



Vienna, 30 August 2002

Country Report on Trafficking in Human Beings: Sweden

1. Introduction

The Swedish National Police Board has estimated that during the year 2000, between 200 and 500 women were trafficked to Sweden. Most of the women are believed to come from Eastern Europe and the Baltic Countries. The police has noticed several factors indicating an increase in this activity, which was relatively unknown only a few years ago. The police investigators report that the organisers of trafficking in human beings into Sweden seem to use the same channels as those used for other illegal trafficking, for example that of drugs.

Media in Sweden is giving increased attention to the occurrence of trafficking in human beings. For example, there have been recent media reports about suspicions that a number of larger international sports events have been fraudulently used by traffickers in order to deceive authorities to grant visas to young women that were not participating in the events.

2. Legislation

Legislation against Trafficking in Human Beings

In 1998, a Parliamentary Criminal Law Committee on Sexual Offences was established. It was instructed to undertake a complete review of the legal provisions on sexual offences and to consider whether Sweden's legislation needed to be made more stringent. Following the Committee's proposal, the Government submitted a bill to Parliament, focusing on the question of trafficking in human beings for sexual purposes. In June 2002, Parliament passed a law, which specifically makes trafficking in human beings for sexual purposes a separate crime. The **“Prohibiting Trafficking in**

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Human Beings for Sexual Purposes Act” entered into force on 1 July, 2002.

The new law concentrates on trafficking in human beings for sexual purposes, but the new provision should be seen as a first step towards future extended penal legislation covering all forms of trafficking, such as trafficking for other forms of exploitation. The need to introduce specific provisions on other forms of trafficking is considered in the process of ratification and implementation of international instruments in this field (see below).

The new law has been introduced in the Swedish Penal Code in section 1 a of chapter 4 on Crimes against Liberty and Peace. It covers all cross-border trafficking for sexual exploitation in which the perpetrator exploits the vulnerability of another person. The new provision states that:

Responsibility for the crime of trafficking in human beings for sexual purposes will apply to anyone who

- 1) by the use of unlawful coercion, deception or of any other similar improper means, induces another to go to or to be transported abroad for the purpose of sexual offences, prostitution or other forms of exploitation for sexual purposes,
- 2) for such a purpose and by the use of such improper means as mentioned transports, harbours or receives someone who has arrived to a country under such conditions, and
- 3) commits any such act against a victim who has not attained 18 years of age, even if no improper means have been used.

Attempts, preparations and conspiracy to trafficking in human beings for sexual purposes, as well as failure to reveal such activity, have also been defined as criminal acts (chapter 4, section 10 and chapter 23, section 6).

The punishment shall be imprisonment for a minimum of two and a maximum of ten years or, in less serious cases, imprisonment for a maximum of four years. By Swedish standards this penalty scale is quite severe.

In the past, trafficking in human beings was penalised under different penal provisions. Depending on the individual case, provisions on kidnapping, unlawful deprivation of liberty, placing a person in a distressful situation,

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coercion, sexual exploitation and procuring have been applicable. It was possible to take legal proceedings against trafficking already before the new law came into being. Now, it will be possible to deal with all the different stages in trafficking as one crime. Another reason for the adoption of a specific law was to highlight the present increase in trafficking in human beings. It is also believed to facilitate international co-operation against trafficking, which Swedish authorities see as the only way to effectively address the problem.

Other Relevant Legislation

According to chapter 6, section 8 of the Swedish Penal Code, a person who promotes or improperly financially exploits casual sexual relations for payment of another person shall be sentenced for *procuring* to imprisonment for a maximum of four years. If the case is particularly serious, imprisonment for at least two and a maximum of six years shall be imposed for *gross procuring* (chapter 6, section 9).

Swedish penal legislation is directed not only against the traffickers that are offering human beings to others for sexual exploitation, but also against the demand for such exploitation. A person who, by promising or giving recompense, obtains or tries to obtain casual sexual relations with someone under eighteen years of age, shall be sentenced for *seduction of youth* to a fine or imprisonment for at most six months (chapter 6, section 10). Furthermore, *obtaining casual sexual services against payment* from adults is prohibited in the **Act Prohibiting the Purchase of Sexual Services**, which came into force on 1 January, 1999. The punishment for the offence is fines or imprisonment for a maximum of six months. This law states that:

"A person who obtains casual sexual relations in exchange for payment shall be sentenced – unless the act is punishable under the Swedish Penal Code – for the purchase of sexual services to a fine or imprisonment for at most six months. Attempts to purchase sexual services is punishable under Chapter 23 of the Swedish Penal Code."

(Unofficial translation.)

The attempted offence is, thus, also punishable. The offence comprises all forms of sexual services, whether they are purchased on the street, in brothels or in so-called massage institutes, etc. The legislation is a reflection of an attitude towards prostitution as an undesirable phenomenon. The law focuses on the buyer of sexual services, rather than on the prostitute. The legislator has not considered it reasonable to punish

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the person who sells a sexual service. In the majority of cases, this person is the weaker person. Another important consideration is that prostitutes may be more motivated to seek help from the society if they do not run the risk of being prosecuted.

3. Police Work

National Rapporteur

Following a joint declaration of the European Union, all its member states will appoint a national rapporteur on trafficking in human beings. In Sweden, the National Police Board, assisted by the National Criminal Investigation Department (NCID), has been appointed. Its duty is to collect and process information about trafficking in Sweden and between Sweden and other countries. The work of the NCID involves large-scale efforts to monitor relevant international criminal contacts, which has resulted in an accumulation of increased knowledge. Since the NCID started its work against trafficking in women, the amount of tip-offs and intelligence information has steadily increased. The NCID regularly reports to the Government.

National Plan of Action

When the NCID was commissioned by the Government in 1997, a national plan of action to prevent and combat trafficking was drawn up. According to this plan, the NCID shall:

- identify and assess the character of the occurrence of the trafficking,
- map out the connection between trafficking in human beings and other gross criminality,
- collect and analyse the police reporting on prostitution, and
- work out a programme to prevent the trafficking.

The following measures and routines have also been initiated:

- A national network with two contact persons in the police services in every administrative province has been established. The network reports to the NCID about possible occurrence of trafficking in women and children. It also includes experts on questions of child pornography.

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- The NCID and the National Police Board will organise annual seminars about illegal migration, with participation of the police, coast guard, prosecutors, the migration and customs authorities, the Ministry of Justice and others.

- The above-mentioned authorities are establishing a network for information exchange.

Police Commission against Trafficking

In April of 2002, a special operative police commission with the task to investigate and to take action against trafficking crimes was established within the County Police in Stockholm. The commission consists of some 10 - 15 policemen working full-time with questions of this kind of criminality. Similar commissions will be established in Gothenburg, the second city of Sweden, and in the southern part of the country in the autumn of 2002.

International Police Co-operation

Today, Swedish police is operating internationally through the Interpol, the Europol and the Baltic Sea Task Force. During its chairmanship of the Baltic Sea Task Force, Sweden highlighted the issue of trafficking in women and suggested that it should be dealt with by the Task Force's Operative Committee (OPC). The OPC has decided to appoint an expert group, which will establish liaison with the member states as well as with the Interpol and the Europol. Sweden leads the expert group, which consists of representatives from the police, border control and the public prosecution authorities of the Baltic Sea countries. The experts meet two or three times annually in order to discuss implementation of agreements and decisions made in the Task Force and the OPC. Operational and general information will be exchanged in order to accelerate legal actions.

The NCID will produce proposals for further operational co-operation within the Baltic Sea Task Force. The issues to be investigated and studied include existing legal possibilities for Swedish police to request assistance from the police in other countries and to use them as consultants in Sweden.

An analysis of the scope and nature of trafficking in women in the Baltic Sea Region has recently been initiated.

4. Victim Assistance

Generally

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Sweden is working intensively to improve the support to victims of crime, both nationally and internationally. During the Swedish Presidency of the European Union, a framework decision on the standing of victims in criminal procedure was adopted (2001/220/JHA). It obligates the member states to ensure that victims of crime have access to information of relevance for the protection of their interests. It also stipulates that victims shall be ensured a suitable level of protection and that contact between victims and offenders within court premises may be avoided, unless criminal proceedings require such contact. Each EU member state shall also ensure that victims of crime giving evidence in open court will be given adequate protection when necessary.

Victims of Trafficking in Human Beings

On 27 August, 2002, a Parliamentary Committee on certain aspects of Swedish immigration policy presented a report entitled "The Smuggling of Humans and Victims of Trafficking in Human Beings". The report (which is available in Swedish, with a summary in English, at www.sou.gov.se) includes a number of considerations on the question of assistance to victims of trafficking. The Committee proposes, inter alia, that temporary residence permits may be granted when this is deemed necessary in order to carry out investigations or court proceedings. Taking into account the importance of the work against trafficking in human beings, the committee found that in cases of serious transnational criminality, there is a need to allow people whose evidence is required to remain in Sweden in order to assist the police and the prosecutor in their investigations. This is proposed to be made possible through the incorporation of a special provision in the Aliens Act.

Furthermore, regulations proposed by the Committee would make it possible to issue a *shorter term residence permit* to a victim who is in an acute and trying situation, and who needs a certain amount of time in order to consider whether to co-operate in a criminal investigation for a longer period of time.

The Committee also found that, given the situation in which some of the victims of trafficking find themselves, there may also be cases in which the granting of a *permanent residence permit* could be considered. It is noted that it should be possible to grant such a permit with the support of existing provisions in the Aliens Act.

Those foreigners who apply for a residence permit on the above-mentioned grounds, or who are granted such permits, may be in need of assistance during their sojourn, in the form of medical attention, a dwelling and general living expenses. The Committee proposes that such a person shall be entitled to the same health care and medical attention as that enjoyed by other foreigners seeking asylum.

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The Parliamentary Committee concludes by stating that it believes that these proposals, if they are adopted, could take effect on 1 July, 2003.

5. Information Campaigns

In the spring of 2002, a Campaign against Trafficking in Women was launched throughout the Nordic and the Baltic States. In May 2002, the Nordic and Baltic ministers responsible for equality issues met in Tallinn for the first of three planned joint seminars under the campaign. (For further information, see www.nmr.ee/women.)

The aim of the campaign is to improve the knowledge and consciousness about trafficking in the population at large and to initiate discussions about the problems of trafficking in women for sexual purposes. The participating states see the campaign as the beginning of an organised and long-term co-operation in combating trafficking.

6. Aid and Development Programmes Abroad

Sweden, as a participant of the Stability Pact for South-Eastern Europe, supports the Stability Pact's Task Force against Trafficking in Human Beings. Through the Swedish International Development Co-operation Agency, a major grant was recently given in support of the regional programme against trafficking which is pursued by the International Organisation for Migration (IOM) within the framework of the Stability Pact's Task Force. The programme involves protection, support, return and reintegration of the victims of trafficking, as well as preventive education and information. Sweden has also decided to sponsor one staff member to the Stability Pact Task Force on Trafficking of Human Beings.

On June 28, 2002, the Swedish Government decided to grant 9 million SEK (approximately one million Euro) to SIDA in order to strengthen Swedish efforts in combating trafficking in human beings in Central and Eastern Europe. The contribution is primarily to be used for preventive measures, rehabilitation and reintegration programmes for the victims of trafficking and for legal system support in this region. Sweden has also contributed to the ODIHR Anti-Trafficking Project Fund.

The Ministry for Foreign Affairs is financially supporting a project in the Baltic states, led by the foundation "Kvinnoforum" ("Forum for Women"). The aim of this project is to identify volunteer organisations, public authorities and existing networks which can assist in the prevention of

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trafficking in women and provide support and rehabilitation for those who have fallen victims.

In the autumn of 2000, Sweden took the initiative to further co-operation between the EU and the ten states in East- and South Asia which participate in the ASEM, aiming at the joint combating of trafficking in women and children. At the ASEM meeting of Ministers of Foreign Affairs in Beijing in May of 2001, a joint plan of action against trafficking in women and children

was adopted. The plan focuses on prevention, protection and law enforcement, and on rehabilitation, return and reintegration of the victims. As a part of the plan, the Swedish Ministry for Foreign Affairs has under-taken a study about the demand for trafficking in human beings. The study includes pilot studies in India, Italy, Japan, Sweden and Thailand. It will be published in the autumn of 2002.

7. International Commitments

As noted in section 2 above, the need to introduce legal provisions also on other forms of trafficking will be considered in the process of Sweden's ratification and implementation of international instruments in this field.

Sweden has signed the UN Convention Against Transnational Organised Crimes and its additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. A report is currently being prepared on the legislative amendments and other measures needed for Sweden to be able to ratify and fulfil the obligations established in the Protocol, as well as in the Optional Protocol to the Convention on the Rights of the Child, and to implement the EU draft Council Framework Decision on combating trafficking in human beings. This report is expected to be finalised in the autumn of 2002. It will first be submitted to the relevant authorities and organisations for comments. Subsequently, the Government is expected to submit a bill to Parliament on ratification and the necessary legislative measures.