7-8-9b in the Care of Young Persons (Special Provisions) Act (1990:52) For more information, see The National Board of Health and Welfare (2015) *Utreda barn och unga: handbok för socialtjänstlagens arbete i arbetet med barn och unga* (Investigating children and young people: a handbook for work under the Social Services Act when working with children and young people – Swedish only)

If the child has no legal guardian, or due to participation in the criminal act, a guardian is deemed to be an unsuitable representative for the child, a custodian or specially appointed guardian shall be appointed. Notification of appointment of a custodian for a child who has no legal guardian in the country shall be made to the Chief Guardians Committee.¹² When an unaccompanied child is granted a residence permit, a specially appointed guardian shall be designated for the child. The Social Welfare Board in the municipality where the child resides shall act to ensure the appointment of a special guardian by submitting an application to the district court.¹³

CHILDREN

For more information, also refer to the National Board of Health and Welfare's Barn i internationell människohandel och exploatering, vägledning för socialtjänsten (2018) (Children in International Trafficking in Human Beings and Exploitation, Guidance for social services – Swedish only) at www.socialstyrelsen.se.

Investigations for adults

The social services investigate the need for assistance for adults and issues decisions on assistance. Assistance may consist of, e.g. financial assistance for meals, accommodation, transport and healthcare and medication expenses. Assistance can also consist of other activities such as placement in housing or outpatient activities such as housing support or serving as a contact person. Assistance efforts are provided for a limited period of time and social services shall note changes in need. this may result in a new needs assessment.

If a victim of human trafficking does not hold a residence permit and has not been granted a reflection period, see the information on support options in Step 4.2-4.4.

In addition to measures taken by social services, supplementary support may be provided by actors in civil society, e.g. the Swedish Platform Civil Society against Human Trafficking, see Step 4.5.

3.5 EXCHANGE OF INFORMATION CONCERNING CHILDREN WITH FOREIGN AUTHORITIES

There are two international instruments dealing with issues of parental responsibility and measures to protect children in international

¹² Act (2005:429) on trustees for unaccompanied children

¹³ Ch. 6, Section 8 in the Children and Parents Code

In Sweden, the Swedish Ministry for Foreign Affairs is the central authority according to both the Brussels II Regulation and the 1996 Hague Convention. The Swedish Ministry for Foreign Affairs can assist Swedish authorities in their communications with authorities from another state in cases where the countries' cooperation is

governed by the Regulation or the Convention.

Contact information: ud-kc@gov.se

situations. These is the Brussels II Regulation-Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility) and the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children. These instruments provide authorities with official support (e.g. Swedish social services and corresponding authorities in other countries) in states that are bound by the Regulation or the Convention to facilitate cooperation in certain cases relating to parental responsibility and a child's circumstances.

Close cooperation between the relevant authorities in each country is a prerequisite for assessing the best interests of the child and for ensuring the child is protected from further exploitation. Even in cases where a child who is a presumed human trafficking victim absconds and cannot be located, contact with the authorities in the home country should be considered.

The exchange of information with authorities in the home country can also be beneficial if the presumed victims of human trafficking or suspected perpetrators located in Sweden have children in their home country. This is to establish whether there is a need for protection and support for a child/children in the home country.

When a case involves a child where there is an asylum application or desire to submit an asylum application, all contact shall occur through the Swedish Migration Agency.

3.6 THE RIGHT TO EDUCATION AND EMPLOYMENT

Children who hold a temporary residence permit for a reflection period have the right to basic education in Swedish public schools at no cost. However, they are not subject to the compulsory schooling requirement.¹⁴ The municipality is also obliged to offer these children access to preschool.¹⁵ The municipality may then apply to the Swedish Migration Agency to recover the cost of these services. Under the Education Act, municipalities are obliged to offer *schooling to undocumented migrant children residing in Sweden*. These children are also excluded from the compulsory schooling requirement.¹⁶ Municipalities may also offer childcare. In cases involving

14 Ch. 7, Sections 2-3 and Ch. 29, Section 2 of the Education Act (2010:800)

15 Ch. 8, Section 3 Ch. 29, Section 2 of the Education Act

16 Ch. 7, Sections 2-3 and Ch. 29, Section 2 paragraph 2 of the Education Act

children of EU migrants residing in Sweden for more than three months, they are not covered by the provision on the right to schooling. However, municipalities can offer education if they choose to do so.

Adult victims of human trafficking with a legal right to reside in the country shall be granted access to the labour market as well as vocational training and education.¹⁷

3.7 HEALTHCARE

Victims of human trafficking who hold a residence permit for a reflection period are entitled to the same health and medical care that is offered to those residing in the county.¹⁸ A county shall also offer victims with a reflection period access to a health examination unless it is clearly unnecessary.¹⁹

It is not uncommon for victims of trafficking in human beings to have neglected health and a variety of care needs. This applies to physical injuries, illnesses and the need for psychological support. Therefore, the need for care must be constantly evaluated by social services or the accommodation.

Persons lacking a residence permit have different rights to access healthcare depending on whether the individual comes from a European country, possesses health insurance in the home country, is residing in Sweden as an asylum seeker or completely lacks permission to reside in Sweden. Medical care that cannot be postponed, as well as maternity care, care during abortion and contraceptive counselling, shall always be offered to persons who are asylum seekers or who remain in Sweden without a residence permit for a period of time longer than a temporary stay. For children under the age of 18, access to the same health and medical care shall be offered as is for residents in the county.

HEALTHCARE

For more information on providing healthcare to persons from other countries, see the website of The Swedish Association of Local Authorities and Regions (SALAR) www.skl.se

3

¹⁷ Article 12, item 4 in the Council of Europe Convention on Action Against Trafficking in Human Beings

¹⁸ Section 5, paragraph 2 in Act (2008:344) on healthcare for asylum seekers et al.

¹⁹ Section 7 in Act (2008:344) on healthcare for asylum seekers et al.

SUMMARY OF DIFFERENT ACTORS' RESPONSIBILITIES IN STEP 3: INITIAL SUPPORT

SOCIAL SERVICES

- Initiates an investigation upon receipt of an application or notification of concern for the well-being of a child.
- Contacts MoFA in cases regarding children in order to establish contact with the competent authorities in the home country.
- Evaluates the need for intervention by social services
- If applicable, applies to the Administrative Court for a determination on immediate protective custody in accordance with LVU.
- Applies for a trustee or specially-appointed guardian.

THE SWEDISH MINISTRY FOR FOREIGN AFFAIRS

- For children:
- Responsible for determining whether the Brussels II Regulation or the 1996 Hague Convention is applicable for a particular country.
- Assists in communications with the other country's authorities. May include, e.g. the exchange of information or cooperation for a return, or a notification of concern for the well-being of a child who is still in the home country.

THE SWEDISH POLICE AUTHORITY

- Informs the victim of rights under FUK, if that has not already occurred.

THE SWEDISH PROSECUTION AUTHORITY

- Applies for a counsel to the injured party or special representative if this has not already been done.

3

THE SWEDISH PLATFORM CIVIL SOCIETY AGAINST HUMAN TRAFFICKING

- Can provide supplementary support through the National *Support Programme*.

REGIONAL COORDINATOR

- Provides information on the right to and options for support if there is to be a return to the home country.
- Coordinates support efforts between different actors.

HEALTHCARE SECTOR

- Provides healthcare.

3



12 snieglar tävlar. 2 bryter loppet.
Hur många är kvar?
Svar: _____ snieglar.

stenar. Svea har 5.
Hur många är tillsammans?



16 - 3 = 13
Svar: 13



STEP 4:

LONG-TERM

SUPPORT

Once the reflection period ends, the victim of human trafficking needs to decide whether they wish to make contact with law enforcement authorities. The need for support during the time up to the start of a potential legal process needs to be addressed. At the same time, a long-term plan needs to be developed to determine how the victim will be supported in reestablishment, either in Sweden or in the home country, once any potential legal process is completed. This step also concerns the rights of individuals who do not have a residence permit.

4.1 TEMPORARY RESIDENCE PERMIT OF AT LEAST SIX MONTHS

For a crime victim who does not have a permit to remain in Sweden, the leader of the preliminary investigation at the police/prosecution authority has the option to apply for a temporary residence permit of at least six months to cover the period during the preliminary investigation and trial. The application for the permit can be made when the reflection period expires, or earlier if the necessary conditions are met.

The Swedish Migration Agency shall grant a temporary residence permit if four conditions are met:

- a preliminary investigation is required or a main hearing in a criminal case,
- the victim of human trafficking has clearly demonstrated his or her intention to cooperate with the investigating authorities.
- the victim of human trafficking has broken off all contact with the persons suspected of perpetrating the crime in question during the preliminary investigation and/or
- considerations for public order and safety do not indicate that a permit should not be issued



4

A residence permit may be renewed if the leader of the preliminary investigation so requests, however, the permit may also be revoked if the above conditions are no longer met. As with the reflection period, the victim has access to assistance from other actors including social services and the healthcare sector. The municipality and county council/region can then apply for compensation from the Swedish Migration Agency for its costs

4.2 FOLLOW UP AND PLANNING FOR CONTINUED SUPPORT

The long-term support and re-establishment process shall ensure that the individual receiving support has the opportunities and resources he or she needs to adapt to new living conditions, to participate economically and socially and to guarantee the individual a reasonable standard of living.¹

Depending on the individual circumstances, the responsibility for providing extended support and ensuring social inclusion falls on social services agencies in Sweden and/or the competent authorities in the country of origin. For persons who are granted a permanent residence permit or work permit, as well as for persons remaining in Sweden on a temporary residence permit through the trial period, long-term support shall be provided in accordance with Swedish legislation. Social services are responsible for following up on placement and support efforts. For adults holding a temporary residence permit, the extent and duration of the support offered by social services depends on the length of the temporary permit. The residence permit is in turn dependent on how long the preliminary investigation and court process lasts.

However, if no residence permit has been granted, the rights of a human trafficking victim will depend on whether the individual is an asylum seeker, EU citizen (the right of residence is examined) or is residing in the country without the necessary permit. In addition to measures taken by social services, supplementary support is offered by the Swedish Platform Civil Society against Human Trafficking, see Step 4.5, or by other actors in civil society.

Social services' responsibility towards children residing in Sweden applies regardless of the child's legal status in the country. In cases

¹ In accordance with Article 12, item 1a of the Council of Europe Convention on Action Against Trafficking in Human Beings



involving children, the child's best interests shall always be considered. Refer to the National Board of Health and Welfare's Barn i internationell människohandel och exploatering, vägledning för socialtjänsten (2018) (Children in International Human Trafficking and Exploitation, Guidance for social services – Swedish only) for more information.

4.3 RIGHT TO ASYLUM

If a victim of trafficking in human beings states that he or she cannot return to his or her home country after a temporary residence permit, issued to the individual as a witness, has expired, or if such a permit has never been granted, information shall be provided about the options of applying for a residence permit on other grounds, such as refugee status or, alternatively, as a person in need of protection (asylum) or due to particularly distressing circumstances. All persons have the right to apply for asylum, but as a rule, EU citizens are not granted asylum since all member countries are considered safe. For citizens of countries outside the EU (third countries), an application for asylum can be granted if it is likely that the person is at risk of ill treatment from which authorities in the home country are unable to protect the person. Having been a victim of human trafficking does not constitute grounds for granting asylum in and of itself, rather, the decision is always based on both the need for protection and the home country's ability to protect the individual. Consideration shall also be given to the possibility to live in a region in the home country other than the specific area the individual comes from.²

The Swedish Migration Agency manages support efforts that apply to asylum seekers covered by the Swedish Reception of Asylum Seekers' Act (LMA) However, victims of human trafficking may have a need for additional protection that may not be able to be

In actions concerning children, the social services always must consider the child's best interests. This principle derives from Article 3 of the UN Convention on the Rights of the Child, which says that in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. The principle can also be found in Ch. 1, section 2 SoL, section 1 LVU and Ch. 6, section 2a Children and Parents Code.

4

² Ch. 4, Sections 1-2 and 2a §§ and Ch. 5 Sections 1 and 6 in the Aliens Act. Also note the provisions in Act (2016:752) on Temporary Restrictions on the Right to Obtain Residence Permits in Sweden

For more information regarding EU/EEA citizens and right of residence, refer to the National Board of Health and Welfare's *Vägledning för Socialtjänsten i arbetet med EU/EES-medborgare* (Guidelines for social services when working with EU/EEA citizens – Swedish only).



Contact information:
nsp@manniskohandel.se

adequately addressed at the accommodation offered by the Swedish Migration Agency.³

4.4 ASSISTANCE IN AN EMERGENCY SITUATION

For adult victims of human trafficking who do not possess a residence permit, the right of residence under EU law and are not asylum seekers, social service's responsibility is limited to remedying an emergency situation that cannot be resolved otherwise (known as an emergency evaluation or emergency assistance).⁴ An individual assessment shall then be done. Such an assessment may involve, e.g. money for travel to the home country and safe, secure accommodation while awaiting travel, as well as money for necessary living expenses. It is important to ensure that if any aid is granted for emergency housing, the period it is provided for is not so short that the individual does not have the opportunity to assess his or her rights as a victim of human trafficking, such as adequate time to arrange for a safe return to his or her home country.

4.5 NATIONAL SUPPORT PROGRAMME

The Swedish Platform Civil Society against Human Trafficking has operated a National Support Programme (NSP) since 2015.⁵ The national support programme complements the support efforts authorities can offer by providing a formal support and protection process. Only NSP-certified actors and accommodations may apply for a vulnerable person to be granted access to the programme, who can then apply for financing of the support measures in cases where authorities does not pay for these – and where the victim is considered to have a need and right to access these in accordance with international conventions Sweden has ratified. Support shall be individual-

3 In accordance with the Law (1994:137) on the reception of asylum seekers and others (LMA), the Swedish Migration Agency shall offer assistance to asylum seekers as a daily allowance, special allowance, housing allowance and access to accommodation. Asylum seekers are not entitled to assistance corresponding to what is provided for under the Social Services Act (SoL). This means that the Swedish Migration Agency does not automatically pay for the cost of sheltered housing in cases where social services make the assessment that none of the accommodations offered by the Swedish Migration Agency offers adequate protection for the applicant.

4 Ch. 2, section 1 and Ch. 2a in SoL

5 The national support programme was started with financing from the County Administrative Board of Stockholm and was financed with government funds in 2018. At the time the National referral Mechanism was printed, ongoing financing remains uncertain.

ly adapted to the needs of the victim and shall provide the individual with the opportunity for an improved living situation. NSP can finance support for a certain number of days, e.g. 30 days (which can be considered to be equivalent to a reflection period in cases where no police report has been filed with the associated reflection period) with the possibility of an additional 90 days. A child allowance may be provided as needed, in accordance with the right to this, along with certain allowances which are granted to meet additional needs. If the Return Programme is not an option, the NSP can provide supplementary integration efforts, or attempt to arrange return through their own contacts.

4.6 PLANNING BEFORE RETURN

In connection with the follow-up on needs, planning for after the trial when the temporary residence permit expires, needs to be done. For individuals who wish to return to their home country, an application to be included in the Return Programme can be made to IOM with the assistance of the regional coordinator. A decision on participation in the Return Programme can occur at this stage or later on, see Step 6. Return to the home country may occur both before or after a court trial. If a person returns to the home country, the individual can travel to Sweden temporarily to participate in the trial or may participate remotely from a court in the home country.

4.7 RIGHT TO EDUCATION AND EMPLOYMENT

The right to education and employment described in this step corresponds to what is described in Step 3.6. Victims of human trafficking who have been granted a temporary residence permit of at least six months are also exempt from work permit requirements.⁶

4.8 HEALTHCARE

Long-term need for care must be noted. The right to healthcare in this step corresponds to what is described in Step 3.7.

⁶ Ch. 5, Section 1 of the Aliens Ordinance (2006:97), encompassing only the first paragraph in Ch. 5, Section 15 in the Aliens Act

SUMMARY OF DIFFERENT ACTORS' RESPONSIBILITIES IN STEP 4: LONG-TERM SUPPORT

SOCIAL SERVICES

- Follow up, planning and intervention

THE SWEDISH PROSECUTION AUTHORITY

- Applies for a temporary residence permit of at least six months.

THE SWEDISH MIGRATION AGENCY

- Decides on a temporary residence permit of at least six months.
- Processes the asylum application

REGIONAL COORDINATORS

- The application for participation in the Return Programme is forwarded to IOM and continuous contact is maintained to prepare for return.

4

THE SWEDISH PLATFORM CIVIL SOCIETY AGAINST HUMAN TRAFFICKING

- Can offer supplementary support through the *National Support Programme*.

IOM FINLAND

- Receives application documents for participation in the Return Programme.
- Prepares and implements return and reintegration in collaboration with IOM's local office and other established actors in the country to which the victim will return.

HEALTHCARE SECTOR

- Provides healthcare.

4

SAL 2

- 1 FÖRHANDLING PÅGÅR
- 2 STÅNGA DÖRRAR



Item	Quantity	Price
Item 1	10	500
Item 2	20	1000
Item 3	5	250
Item 4	15	750
Item 5	8	400
Item 6	12	600
Item 7	3	150
Item 8	7	350
Item 9	4	200
Item 10	9	450



STEP 5: LEGAL PROCEEDINGS

This step describes the legal process from the preliminary investigation until the end of the trial. During this process, the victim of human trafficking may either be in Sweden or in the home country.

5.1 PRELIMINARY INVESTIGATION

A criminal investigation or preliminary investigation is intended to investigate whether a crime has been committed, by whom, and to gather evidence that proves or disproves a suspect's guilt.

A preliminary investigation shall be initiated as soon as there is reason to believe that a criminal offence that falls under the jurisdiction of public prosecution has been committed, regardless of whether notification has been received from a victim of the crime in question.

A preliminary investigation consists of different components, such as surveillance, interrogation of witnesses, complainants, suspects or other persons who can provide relevant information in the case, forensic evidence etc.

In criminal proceedings, the term *injured party* is used to refer to the victim of a crime.¹ Before questioning the injured party, i.e. the victim of human trafficking, the victim shall be informed of the legal process and of the victim's status in the criminal proceedings. The victim shall also be informed of his or her right to a support person, interpretation and a counsel for the injured party, see previous steps.² As previously described, a counsel to the injured party should be appointed early on in human trafficking cases, and should preferably be present at initial questioning.

1 Ch. 20, Section 8 in the Swedish Code of Judicial Procedure

2 Also refer to Section 13a in FUK

In accordance with European Parliament and Council Directive 2011/36/EU, victims of human trafficking shall be protected from secondary victimisation and further trauma during criminal proceedings. This shall be done e.g. by avoiding the unnecessary repetition of questioning during the investigation, indictment and trial. The need for protection of child victims of human trafficking during criminal investigations and criminal proceedings is given special emphasis in the directive (article 12 and 15).

It is also important that the victim of human trafficking has trust in the police investigator. The fact that the interrogating officer is not a uniformed officer and that the victim is offered assurance that they are not the party who is accused of a crime creates the conditions for productive questioning. In human trafficking cases where an individual risk assessment performed by the police shows that the victim is in need of special protective measures, as a general rule, questioning of the victim must be conducted in premises that are intended for this purpose, repeated questioning must be held by the same interrogator, and questioning shall be led by a person of a specific gender if the victim so requests.³

When a child under the age of 15 is a suspected victim of a crime, collaboration between authorities often takes place at a *Barnahus* (“Children’s house”), where access can be provided to social services, psychologists, paediatricians, police and prosecutors. There is an urgency requirement that applies to these investigations which means that questioning of the child shall preferably be held within two weeks from receipt of the police report. This shall take place at a Children’s house where the environment is specially adapted for children. In the event that the case falls into a catchment area without a Children’s house, questioning will be held at a police station. Questioning of a child shall be conducted by an interrogator specially trained in the interrogation of children. The interrogation(s) is filmed so that the child will not need to be questioned again during a trial.

If the victim of human trafficking has an intellectual disability, meaning that the victim may experience difficulties under questioning by the court, recorded questioning can be used instead.⁴

³ Section 5b in FUK

⁴ “Förhör med barn, Förhör med vuxna som har osynliga funktionsnedsättningar – handledning för polis och åklagare vid planering och genomförande” (Questioning children and adults with invisible disabilities – guidelines for police and prosecutors in planning and implementation – Swedish only) the Swedish Prosecution Authority’s Prosecution Development Centre in Gothenburg, the Swedish Police Authority Prosecution Development Centre West, the Swedish Police Authority Prosecution Development Centre Central, October 2018

5.2 PRE-TRIAL SUPPORT

The way in which pre-trial support will be provided will depend on the individual situation and the conditions for the victim of human trafficking, as well as on the relationship with the perpetrator. However, it is important to ensure that a victim of human trafficking who is an injured party in a criminal case has received information on the following options:

- The right to be represented by legal counsel at no expense (counsel to the injured party).
- Obligation to participate in the court hearings.
- The right to adequate interpretation.
- The right to be accompanied by a support person in the court.
- The option to be questioned without the perpetrator being present in the courtroom, even though the person in question can continuously hear the testimony (medhörning).
- The option for the court, under certain conditions, to allow the injured party to be heard via a video link from an undisclosed location.
- The option for the court to decide to hold a trial, in part, behind closed doors, i.e. the trial is not public.
- The option for the court to decide not to publicly disclose sensitive information in certain cases, such as a person's name, personal identity or life history.
- The right against self-incrimination.
- The right to claim compensation for one's court appearances during the trial.
- The right to claim damages.
- The option for a no-contact order that prohibits contact between the accused and the victim, if the conditions for this are fulfilled.

The goal of the preparatory phase is also to ensure that the victim of human trafficking is:

- Aware of the value the submitted information has in the trial and its possible consequences.
- Aware of the roles for different persons who will participate in the legal process.
- Aware that any information brought into a trial can become public.
- Aware of how the court process proceeds.



The victim shall be provided with all the information he or she needs, verbally (to a reasonable extent) and in writing, to be able to participate in the trial. The victim can visit the courthouse before the trial date to become familiar with the building and courtroom, and if needed, the victim can meet the prosecutor before the trial to help make the process less intimidating.

If the case involves a victim of human trafficking who has returned to the home country, the victim is prepared in the country of origin and then travels to Sweden, where the trial is held. It may also be the case that a victim will present to a court in the home country and be heard by the Swedish court via a remote video link.

5.3 SUPPORT DURING THE TRIAL

The way in which pre-trial support will be provided will depend on the individual situation and the conditions for the victim of human trafficking, as well as on the relationship with the perpetrator. However, it is important to remember to provide clear information, as well as both psychological and legal support in order to minimise the risk that the victim is exposed to a new trauma due to participation in the trial. The victim needs to feel secure to be able to relate his or her account of the crime.

Support during the trial may be provided as:

- Escort to, in and out of court.
- Avoiding contact with the perpetrator upon arrival at the trial (e.g., by using the side entrance or a separate waiting room), and to the furthest extent possible, contacts with friends and other contacts with the perpetrator.
- Use of the court's special witness support.
- Support persons (e.g. a friend, relative, representative from social services or an association that protects victims' interests) who accompany the victim of human trafficking to the court.
- The option for the court to decide to hold a trial, in part, behind closed doors, i.e. the trial is not public.
- The option for the court to decide not to publicly disclose sensitive information in certain cases, such as a person's name, personal identity or life history.
- The option to be questioned without the perpetrator being present in the courtroom, even though the person in question can continuously hear the testimony
- Support during breaks in the court trial.

Victim and witness questioning with children under the age of 15 is presented in court as a playback of filmed video questioning, see Step 5.1. The same may apply if the victim has an intellectual disability which makes it difficult for the person to be questioned in the court. Children who have reached the age of 15 at the time the trial is carried out generally give their accounts on site in the courtroom, even if police questioning has been filmed.

Victims who will be heard by the court and who do not understand or speak Swedish are entitled to interpretation and translation during the trial at no cost to themselves.

5.4 SUPPORT AFTER THE COURT TRIAL

If it is necessary to take additional protective measures to protect the victim of human trafficking, a new individual risk assessment shall be completed by the police in collaboration with social services. If any changes occur in a case (e.g. if the perpetrator is released from prison), the victim shall be informed within a reasonable period of time.

See Step 6 above concerning return to the home country as well as Step 4.3 and 4.4 on support when the victim does not possess a residence permit.

5.5 SUPPORT FOR COMPENSATION CLAIMS

In a criminal liability trial for the perpetrator, the victim of human trafficking can make claims for damages from the accused perpetrators for physical and psychological injuries, aggravement, and for costs and expenses incurred in connection with the crime. The victim receives assistance in bringing such an action from a counsel to the injured party, special representative for children or a prosecutor, if no counsel to the injured party or special legal representative has been appointed.

In cases where no counsel to the injured party or special representative has been appointed, there is the option to seek advice from the Crime Victim Compensation and Support Authority which has a legal obligation to provide information on compensation for dam-

HELP FOR VICTIMS

More information about the criminal procedure, help for victims and criminal injury compensation can be found at the Crime Victim Compensation and Support Authority website www.brottsoffermyndigheten.se or by calling the Service Telephone +46 (0) 90 70 82 00

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ages, the relevant procedures and the support that crime victims are entitled to receive.

The court will decide on the amount of criminal injury compensation the victim is entitled to. Damages are primarily paid by the convicted perpetrators. After a guilty verdict is handed down, the victim can receive assistance from the Swedish Enforcement Authority in collecting the compensation. If the perpetrator has insufficient assets, the victim can apply for compensation through the Crime Victim Compensation and Support Authority. The victim will need assistance from other actors in the collection process since the counsel to the injured party's assignment ends in connection with the close of the trial.

A ruling on damages shall preferably be made in connection with the criminal case, but a ruling can also be handed down as the result of a separate action for damages.



5

SUMMARY OF DIFFERENT ACTORS' RESPONSIBILITIES IN STEP 5: CRIMINAL PROCEEDINGS

THE SWEDISH POLICE AUTHORITY

- Conducts an investigation within the framework of the preliminary investigation through measures such as questioning, surveillance and securing forensic evidence.

THE SWEDISH PROSECUTION AUTHORITY

- Leads the preliminary investigation.
- Decides whether to prosecute.
- Brings action during the trial.

REGIONAL COORDINATORS

- Available to support the victim before, during and after the trial.



5

ЗАЛОЖНА КЪЩ
ЕВРОКОМЕРС
ТАЙ - НИСКИ ТАКСИ И ЛИ

Co-funded by the Internal Security Fund of the
European Union



IOM·OIM

The UN Migration Agency



STEP 6:

A SAFE RETURN

For victims of human trafficking who are citizens of another country – including other EU countries – and have become victims of human trafficking in Sweden as a destination country, Sweden has a responsibility to support the victim in returning and reintegrating into the home country in a safe, secure, dignified and sustainable manner. During the return process, Sweden’s support for victims of human trafficking occurs through financing of the *Assisted Voluntary Return and Reintegration (AVRR)* process, which is carried out by the International Organization for Migration (IOM) office in Finland. The regional coordinator and IOM Finland work in consultation to decide who may be included in the programme.

6.1 PARTICIPATION IN THE PROGRAMME

Participation in the programme is voluntary and a return can be made to the country of origin or to another location where the victim has the right to reside. The victim must be provided with the opportunity to make an informed decision on seeking support through the programme based on adequate, accurate and objective information as well as information on the option to and risks associated with remaining in Sweden. A child who has been separated from his or her family shall only be returned to his or her country of origin if the relevant authorities in Sweden and the home country assess that this is in the child’s best interest. Social services in Sweden is responsible for the child until the relevant authorities in the home country have assumed responsibility for ensuring the child has the proper protection and support.

An individual may be offered support within the framework of the programme if:

- The individual has been identified as, or presumed to be, a human trafficking victim (all forms of exploitation).
- The individual is a foreign citizen and is involved in prostitution in Sweden.

And

- The individual wishes to voluntarily return to their home country or a third country where they have the right to reside.

Accompanying children may also receive support under the framework of the programme. Support shall be designed according to the needs in the individual case and is carried out in collaboration with actors in the country to which the victim will travel. The type of support that is available may vary between countries and even within different regions in a country. IOM Finland can help determine what kind of support is available in the case in question. IOM Finland is also able to arrange for the victim to speak (anonymously, in the victim's native language) with staff at the IOM office in their home country concerning their needs and the reintegration support options that are available. It is recommended that such a conversation take place so that the victim can get a clearer picture of what to expect after returning to the home country, and to build up trust in IOM and/or the partner organisation in the home country.

6.2 SUPPORT BEFORE AND DURING TRAVEL

Victims of human trafficking often need assistance in making practical arrangements before the journey to the home country. The perpetrators of the crime may have taken the victim's identity documents, and the victim may need assistance in obtaining new travel documents. The victim's need for protection shall also be considered when arranging the journey to the home country, as there may be a risk that upon arrival in the home country, the victim will encounter people who have been involved in organising the criminal act of trafficking in human beings. The journey to the home country can in and of itself be a period of risk, since the victim can abscond in transit during the trip, or may simply lack the knowledge needed to be able to navigate through the transit segments; for example, some victims of human trafficking have never flown before and do not speak and read the languages used at the airports. There may also be a need for an escort

due to disabilities or the need for medications during the journey.

The programme includes support for:

- The arrangement of travel documents, e.g. passports.
- Booking airline tickets and any onward transport to the final destination in the home country.
- If possible, arrange for assistance at airports.
- Arrange for escorts that will accompany the victim throughout the journey if needed.

6.3 SUPPORT AND PROTECTION AFTER THE JOURNEY TO THE HOME COUNTRY

Before returning to the home country, an investigation must be done to determine the victim's need for support and protection. The application forms for IOM Finland include an investigation into what threats exist for the victim in Sweden and in the home country in order to determine where it is possible for the victim to return and under what conditions. There may also be a risk for the victim to be rejected by family/relatives/others, if they become aware, e.g. that the person is a human trafficking victim for sexual purposes. Family/relatives or other persons from the same area may also be part of the organisation that perpetrated the human trafficking activity. These individuals may make threats or engage in violence against the victim before or after the journey back to the home country.

Victims of human trafficking are a group that are particularly vulnerable to further exploitation in trafficking in human beings or prostitution. The risk for this is the greatest during the first two years after a victim has emerged from a situation involving human trafficking.¹

Returning a victim to the home country without support can mean that the victim's basic needs, such as access to housing, food, health-care and education/employment, may not be met. This can also mean that a victim will remain vulnerable and lack protection. Living under conditions of poverty or social exclusion may have been contributing factors in how the victim was recruited in the first place. In order to improve conditions that facilitate reintegration into society, the programme is designed according to individual needs.

¹ The Causes and Consequences of re-trafficking - Evidence from the IOM Human Trafficking Database, IOM, 2010



More information is available in a brochure about the Return Programme developed by IOM see www.nmstsverige.se.

Reintegration support from IOM may include:

- Financial support amounting to USD 150 per month for the first six months to cover recurring expenses such as food and clothing.
- Individualised support amounting to USD 2800 to cover basic needs such as:
 - Arranging housing, e.g. sheltered housing/crisis centre.
 - Psychosocial care and rehabilitation (e.g. in relation to alcohol or drug abuse).
- To start or resume one's education, internship, or to start a small business.
- An allowance of USD 300 for healthcare needs, e.g. doctor's visits, medications, and psychological support, as needed.

Accompanying children are generally entitled to 50 per cent of the support amount.²

6.4 THE APPLICATION PROCESS

The actor that the human trafficking victim comes into contact with informs the regional coordinator, who in turn can inform the victim about the Return Programme. If there is interest in receiving more information or starting an application process, the regional coordinator shall also contact IOM Finland.

The application shall be completed together with the victim and shall either be translated into the applicant's language (or to a language the victim understands well) or shall be completed with an authorised interpreter present. The victim signs the application and the regional coordinator sends the application to IOM Finland. If the criteria for participation in the Return Programme has been met, the person can be offered a space. The assessment is done by the regional coordinator in consultation with IOM Finland.

² Återvändandeprogrammet – information för myndigheter och frivilligorganisationer, 2019 (Assisted Voluntary Return and Reintegration – information for authorities and non-governmental organizations – Swedish only)

SUMMARY OF DIFFERENT ACTORS' RESPONSIBILITIES IN STEP 6: A SAFE RETURN

SOCIAL SERVICES

- Contact the regional coordinator if an application is submitted for participation in the Return Programme.
- Ensure that the child's best interest is considered and contacts authorities in the child's home country.
- If the social services provide assistance in applying for participation in the AVRR programme they fill out the risk assessment form that should be attached to the application form.

REGIONAL COORDINATOR

- Has expertise about the application to participate in the Return Programme.
- If the Regional Coordinator provide assistance in applying for participation in the AVRR programme the regional coordinator fill out the risk assessment form that should be attached to the application form.
- Consults with IOM to decide on participation in the Return Programme.

IOM FINLAND

- Consults with the regional coordinator to decide on participation in the Return Programme.
- Plans and implements the return and reintegration in collaboration with IOM's local office and other established local actors in the country to which the victim will return.
- Based on the person's individual needs, IOM determines what additional support measures and services are available in the home country.

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The revision of the National Referral Mechanism has been completed by Miranda Pedersen and Catrin Sandman in collaboration with relevant employees at the Swedish Gender Equality Agency. The Swedish Gender Equality Agency has sought comments from the following persons based on the respective business area:

Lisa Hultin Knutas, Swedish Migration Agency

Kajsa Wahlberg, the Swedish Police Authority (Noa)

Thomas Ahlstrand, the Swedish Prosecution Authority (RIO)

Mikael Björk and Marianne Ny, the Swedish Prosecution Authority (UC Gothenburg)

Lisa Green, regional coordinator South

Eva Nörlin, regional coordinator North

Petra Malmström, regional coordinator West

Jenny Selenius, regional coordinator Stockholm

Patrik Hemmingsson, the Swedish Work Environment Authority

Ninna Mörner, the Swedish Platform Civil Society against Human Trafficking

Eveliina Karhu and Linda Öhman, International Organization for Migration (IOM), Finland office

Maria Stensson and Helena Stålhammar, National Board of Health and Welfare

Helena Hagelberg, the Ministry of Employment, and Erica Neiglick, the Swedish Ministry for Foreign Affairs, have also contributed information for this publication.



The National Referral Mechanism provides support and practical guidance for professionals who meet victims of trafficking in human beings. It provides a general overview of the support and protection offered to victims of trafficking in human beings in Sweden. The Referral Mechanism clarifies the responsibilities of different authorities, what method support they have access to through the Swedish Gender Equality Agency and what actions they can take in human trafficking cases.

The National Support Line, +46 (0) 20 39 00 00, can provide support and advice for professionals in cases regarding prostitution and trafficking in human beings.