



# Trafficking in human beings for sexual and other purposes

*Situation report 9*

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## 1 Introduction

Situation report 9 "Trafficking in human beings for sexual and other purposes" for 2006 is hereby presented. Since 1997 the National Criminal Investigation Department has been commissioned by the government as a national rapporteur with the task of monitoring developments in trafficking in human beings within, to and from Sweden. The annual situation reports on trafficking in human beings are presented as a result of this commission and they are intended primarily for the government, authorities in general and the separate units within the police in particular. However, the situation report also contains information that may be of use by voluntary organisations and by the general public.

The aim of the report is to provide a picture of trafficking in human beings for various purposes, as well as its scope and prevalence. The report also contains a number of proposed measures for preventing the continued development of criminality and also for the possible suppression of this crime.

Previous reports have described the work of the police both nationally and internationally. They have also included accounts of the work done by others in this field, as well as summaries of judgements etc. Over the years, these reports have become far too extensive, for which reason the National Criminal Investigation Department decided that in future it would issue reports in accordance with the original government commission of 1997. This commission refers to "gathering information concerning the extent of such trafficking in Sweden and between Sweden and other countries, and also how it can be prevented and suppressed". Judgements in cases involving trafficking in human beings, procuring and other crimes resembling trafficking in human beings during 2006, statistics relating to the numbers of victims and perpetrators and also sanctions etc. are therefore reported in *appendices* to this report. A new this year is an appendix on application of the law.

The report has been drawn up by detective inspectors Kajsa Wahlberg and Karin Svedlund of the National Criminal Investigation Department's intelligence section.



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Commissioner  
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## 2 Summary

The National Criminal Investigation Department's ninth situation report on trafficking in human beings for sexual and other purposes contains an account of the work done by the police to combat trafficking in human beings. It also contains an explanation of how this can be prevented and suppressed, and also an account of current legislation in this area and its application.

During 2006, there were thirty-seven reports on trafficking in human beings in Sweden, twenty-six of which were for sexual purposes and eleven were for other purposes. During the year in question, eleven people have been sentenced for trafficking in human beings. In addition, one person has been sentenced for complicity in trafficking in human beings and a further six people have been sentenced for crimes resembling trafficking in human beings such as aggravated procuring/procuring. In several cases the sentences also included other forms of criminality that are usually regarded as occurring as part of organised crime, such as drug-related crime, crimes involving weapons and people smuggling, as well as rape and procuring/aggravated procuring. The sentences were pronounced in Stockholm County, Östergötland County and Södermanland County. A public prosecutor in Skåne County also issued an *order of summary punishment* and a suspended sentence for procuring that was in the nature of trafficking in human beings. During 2006, twenty-two people were also sentenced or fined by summary punishment for having purchased or having tried to purchase sexual services within the context of the criminal networks uncovered by the police.

This can be compared with 2005, when seven people were sentenced for trafficking in human beings and twenty-five people for aggravated procuring/procuring etc. that was in the nature of trafficking in human beings. The sentencing statistics from one year to another cannot in themselves form the basis of any claim of increase or reduction in human trafficking or procuring activities. Rather they are more an indicator of the police's prioritisations, the resources available and how the problems appear in various parts of the country.

According to the National Criminal Investigation Department, it is not possible to produce an estimate of how many girls and women may have been the victims of human trafficking for sexual purposes to and within Sweden during 2006. The number of human trafficking victims discovered in Sweden is largely dependent on the resources used by the police in the detection of this form of criminality, and the work done by the police varies considerably from one county to another and from one year to another.

In the preliminary investigations that resulted in convictions in Sweden during 2006, the perpetrators recruited primarily girls and women from Estonia, Russia, Slovakia and Romania, Bulgaria and Albania for the purpose of exploiting them for sexual purposes in Sweden. Other preliminary investigations also revealed the presence of some individual women and girls from Thailand, Poland, Nigeria, Kenya and the Czech Republic. Otherwise there is also information indicating that women and girls from Latvia and the Ukraine have been recruited to Sweden for the purposes of prostitution. The women and girls in question have been aged 16–35.

In 2006 the perpetrators, mostly men and a few women, came originally from Estonia, Russia, Slovakia, Bosnia Herzegovina, Serbia and Montenegro, the former Yugoslavia, Macedonia, Romania, Syria and Sweden. Some of the perpetrators have been staying or resident in Sweden for quite a long time, whereas others have come here for the sole purpose of committing criminal activity.

As in other countries, sexual services in Sweden are increasingly being sold via the Internet. During 2006 the National Criminal Investigation Department's IT-crime section assisted the police authorities in cases in which girls and women were presented for sale via Internet. This year saw a partial change in the nature of sales on the Internet. Buyers of sexual services can now use the Internet to contact booking centres abroad and then phone or send an e-mail etc. to book women for Sweden. The women ordered are then sent to Sweden in the most suitable way possible. Travel and hotel bookings are made by the pimps and the human traffickers, and those buying sexual services pay either by cash or by depositing funds into a bank account. The buyers of sexual services are sent instructions concerning the time and place of the agreed sexual purchase via the Internet and SMS.

In order to make it easier for perpetrators to be brought to trial, a provision granting temporary residence permits for foreign witnesses and victims in human trafficking cases has been introduced into the Aliens' Act<sup>1</sup> where this is considered justified in order to carry out a preliminary investigation and main hearing in the criminal case. During 2006 twenty-one decisions were made by the Swedish Migration Board to grant temporary residence permits for such witnesses. The provision was amended on 1 July 2007 and it now requires witnesses to cooperate with the criminal investigation authorities, and to break off all links with the individuals who are suspected of a crime, etc. At the request of the director of the preliminary investigation, a residence permit for thirty days can now also be issued if the witness wants *time for reflection* in order to recover and to make a decision as to whether he or she wishes to cooperate with the criminal investigation authorities.

In 2003 the government of the day earmarked 30 million kronor for the police's anti-trafficking in human beings work during the period 2004–2006. These funds helped the police to combat human trafficking and to train police authorities in matters relating to this form of criminality. In accordance with the Swedish National Police Board's planning assumptions for 2004–2006<sup>2</sup>, investigations of these crimes were a prioritised matter. In order to ensure that these matters continue to be prioritised and to improve knowledge of how to prevent trafficking in human beings, earmarked funds will continue to be required.

As with trafficking in human beings for sexual purposes, it is hard to give precise figures for the extent of trafficking in human beings for forced labour in Sweden. Some information relating to trafficking in human beings for forced labour has been received by the police, and in some cases investigations have been launched. Information received by the police indicates that these victims can be found in labour-intensive sectors, e.g. in the construction industry, agriculture, domestic work and the food industry. A few preliminary investigations have been launched in cases where children from southeast Europe were exploited for purposes of theft.

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<sup>1</sup> The Aliens' Act (2005:716) chap. 5, § 15.

<sup>2</sup> The Swedish National Police Board planning assumptions, 12-12-2003, EKB-903-4213/03.

The report also deals with the trafficking of girls and boys under the age of eighteen into and within Sweden and it also presents proposals for how this can be prevented and suppressed.

The report also gives an account of the government's proposals for covert surveillance, which are of interest in this form of crime control, and it is able to confirm that, according to the bill, this can only be employed in exceptional cases in preliminary investigations into trafficking in human beings.

### **3 Criminal development**

#### **3.1 Trafficking in human beings for sexual purposes**

The National Criminal Investigation Department receives information concerning the people behind human trafficking within, through and to Sweden from police authorities, PTN liaison police officers<sup>3</sup>, the general public and the Swedish Migration Board. This information and the preliminary investigations carried out indicate that trafficking in human beings is not just a phenomenon found in major towns and cities, but that it is also present in smaller communities.

For 2006 the information relates primarily to the trafficking of women and girls under eighteen years of age from Estonia, Russia, Romania and Poland for the purpose of prostitution. Investigations have also found a smaller number of female victims from Bulgaria, the Czech Republic, Slovakia, Nigeria, Thailand and Kenya. Otherwise there is also information indicating that women and girls from Latvia and the Ukraine have been recruited for Sweden for the purposes of prostitution.

Information indicates that there are an increasing number of women from Thailand being offered for prostitution in Sweden. These women often come to Sweden as the result of a connection to a Swedish man or an invitation from a person, often of Thai origin, who is resident in Sweden.

Since 1999, the girls and women who have featured as victims in court cases have been in the 16–35 age range. They often belong to groups that are particularly vulnerable in their home countries, both financially and socially. The majority of these women belong to minority groups that experience considerable difficulty finding employment in their home countries, or their home backgrounds are characterised by unsatisfactory conditions such as assault, sexual abuse and social exclusion. Sentences indicate that many of these women had never previously left their home country before becoming victims of trafficking in human beings for sexual purposes. They are therefore lacking in any awareness of how Swedish society functions or of any opportunities for seeking help and protection from the police, social authorities and voluntary organisations. None of the women and girls understood or spoke Swedish, and only a few had any command of English.

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<sup>3</sup> Police and customs collaboration between the Nordic countries.

### **3.1.1 Numbers of victims of trafficking in human beings**

According to the National Criminal Investigation Department it is not possible to produce an estimate of how many girls and women may have been the victims of trafficking in human beings in Sweden during 2006. First of all, the number of victims of trafficking in human beings discovered in Sweden is largely dependent on the resources employed by the police authorities to detect this form of criminality. In this respect, there is a wide variation in the efforts of the police forces from one county to another and from year to another. Secondly, it is not possible to identify or even to localise all the girls and women who may be identified during telephone tapping or observed during police surveillance operations. Thirdly, it is difficult to simply restrict efforts to estimating the number of victims of trafficking in human beings since many of these investigations result in sentences for procuring/aggravated procuring, which is a crime against the state. See appendix 2, "the concept of victim witness".

### **3.1.2 Profiles: perpetrators, organised networks and victims of trafficking in human beings**

During 2006 some thirty preliminary investigations relating to human trafficking and crimes resembling trafficking in human beings were conducted by police authorities in Sweden. During the year in question, eleven people were sentenced for trafficking in human beings. In addition, one person was convicted for complicity in trafficking in human beings and another six people were convicted for crimes resembling trafficking in human beings, such as aggravated procuring or procuring. One public prosecutor in Skåne County, despite the serious nature of the crime, also issued an order of summary punishment and a suspended sentence for procuring that was in the nature of human trafficking. In the opinion of the National Criminal Investigation Department, this is indicative of insufficient awareness of the crime, its development and the consequences for the victims and for society as a whole.

During 2006 the National Criminal Investigation Department received further evidence that those who are active in trafficking in human beings also commit other crimes that are usually regarded as occurring as part of organised crime, such as drug-related crime, crimes involving weapons and human smuggling.

As previously mentioned, the criminal networks that have been uncovered in Sweden are of only a moderate size. They are made up of both men and women of various ethnic origins. Most of the women involved have previously been exploited in prostitution before assuming the role of pimp. The structures of the criminal organisations revealed in Sweden can vary from having a connection with ethnically organised criminality, to family-linked constellations in which a couple who are married or cohabiting support themselves by prostituting foreign women and girls. Based on previous cases, it can be confirmed that almost all those who have been convicted of trafficking in human beings for sexual purposes or crimes resembling trafficking in human beings over the years have had a strong connection with the country from which the victims came or where they had been living.

This means that the perpetrators are very familiar with the victims' living conditions and their financial and social conditions in their country of origin, and they have made use of this knowledge. The majority of the perpetrators have been staying for quite a long time, or have their places of residence in Sweden and so they are also familiar



with conditions here. They also have some command of Swedish and sometimes also English.

The people who were behind the activity discovered in 2006 were men and some women from Estonia, Russia, Bosnia Herzegovina, Serbia and Montenegro, the former Yugoslavia, Syria, Romania, Slovakia, Macedonia and Sweden. Some of the foreign citizens have been resident in Sweden or have come here with the intention of carrying out criminal activities. In Stockholm the police has seen an increasing proportion of female human traffickers and pimps. In the vast majority of cases, these women have themselves been exploited in prostitution or have been the victims of trafficking in human beings. Female perpetrators are sometimes given a role as recruiters, or even as "local managers", since it is thought that they will be better able to win women's trust.

Whenever the police raid a brothel in Sweden, they never usually find more than 3–4 women in the premises at any one time, as well as a number of purchasers of sexual services. Having studied the telephone taps made in these cases, the National Criminal Investigation Department can confirm, among other things, that the supply of those wishing to buy sexual services is not as great as the pimps would like. It is clear that the prohibition against buying sexual services, known as the sex purchase law, is still functioning as a barrier that is preventing human traffickers and pimps from becoming established in Sweden. It is of considerable significance that the measures against trafficking in human beings are comprehensive in order to allow the prevention and suppression of trafficking in human beings for sexual purposes to, from and within Sweden. Efforts are not comprehensive until they include preventative measures, victims get the protection and help they need and are entitled to, and the law enforcement authorities (police, public prosecutors and courts) take action against human traffickers, pimps *and* those who buy sexual services. All of these criminal operators are required in order for the trade to work and to be profitable.

### **3.1.3 Selling and buying sexual services over the Internet**

As in other countries, sexual services in Sweden are mostly sold via the Internet. During 2006, the National Criminal Investigation Department's IT crime section helped Swedish police authorities with investigations in cases where girls and women were presented for sale for sexual purposes via the Internet. According to the National Criminal Investigation Department, the number of Internet advertisements aimed at buyers of sexual services remained quite stable compared with 2005. The best-known site "Sekreterarskolan" [*the secretary academy*], which is run from a server located in the Netherlands, has lost a lot of its advertisements. This is probably due to the cost of advertising there, and as a result the perpetrators have moved to free sites.

Those who wish to buy sexual services can now order women and girls into Sweden for sexual exploitation via the Internet by calling a booking centre based abroad. Travel and hotel bookings are probably arranged by the booking centre, and the women are then sent to Sweden or to some other country, depending on the wishes of the person procuring the sexual services. Instructions to the women and the person procuring sexual services concerning the time and place of the sexual purchase are sent via the Internet and via SMS. The websites often make it clear that the buyer of the sexual services must deposit a certain amount, usually half the purchase sum, into an account, and then pay the balance in cash to the woman.

In general the police are finding it harder to obtain evidence physically linking the perpetrator to the women. The human traffickers rarely or never visit the premises where the women are exploited and they are rarely to be seen outside with them. Telephone tapping has revealed that the women are given precise instructions by the perpetrators always to say that they are in Sweden "on their own account". When these women are to hand over their earnings to the perpetrators, this is often done in a public space or on public transport in order to prevent discovery. The criminal bosses, i.e. those who are higher up in the criminal networks, are not generally seen in Sweden but instead send so-called "local managers" here.

### **3.1.4        *The victims of trafficking in human beings***

In general, victims of crime are most often cooperative and are both willing and prepared to accept the risk of helping the police to report suspected perpetrators. In most cases victims of trafficking in human beings for sexual purposes do not behave as women who have been the victims of serious crime would be expected to. These women often have no trust in authorities and are not particularly willing to talk to the police, or they may not trust the interpreters that are available. They fear reprisals by the perpetrators and they experience shame and guilt at talking about the sexual abuse from which they have suffered. In addition, the interpreters sometimes come from the same background and place as the victims, who may therefore be anxious about their personal safety and about disparaging information about them being spread in their home countries. All these obstacles must be overcome before the person conducting an interview can establish contact with the victim of the crime that is based on trust. There is also the fact that these women are very often from very different backgrounds. It may be the case that they are being prostituted for the first time, or they may have been exploited in prostitution for many years.

It is the opinion of the National Criminal Investigation Department that, regardless of the victim's background and behaviour, it is important that the circumstances under which a victim of crime lives really are described to the court in detail and assessed by that court. In recent years it has become increasingly common to appoint experts in trafficking in human beings cases in order to explain the social, financial, legal and political circumstances under which victims live, the psychological mechanisms that control the behaviour of victims of trafficking in human beings and also the grounds for the claim that the victim was acting "of her own free will".

### **3.1.5        *Modus operandi***

The human traffickers must force or convince these women, and/or exploit their vulnerability, in order to get them to leave their home environments. This can be done in a number of ways. Some victims are quite simply abducted by force, sometimes after being drugged. It is more common for women to leave after entering into an agreement with the recruiter with whom they had been in contact via newspaper advertisements, the Internet, local recruitment agencies or personal contacts.

Some victims have been tricked and believe that they will be offered regular work in the destination countries as e.g. au pairs, waitresses or cleaners. Some women know that they are coming to be exploited in various ways but are deceived with regard to the actual circumstances, living conditions, financial set-up, abuse and degree of personal freedom. In most cases coercion is not required, but rather it is sufficient for the

perpetrators to exploit the vulnerability of the victims and to paint a picture with promises of money that they find hard to resist because of their vulnerable situation.

The victims are often expected to repay money for travel documents, and expenses for travel and other associated costs. This creates a debt situation in which the person who has borrowed the money from the human traffickers never earns enough to clear the debt. The human traffickers also usually retain all or large parts of the income. The original debt also just continues to grow because most often the women are expected to pay for various additional expenses in the destination country (e.g. for advertising and renting premises, transport, hygiene items and food) - a financial liability of which the victim is not made aware during the recruiting phase.

Human traffickers usually use cars, busses or ferries to transport the women to Sweden, though they do also use air links. The existence of prostitution operations on the ferries to and from Sweden has been noticed over the last year, though police authorities lack sufficient information on which to assess the extent of this activity. Where women are transported to Sweden, they either travel by themselves or with a courier.

At customs, the women show their own travel documents and a sum of money supplied to them by the pimp/human trafficker. They then have to give the money, and sometimes also their travel documents, to the human trafficker after the inward journey. Sometimes the perpetrators supply the women with false travel documents, or documentation belonging to someone else, in order to conceal their true identity. The perpetrators also do this in order to evade the requirement for visas or to avoid detection when a perpetrator is wanted. There is some evidence that the women are also exploited by the buyers of sexual services during the transport to Sweden or to other countries, in order to make the operation as profitable as possible for the perpetrators.

Once the women have arrived in Sweden, they often have to make their own way to an agreed address, usually a flat, or else they are taken there by the perpetrators. The women are exploited for the purposes of prostitution at a number of different locations, usually flats or hotel rooms, where the people who purchase the sexual services have to go. Sometimes the pimps and the human traffickers escort the women to agreed locations, such as the home of the person buying the sexual service, or to a hotel. The women are prevented from attempting to escape by their financial debts to the human traffickers and also by threats of injury to them or to their nearest and dearest.

From the outside, it appears as if the women are actively involved in prostitution of their own accord, and they are told to claim that this is the case if asked by the police. The whole set-up is well organised, and those who are behind these activities can control the operation from just about any country. There are currently examples of people in other countries and on other continents operating girls and women for the purposes of prostitution in Sweden and elsewhere. There is a risk of the perpetrator being cheated out of money since they are unable to control how many clients are paying the woman for sexual services, or how much they are paying. In some cases the perpetrators have solved this problem by forcing the woman to pay a certain amount for renting the flat. This rental can be approx. 2,000 kronor per day, and in some cases the "client base" has been so scarce that women have ended up owing perpetrators thousands of kronor. In order to further control the woman, the perpetrator has in some cases delayed advertising on the Internet with the result that the woman immediately builds up a financial debt to him.

It is also assumed that the perpetrators are following developments in Sweden in terms of legislation and the debate on prostitution and trafficking in human beings in order to be able to establish their operations here more efficiently.

## **3.2 Other forms of trafficking in human beings**

### **3.2.1 Forced labour or some other similar coerced status**

Other exploitative purposes referred to in the section on trafficking in human beings include exploitation of the victim in active military service or forced labour or some other similar *coerced status*. A coerced status is taken to mean complete or partial restrictions of an individual's freedom of action. The exploitation of people as workers, or workforce exploitation, is not considered trafficking in human beings for forced labour unless there is fulfilment of the necessary conditions in the section on trafficking in human beings.

As with trafficking in human beings for sexual purposes, it is hard to give precise figures for the extent of trafficking in human beings for forced labour. One of the reasons for this is that it is a hidden phenomenon that is seldom reported. The fact that it is not reported may be due to a lack of trust in the law enforcement authorities and also a fear of reprisals. Regardless of these difficulties, the available information indicates that trafficking in human beings for forced labour does occur in Sweden. It should be added that the information available on other forms of trafficking in human beings is meagre and is in part based on unconfirmed data.

Some information relating to trafficking in human beings for forced labour has been received by the National Criminal Investigation Department, and in some cases investigations have been launched. According to this information, these victims can be found in labour-intensive industries such as the construction industry, agriculture, domestic work and the food industry. These are industries where black market labour is also a commonly occurring aspect.

In Stockholm there is information showing that ethnic citizens have come to Sweden and done contractual work, probably in the construction industry, and earned approx. 170 kronor per hour. From this fee they have then been compelled to hand over 100 kronor to the criminal organisations involved on their return to Estonia. It has not been possible as yet to confirm this information.

The Border Police in Stockholm are involved in Operation Krogsanering<sup>4</sup> [*restaurant clean-up*], the main purpose of which is to check that restaurants are complying with the provisions of the Alcohol Act relating to the right to the serving of alcoholic drinks. As part of this work, the committee has on a number of occasions come across citizens who might have been exploited by their employers. These individuals, who are often of an Asian or Latin American origin, are often staying in the country illegally. These cases can be hard to investigate, which may be due to threats of reprisals for

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<sup>4</sup> In addition to the Stockholm County Administrative Board, Operation Krogsanering also involved the Border Police, the Swedish Migration Board, Skatteverket [*the National Tax Board of Sweden*] and Räddningsverket [*the Swedish Rescue Services Agency*]. The main purpose of the checks is to monitor compliance with the provisions of the Alcohol Act relating to the right to the serving of alcoholic drinks.

collaborating with the police, but also to a strong internal solidarity, especially within Chinese and Vietnamese groups.

In Sweden it has been common for seasonal workers to come here from other countries to work in agriculture and related industries such as berry picking operations. Berry picking has often been done by people from the Ukraine and Thailand. Sometimes people from these countries have ended up in debt to disreputable organisers or they have not received any payment at all. There has not as yet been any investigation into whether they have been exploited as forced labour as intended in the section on trafficking in human beings.

Information has also been received by the police about British citizens who have been lured to Sweden by disreputable individuals in the belief that they will earn money laying asphalt. The British people in question have been people who, in one way or another, have been marginalised from society, e.g. homeless people and individuals who are mentally functionally impaired, and as a result were easy victims to recruit. Once in Sweden their passports have been taken off them and they have not been paid for the work they have done, but instead they have ended up owing the perpetrators their travel and accommodation expenses.

The Police in Halmstad are currently conducting a comprehensive investigation into the smuggling of Vietnamese citizens into Sweden. There have also been some suspicions of trafficking in human beings for forced labour where some individuals have reported that they have been forced to travel to Sweden to work at restaurants.

Unconfirmed information indicates that hundreds of women from Latin America are being exploited in the cleaning and housekeeping sector in Stockholm.

During 2006, information was received by police authorities about people being brought from Romania, Poland and Bulgaria to Sweden where they are then exploited for the purposes of begging and theft. It is unclear whether or not these individuals are under the control of any perpetrators. In Skåne County information of this kind relates primarily to adult Polish men who have been exploited for the purposes of theft. The flow of this information increased during 2006, and a few preliminary investigations have been initiated in Malmö. There has also been some confirmed information that boys and girls from Bulgaria have been exploited for the purposes of theft in Sweden and other countries in Europe.

Within the criminal networks that organise trafficking in human beings for various purposes, people often change or falsify their own or other's identity. This can be done e.g. by means of a counterfeit passport or by travelling home, changing name, getting a new passport and then travelling back out under the new name.

## 4 Trafficking in children

### 4.1 Background

On 20 November 1989 the general assembly of the United Nations adopted the Convention on the Rights of the Child, known as the Children's Convention. The Convention was ratified by just about every country in the world, Sweden being one of the first to do so. The Children's Convention covers most forms of human rights, including the right to protection against abuse and exploitation. According to the Children's Convention, anyone under the age of eighteen must be regarded as a child, unless that person attains his or her majority at some other age in accordance with the law in the country where that person lives. Where Sweden is concerned, the Convention's rights apply to anyone up to the age of eighteen. *Article 3* deals with the fact that in all actions concerning children, whether undertaken by social welfare institutions, courts of law, legislative bodies, etc. the best interests of the child shall be a primary consideration. *Article 32* addresses the child's right to protection from economic exploitation and from harmful or otherwise inappropriate work. According to *Article 34* the child must be protected from all forms of sexual exploitation and sexual abuse. According to Swedish legislation, this protection is given to all children under the age of eighteen who are resident in Sweden, regardless of nationality. *Article 35* states that "Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form".

In autumn 2004, the National Criminal Investigation Department began mapping the trafficking in children for sexual and other purposes to, through and within Sweden and this work continued during 2006. When the work of mapping the trafficking in children in Sweden was begun, the police authorities, the social services and voluntary organisations had little or no information about these crimes. The National Criminal Investigation Department therefore chose to interview individuals within the Social Services and the Swedish Migration Board who might come into contact with boys and girls who are victims of this trade. The National Criminal Investigation Department also gathered information from girls who have featured as victims of trafficking in human beings in ongoing police investigations. Despite extensive information-gathering, it is difficult to obtain a complete picture of the trade in children in Sweden and there is still much that remains to be surveyed. It should also be pointed out that there is an absence of comprehensive research material relating to trafficking in boys and girls for sexual and other purposes in Sweden.

### 4.2 The situation in Sweden etc.

In the preliminary investigations carried out in Sweden during 2006 concerning trafficking in human beings for sexual purposes and also similar crimes such as procuring/aggravated procuring, no victims of crime were found that were below the age of twelve. Children who are victims of trafficking in human beings for sexual purposes are usually in the 15–17 age range.

There is both confirmed and unconfirmed information from voluntary organisations and police authorities in Europe that girls and also boys are being bought and sold for commercial sexual exploitation, for begging or for committing various forms of crime

such as pick pocketing. According to a 2005 report from the IOM,<sup>5</sup> a marked increase has been seen in the number of children being exploited for begging purposes, subjected to commercial sexual exploitation, and exploited as forced labour in the agricultural and construction industries. According to the report, a lot of children from Romania and Moldavia for example are being recruited for organised gangs of beggars in Russia and Poland, where they are then exploited in conditions resembling slavery. They are kept locked in at nights, are paid almost nothing and are traded between various owners. In some cases they can also be subjected to sexual abuse.

During 2006 there was a slight increase in the flow of information received by the National Criminal Investigation Department on trafficking in children from Bulgaria and Romania for the purposes of begging and theft. This information indicates that people who trade in girls and boys are also interested in setting up in Sweden. Surveillance in Stockholm's central areas has also allowed the police to confirm that groups of individuals of various ages, usually from southeastern Europe, are coming to Sweden on occasional visits. The organisers exploit women and children for begging and for sexual purposes and also for the commission of thefts.

Two preliminary investigations have been launched in Sweden into trafficking in human beings involving the exploitation of children from southeastern Europe for the purposes of theft. There is confirmed information showing that some of these girls have been exploited for the purposes of theft in several locations in Sweden, but also in other European countries. There are also suspicions that perpetrators have bought or hired children from poor parents in order to travel around Europe with them with a view to exploiting them for the purposes of theft.

In Sweden there are examples of links between trafficking in human beings for sexual purposes and trafficking in girls to be used for begging. One such example is a preliminary investigation in Stockholm during 2006 which involved Romanian women who were taken to Sweden to be exploited in prostitution. At the same time the police were conducting surveillance operations in order to uncover the human traffickers, links were discovered with the exploitation of children by means of begging on commuter train lines. House searches etc. carried out as part of investigation revealed pre-printed cards which the children used on the commuter trains. The cards, which were in Swedish, asked travellers to give money to the poor and needy.

#### **4.3 Examples of modus operandi – children used to commit crimes**

Human traffickers get in touch with poor parents in south-eastern European countries such as Romania and Bulgaria in order to buy or hire their children to be exploited for the purposes of begging or theft. A family with a lot of children will not always be paid for the child but be content with someone else taking responsibility for the child.

The children, who are often aged 10–14, do not get to attend school but are trained up by the human traffickers among others to steal items in shops and to carry out pick pocketing etc. The human traffickers exploit the children's low age in order to avoid punishment and registration in criminal records. It is not uncommon for them also to

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<sup>5</sup> The International Organization for Migration, Second Annual Report on Victims of Trafficking in South-Eastern Europe 2005.

provide the children and themselves with various identities, which makes it difficult for the police to identify and map out this form of criminality.

The children may be taken from their home countries as part of a constellation resembling a family and consisting of an adult couple and two to three children. There are rarely more children in the group, probably in order to avoid attracting undue attention. The adults carry official documents showing that they are acting as guardians with permission to travel abroad with the child/children for an unspecified time. The group travels by car from country to country and from place to place in Europe, including Sweden, using the children for begging and theft.

When a child is arrested, one of the people usually claims to be a relative or a guardian of the child and collects the child from the police or the social services.

#### **4.4 Challenges for the judicial system etc.**

It has happened that adults and the children they have brought with them for theft and other purposes may have been apprehended in a number of countries under different identities. This makes it hard for the police to map out and act against this form of organised crime, since these individual crime reports are not automatically linked to trafficking in human beings. Several countries in Europe, like Sweden, do not register minors in a central register when they commit crimes. This makes it even harder for the police who are tasked with investigating and charting this form of criminality. When children are apprehended for theft or shoplifting in Sweden, they tell roughly the same practised story to the effect that they are just in the country visiting. They often do not have any identity papers and are unable to give an address.

The level of knowledge within police authorities varies with regard to trafficking in children used to commit crimes. These cases are also dealt with within different departments. This is probably because the phenomenon is relatively new in Sweden. Interviews with the children indicate that they have been brought up by the perpetrators to develop a criminal identity, as a result of which current questioning methods for children do not work. The children are trained from an early age to commit crimes and not to cooperate with the authorities. It is important that those authorities that come into contact with the children do not blame them for the actions they were forced to commit, but rather to see them as the victims of crime.

Swedish authorities are by law obliged to protect these children from continued exploitation. The best way in which to do this is to place the child in secure accommodation where the various needs of boys and girls are met when they are taken into care by the social services. The perpetrators sometimes go to very great lengths to get the children back from the authorities. Another problem is that the children are emotionally attached to the perpetrators and therefore often try to escape from the institutions in order to make contact with them.

In cases relating to trafficking in human beings for sexual and other purposes, in which the victims are under the age of eighteen, the public prosecutor does not have to prove that the perpetrator used improper means to gain control of the girl or boy. A control situation occurs in cases involving children solely as a result of an adult's mental and physical superiority relative to the child. In applying the prerequisite of control, the court has however interpreted the prerequisite in such a way that in prac-



tice a requirement of improper means is applied entirely contrary to the UN protocol<sup>6</sup> and the preliminary works to the text of the law on the crime of trafficking in human beings. A case of this kind is described in a judgement in the Stockholm city court<sup>7</sup> in which a prosecution for trafficking in human beings for sexual purposes, relating to two 17-year-old girls, was dismissed. It was the view of the court that the mere fact of the victim having been under eighteen years of age could not in itself be considered sufficient for a control situation as intended in the chap. 4 § 1a of the Penal Code to have been obtained. One effect of interpreting the prerequisite of control in the way as described is that children will not enjoy the protection to which they are entitled, since children are less able than adults to assess risks and are dependent on the adults who are exploiting them.

## 5 Analysis

Trafficking in human beings for sexual purposes is a crime that is in principle widespread throughout the country, though focussing on the three metropolitan regions. With regard to trafficking in human beings for other purposes e.g. forced labour, begging and committing crimes, the available information indicates that this also occurs in Sweden, although there have not as yet been any convictions. The fact that there is so much information on trafficking in human beings for other than sexual purposes is probably due to the very varying nature of the knowledge about these other forms within the police, though also amongst other authorities and organisations. Another possible explanation is that certain of these other forms of exploitation, such as e.g. begging, are relatively new phenomena. The National Criminal Investigation Department can see a clear link between trafficking in human beings and crimes that are usually thought to be found within organised crime, such as drug-related crimes, crimes involving weapons and people smuggling.

### 5.1 Trafficking in human beings for sexual purposes

When Romania and Bulgaria joined the EU on 1 January 2007, the visa requirement for entry into other EU member states was scrapped for citizens of these countries. This has resulted in a slight increase in the numbers of Romanian and Bulgarian women victims of trafficking in human beings being exploited for prostitution in Sweden. The abandonment of the entry visa requirement also meant that it became harder for the police to survey this activity, since the opportunity of routinely asking questions about these individual's inward journeys and stays in Sweden was lost.

The women and girls who are the victims of trafficking in human beings for sexual purposes usually belong to groups that are particularly vulnerable both economically and socially in their home countries. As the result of poverty, the social and political oppression of women, well-organised crime and corruption, these women and girls are at greater risk of ending up in the power of the human traffickers.

The National Criminal Investigation Department is of the opinion that the work of suppressing trafficking in human beings, regardless of its purpose, must be concen-

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<sup>6</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.

<sup>7</sup> Stockholm city court, 20-01-2006, Case no. B 8862-04, page 82-83.

trated at all stages of this criminal activity. With regard to trafficking in human beings for sexual purposes, this relates to everything from those who buy sexual services to the human trafficking organisers inside and outside Sweden. This is of particular importance for preventing serious criminal organisations becoming established in Sweden, and for eliminating the demand for sexual services. In order to succeed with these efforts, authorities also prioritise the work aimed at combating the procuring and purchasing of sexual services.

## **5.2 Buyers, traffickers and pimps**

In recent years there has been an increase in the proportion of female human traffickers and pimps. There may be a number of reasons for this. The common factor for most of these women is that they themselves have been exploited for the purposes of prostitution for quite a long time. They have found themselves in an environment in which they have been exposed to serious abuse, and serious physical and sexual violence by pimps, human traffickers and buyers of sexual services. The human traffickers and pimps have exercised complete control over the lives of these women. Sometimes they have been faced with the impossible choice of either continuing to be exploited in prostitution or taking over certain functions from the pimp or human trafficker. Some of these women have also been forced to take over their spouse's/partner's criminal operations when the latter has been arrested and convicted. Surveillance and investigations indicate that the female pimps and the human traffickers often answer to other people, usually men, who organise the trafficking in human beings, but who are not themselves in Sweden.

Far more often escort agencies, e.g. in the Czech Republic, send women to Sweden in response to orders by Swedish buyers of sexual services. This makes it difficult for the police to investigate these human trafficking crimes since the perpetrators are located abroad, from where they control the operation and exercise control over the victims of their crimes in Sweden.

The National Criminal Investigation Department is concerned at the fact that foreign women who are prostituted in Sweden are sometimes portrayed by figures in the judicial system as people who are operating of their own accord. As a consequence of this notion, investigations are often limited to the criminal activity that is committed in Sweden and the real criminal bosses in the organised networks are not brought to trial. There is also a clear risk that the women's actual situation will go unnoticed. As a result, they are not given the support and protection they need and to which they are entitled. This limited understanding of the organisation of human trafficking and the structure of the networks also often results in failure by the authorities to prioritise efforts intended to prevent and suppress trafficking in human beings for sexual purposes.

## **5.3 Crimes involving the trafficking of human beings that are brought to trial**

There are a number of explanations for the increase in 2006 of the number of cases regarding trafficking in human beings for sexual purposes that have brought to trial. The foremost explanation is access to the special funds that the government allocated to police authorities during the period 2004-2006 in order to combat trafficking in

human beings. The result of this was that more police authorities prioritised and carried out trafficking in human beings investigations, despite the high costs involved.

In addition the police, by means of training initiatives and better investigations, acquired considerably better knowledge in this area and greater familiarity with prostitution operations on the Internet. During 2006, the special funds were employed directly in operational measures but also, through the agency of the National Criminal Investigation Department, in order to improve knowledge about prostitution and trafficking in human beings amongst students at the Swedish National Police Academy.

Although availability of these special funds resulted in an increase in the number of individuals put on trial, the number of cases brought to trial could have been even higher. A number of police authorities in the country lack personnel with the skills required in these cases. The long investigation times, which are the result of, among other things, hesitation by the victims to cooperate, extensive material from telephone tapping activities and surveillance, and also the need to gather evidence from abroad, are a major problem. The investigative work often ties up the investigating personnel for a long time. The cases, which are also costly, have been prioritised by police and public prosecutors in Sweden. There is a risk that cases will not be given the same priority if the perpetrators are punished only by orders of summary punishment and suspended sentences. This practice also sends a signal to potential perpetrators that the Swedish judicial system does not regard these crimes as serious.

#### **5.4 Trafficking in children**

Just as with trafficking in adults, it is largely organised crime that is behind trafficking in children<sup>8</sup>. This is particularly evident in countries that lack an effective regulatory framework for protecting girls and boys. In addition, it is important to be aware of the fact that the exploitation of children may be made possible by close relatives of the children. This, amongst other things, is the case with girls who are exploited for the purpose of theft.

Confirmed data supplied to the National Criminal Investigation Department shows the importance of placing children who have been the victims of trafficking in human beings in separate secure accommodation when they are taken into care by the social services. It has become apparent that the perpetrators are prepared to go to very great lengths to recover the children from the authorities. One possible reason for this is fear that the children will cooperate with the police. Another reason may be that the perpetrators have invested large amounts of money in these children and they regard them as a resource with which to cover their costs and to generate more money. A deliberate tactic is to travel around with children for the purposes of theft, for example. Girls and boys under the age of fifteen are not criminally liable and travelling around committing crimes in different places makes it difficult for the police to see a pattern and possibly discern signs of trafficking in human beings.

#### **5.5 Trafficking in human beings for other purposes**

It is hard to provide any precise information about the scope of trafficking in human beings for forced labour. One of the reasons for this is that it is a hidden phenomenon

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<sup>8</sup> UNICEF (2006).

that is rarely reported and difficult to detect. The fact that it is not reported may be due to a lack of information, fear of reprisals and the fact that the victims can sometimes feel gratitude and think that things are better for them here despite their difficult situation.

The problem with itinerate groups who exploit people for begging and theft has probably been made worse by the fact that it is easier to travel within the EU without any passing through any checks. It is probably a conscious strategy to commit crimes with low punishment values and on which the crime-fighting authorities rarely expend considerable resources. This strategy has made it harder for the police to discern any serial crime and the perpetrators often keep out of the criminal records. Regardless of whether or not trafficking in human beings-related exploitation is involved, it is worth highlighting these phenomena since the reports occur relatively frequently. Compared with developments in other countries, it is very likely that we will see more cases of exploitation as the collective knowledge base grows.

Just as with the trafficking of adults, it is largely organised crime that is behind the trafficking of children. Close links between the perpetrators and his or her family mean that it is difficult to ensure good cooperation with these young victims. Cooperation with authorities in the children's home countries is sometimes made difficult by the existence of extensive corruption in these countries, and by the fact that there is sometimes an absence of effective regulations and resources for protecting children.

## 5.6 Covert surveillance

In its previous situation reports, the National Criminal Investigation Department has indicated the value of facilitating covert surveillance for securing evidence in investigations involving trafficking in human beings and other forms of aggravated and organised crime. According to the government's proposition, covert surveillance refers to "covertly monitoring or recording using technical aids for sound reproduction, private speech, conversations between others or negotiations at meetings or other gatherings from which the general public is excluded".<sup>9</sup>

By conducting surveillance of premises used as brothels, the police can quickly obtain evidence of how criminal individuals and networks control women and what happens with the profits from their criminal activities. Technical evidence of this kind therefore reduces the exposure of the victims of the crime and the pressure under which they are put, where their testimony might otherwise represent the main body of evidence against the human traffickers.

The government suggests that the covert surveillance legislation come into effect as of 1 January 2008<sup>10</sup>. The new law will be temporary for three years, after which it will be reviewed. According to the proposal, covert surveillance may be used in preliminary investigations into crimes that carry a minimum sentence of four years in prison. Examples of such crimes are crimes of terrorism, murder, manslaughter, kidnapping, aggravated robbery, aggravated arson and devastation endangering the public. Covert surveillance may also be used in preliminary investigations into certain other serious

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<sup>9</sup> Prop. 2005/06:178 Covert surveillance.

<sup>10</sup> Prop. 2005/06:178 Covert surveillance.

crimes such as aggravated drug-related crime and aggravated drug smuggling, *if it can be assumed that the punishment value for the crime is greater than four years' imprisonment*. In order for covert surveillance to be used, permission is required from the ordinary court, and this permission may only be given if it is of likely importance for the investigation and the reasons for the measures outweigh the intrusion the actions otherwise entail.

### **5.6.1        *The use of covert surveillance in preliminary investigations into trafficking in human beings***

The prescribed punishment for trafficking in human beings is a prison sentence of at least two and at most ten years. A review of the sentences handed down since the introduction of the crime of trafficking in human beings reveals that the shortest sentence handed down was two years and two months, and the longest was five years and six months. In the case where the defendant was sentenced to the shorter term, this was for trafficking in human beings alone. In the case where the defendant was sentenced to the longer term, this was also for rape. The criminal acts considered by the courts have been of various degrees of seriousness, and the trafficking in human beings or procuring for which the defendant were sentenced also varied in terms of character and scope. It can nevertheless be confirmed that custodial sentences handed down by the courts are relatively short, usually being three to four years. It is difficult to establish which factors affected the courts' assessment of the punishment value, since the reasoning in the matters of sanction is often far too concise. The same applies to the custodial sentences for aggravated procuring. The lowest punishment for procuring in the nature of trafficking in human beings was set at two years, and the longest at six years.

To sum up, it can be confirmed that the courts most often apply the *lower* range of the tariff for crimes against trafficking in human beings legislation. The custodial sentences are often short or equivalent to the minimum penalty for aggravated procuring. This will limit the opportunity of using covert surveillance. Because the courts have thus far handed down only short sentences for trafficking in human beings, it will only be possible to use the new legislation for covert surveillance in exceptional cases where this crime is concerned.

## 6 Proposed measures

- The National Criminal Investigation Department is of the opinion that a comprehensive action programme for combating prostitution and trafficking in human beings for sexual and other purposes is required if the work on these issues in Sweden is to be made effective and coordinated, and it is therefore encouraging the government to speed up the preparation of the promised action programme. It is clear from the experiences of the National Criminal Investigation Department and police authorities in working on these issues that the distinct purposes for trafficking in human beings require different actions, both in terms of the preventative efforts including taking action against demand, suppressing the trade, but also in terms of taking into care and protecting the victims of trafficking in human beings for sexual purposes and for e.g. workforce exploitation.
- Clearer legislation in this area is required since it is difficult with the current legislation to bring crimes of trafficking in human beings to trial. A government committee has been appointed with the task of reviewing the provision on the crime of trafficking in human beings etc. and its conclusions are expected to be available in April 2008.
- The National Criminal Investigation Department is of the opinion that there is an extremely good argument in favour of a general raising of the penalty tariff for buying or attempting to buy a sexual service. Increasing the penalty tariff to a minimum of one year's imprisonment provides for the possibility of initiating other proceedings involving punishment, and in addition reflects better on the serious nature of the crime.
- In 2003 the government of the day earmarked 30 million kronor for the police's anti-trafficking in human beings work during the period 2004–2006. These funds helped the police to combat trafficking in human beings and to train police authorities in matters relating to this form of criminality. In accordance with the Swedish National Police Board's planning assumptions for 2004–2006<sup>11</sup>, investigations into these crimes were a prioritised matter. In order to ensure continued prioritisation of these matters and in order to raise the level of knowledge about the extent of trafficking in human beings, earmarked funds will in any case be needed up to 2010.
- Application of the penalty tariff for trafficking in human beings means that covert surveillance in these preliminary investigations will only be used in exceptional cases, since its use requires the crime having a minimum punishment of at least four years' imprisonment, or a presumption that the punishment value of the crime is greater than four years' imprisonment. In view of this, the National Criminal Investigation Department believes that application of the law should be reviewed, or the same rules should apply to covert surveillance as for telephone tapping, i.e. a presumption that the punishment value of the crime is greater than two years' imprisonment.

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<sup>11</sup> The Swedish National Police Board planning assumptions, 12-12-2003, EKB-903-4213/03.

- There is still a need to develop the methods and routines within the police's intelligence service. Detailed information about the police's intelligence model, PUM, is available on the police's internal website, *Intrapolis*. The exchange of information between Police authorities and external collaboration partners should be developed by automating and digitising routines wherever possible so that they can be administered, processed, analysed and passed on more efficiently. This is necessary if the National Criminal Investigation Department is to be able to obtain a national overview of the situation and if the National Criminal Investigation Department's agents are to be given the opportunity to provide the best support and coordination for local operations. This makes demands in terms of improving and standardising processing and IT solutions. Standardised basic and continuing education should be provided for intelligence personnel with a view to aligning operations.
- The National Criminal Investigation Department suggests that the police authorities, as part of the government commission, also report on the situation in Sweden concerning trafficking in human beings for other than sexual purposes. In connection with this, reports could also be submitted on forced marriages as either a cause or result of trafficking in human beings for sexual purposes. It is proposed that these reports should be presented in the National Criminal Investigation Department's annual report to the government starting in 2008.
- In order to monitor any increase in the exploitation of Romanian and Bulgarian women for prostitution in Sweden, the National Criminal Investigation Department must develop its collaboration with the police authorities in these new EU member states. It should be possible for this to be done by the liaison officers stationed abroad and by Europol.
- Preliminary investigations into trafficking in human beings should focus more on investigating the financial aspect of this form of crime. Police and public prosecutors must become better at allocating more time for tracing and seizing funds generated by criminal activity and the forfeiture legislation must be made more effective.
- In the same way that police and public prosecutors require and are calling for greater knowledge about prostitution and trafficking in human beings, other personnel working within the judicial system such as judges and lay judges should be given access to the training initiatives that are provided on a regular basis.
- A national action plan should be drawn up detailing routines within the police force for taking into care, protecting and repatriating the victims of crime. Experiences and contacts from such work currently remain within the individual police authorities. This knowledge should be gathered in a central location in order to benefit all authorities where required in future cases, while at the same time the national survey would be improved. This would not just rationalise the work of the police, but also provide greater protection for the victims of crime.
- Action plans for taking into care and protecting the victims of crime need to be drawn up by the Social Services and police authorities in order to support operations at a local level. One potential solution would be to designate some of the women's shelters that exist in this country as being particularly suited for taking into care the victims of trafficking in human beings for sexual purposes. Special

operations are also required for children, taking into account the different conditions and needs of girls and boys. If the problems with regard to secure accommodation for victims of trafficking in human beings etc. remain during the investigative phase, the National Board of Health and Welfare should issue compulsory directives to the Social Services concerning taking the victims of crime into care.

- As part of the efforts directed at trafficking in human beings involving the exploitation of children to commit crimes, close operational cooperation is required between police authorities, the Social Services and the Swedish Migration Board. The various authorities must decide on a clear allocation of roles and an understanding of each other's operations and areas of responsibility in order to ensure that the actions taken are in the best interests of the children. Despite the fact that the police have taken part in a number of collaboration projects over the years with the authorities concerned, police personnel are still sometimes directed to a number of fiery individuals within the Social Services and the Swedish Migration Board to obtain help in operational cases.
- In order to protect girls and boys under the age of eighteen from exploitation by human traffickers, the National Criminal Investigation Department proposes that there should be an overhaul and harmonisation of the regulations for the authorities involved where children are concerned. If Swedish authorities fail to pay attention to the problems of trafficking in children, there is a risk that more children will be transported to Sweden to be exploited for the purposes of begging and theft. In some cases it is not possible to establish a person's identity and it would be helpful in these cases if a DNA test could be carried out in order to confirm that children, siblings and parents are in fact related. The fact of a child committing a crime must not automatically result in that child being deported, but rather particular attention must be paid to article 3 of the Children's Convention, which deals with the best interests of the child.
- In order to allow the suppression of trafficking in human beings for forced labour and the provision of support to these victims of crime, close cooperation is required between police authorities, the Swedish Prosecution Authority, the Swedish Economic Crimes Bureau, the Social Services, the Swedish Migration Board, employee organisations, trade unions, the National Labour Market Board, the National Tax Board of Sweden, the Swedish Work Environment Authority, county administrative boards, etc. Examples of actions that could be taken include imposing on employers who employ personnel via employment agencies greater obligations to check the people they are employing and submitting detailed monthly reports to the National Tax Board of Sweden on which individuals are currently and have previously been employed at their companies.



## Appendix 1

### Reports received from the police authorities

The following report is based on reports provided by the police authorities, via the criminal intelligence service' cooperation areas (SamO), to the National Criminal Investigation Department for 2006. Only those police authorities that have reported anything are listed.

#### Stockholm SamO

(Stockholm County, Gotland County)

#### *Stockholm County*

##### *City Police Commissioner's district*

The City Police Commissioner's district covers Stockholm's inner city area. The daily inflow of information about trafficking in human beings, procuring and prostitution is substantial. The information received during 2006 relates mainly to girls and women from Estonia, Russia, Poland and Romania. The perpetrators also come primarily from these countries. The foreign women who are for sale on the Internet in Sweden are mainly available for sale in flats and at hotels in Stockholm. These women are sent to Sweden in particular by ferry from the Baltic States, Finland and Poland. Busses are often used as a common means of transport. Some are sent to Sweden by air, and in these cases the information relates primarily to Arlanda and Skavsta airports. The police have been monitoring the development of prostitution and associated crimes such as procuring and trafficking in human beings for a long time. Since the City Police Commissioner's district has had personnel with lengthy experience of crimes resembling trafficking in human beings, this has helped in developing working methods that have produced good results.

##### *Project Europa*

During 2003 the government decided to make 30 million kronor available to the police in order to combat trafficking in human beings during the period 2004-2006. As a consequence of this, the Investigation Division/City Police Commissioner's district launched a project entitled *Project Europa*. In spring 2004, the commanders of the Police Authority in Stockholm County decided that Project Europa would be included as a sub-project in project Nova<sup>12</sup>. The aim of *Project Europa* is to identify criminals and networks that are active in trafficking in human beings and associated criminal activities in the county and to bring them to trial.

The 30 million kronor provided by the government has enabled *Project Europa* to increase the personnel level, for which reason there are now some thirty police officers active in the project on an ad hoc basis. During 2006 the City Police Commis-

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<sup>12</sup> Project Nova is a project that is being carried out by the Stockholm County Police Authority, with the aim of, among other things, reducing the incidence of organised crime and also substantially reducing recruitment into it.

sioner's district conducted twelve major preliminary investigations as a part of *Project Europa* that dealt with trafficking in human beings for sexual purposes and procuring etc. Two preliminary investigations have resulted in convictions against eight individuals. Of these eight convictions, three people were imprisoned for trafficking in human beings, four for aggravated procuring/procuring and one for two counts of procuring. A number of preliminary investigations are ongoing, two of which are of considerable significance, and a number of sentences are expected during 2007.

A fairly large number of preliminary investigations could have been conducted, though this was not possible due to a shortage of investigative personnel. The group is actively looking for prostitution advertisements on the Internet, with Stockholm evidently representing the largest market in Sweden. The biggest sites that are paid for advertising the sale of these women have been losing ground. There is now more advertising on new forums, the so-called free sites.

Information that people from other countries, primarily Romania, are being transported to Sweden for organised begging and stealing has been received by the Stockholm police. It is not clear whether these people are being forced into these activities or whether they are under the control of any perpetrators.

The special funds received by the police for combating trafficking in human beings have allowed the City Police Commissioner's district to direct their efforts at organised criminal organisations that are involved in these criminal activities, among other things. The cases dealt with by the project have also featured weapons.

## **Västra SamO**

(Västra Götaland County, Halland County)

### ***Västra Götaland County***

#### *The situation in Västra Götaland*

During 2006 five preliminary investigations into trafficking in human beings for sexual purposes were launched. In addition, seven preliminary investigations were initiated into procuring/aggravated procuring which were attributable to trafficking in human beings. One of these was a major case in which the operation was run by perpetrators, three men and one woman, from Russia. No sentences for trafficking in human beings or procuring/aggravated procuring attributable to trafficking in human beings have been handed down during 2006.

During this year, fifteen men aged 25–75 were sentenced for buying sexual services.

In the preliminary investigations into trafficking in human beings for sexual purposes/procuring, the perpetrators come primarily from Russia, Slovakia, Nigeria, Kenya and the Czech Republic. About half of these are resident in Sweden, and in addition to trafficking in human beings, procuring/aggravated procuring and sexual crimes, the police suspect that they are also involved in thefts, drug-related crime, extortion and document forgery.

Women who are exploited in prostitution come from Russia, Latvia, Slovakia, Nigeria, Kenya, the Czech Republic and the Ukraine and are aged 16–33 years. The perpe-

trators select the women carefully, particularly those living in harsh economic conditions. In order to recruit and control the women, the perpetrators use economic extortion and threats rather than violence, though some information exists that women are also subjected to blackmail and rape. A lot of women are transported to Sweden with false documents. The buyers of sexual services are recruited by the women on the street in order to establish contact, and also via taxi drivers and the Internet. It is common for the women to travel here by themselves with false documents and then to apply for asylum under a false name. They give a "letter-box address" to which mail and the daily allowance from the Swedish Migration Board are sent, though they live at an unknown location using false ID, under the supervision of the pimp.

There is information indicating that children and young people are being transported to Sweden from e.g. Romania and Bulgaria for begging and stealing, or to work as musicians or prostitutes. This activity appears to be on the increase, though as yet there have not been any convictions in this area.

The numbers of reports of criminal activity are increasing, though it is hard to say whether trafficking in human beings in the county is in fact on the increase. Following training and information provided by the group, more police officers and others now have an understanding of the crime and are providing information to the police Human Trafficking Group.

### *The work of the police*

Since February 2001, the police authority in Västra Götaland has had a special group, the Human Trafficking Group, which is responsible for the work of combating trafficking in human beings for sexual purposes, procuring and prostitution. Since 1 January 2005 the Human Trafficking Group has been a part of the permanent organisation at the County Criminal Police's Investigation Division. The criminal investigation division is responsible for the work of reporting and the County Criminal Police's Investigation Division is responsible for the investigations. A police officer has a special role as a consequence of being responsible for training/information, method development as well as building networks with other authorities, voluntary organisations etc.

In order to provide support for police officers on patrol, the group has produced an action card which is intended to function as a guide if police officers are faced with suspected cases of trafficking in human beings.

A plan has now been drawn up for taking victims of crime into care. In addition to taking victims into care in Sweden, it also includes an undertaking by authorities wherever possible to make preparations for a return to the victim's home country and to get in touch with the relevant authorities and organisations there.

During the period 2004-2006, the Västra Götaland county criminal police was granted a total of 2,872,000 kronor from the 30 million kronor earmarked by the government for the police's work to combat trafficking in human beings during this period. In certain cases these funds proved to be of decisive importance and it is entirely clear that they facilitated the pursuit of these cases. Trafficking in human beings is an expensive crime to detect and investigate since it requires physical surveillance operations during unsocial hours, overtime, interpreting services, the translation of large volumes of material, etc.

The Human Trafficking Group conducts active surveillance of the Internet. The number of advertisements for prostitution appears to be increasing and with some of the advertisement on the Internet it is suspected that the women/girls offered for sale are foreign. There are also discussion sites on which buyers of sexual services ask for certain women or particular sexual services. Nowadays it is very easy for pimps to advertise their prostituted young women on the Internet. It is also very easy for the prospective buyers of sexual services to find these advertisements.

In a number of cases in which surveillance operations have been launched, the women have been sent out of the country by the pimps before the police have managed to secure sufficient evidence. In a lot of cases it is a conscious tactic on the part of the pimps to exploit one or more women as much as possible and for the highest possible gain for a fairly short time, before sending them home or selling them on to other pimps. It is therefore incredibly important that the police and the Human Trafficking Group are given the tip-off as soon as possible.

The Swedish International Prosecution Authority and the Human Trafficking Group have the goal of securing evidence against suspects and taking the victims into care as quickly as possible. Where the group has to take victims into care early on, it can sometimes be difficult to prove aggravated procuring or trafficking in human beings. However, it is important to stop the exploitation of these young women as soon as possible.

The Human Trafficking Group actively works to attempt to shift the focus from the victim of trafficking in human beings to the perpetrators i.e. pimps and the buyers of sexual services.

Experiences of working with the support of sex purchase law in this respect are good. It provides a good opportunity for convicting buyers of sexual services. It is shocking however that a buyer of sexual services who orders, pays for and exploits a young woman who is unable to speak Swedish or English and who is provided by a pimp is given a sentence of at most fifty days' imprisonment, as is the current practice. The Swedish police should work to make the legislation more stringent in this respect.

The work done by the Human Trafficking Group to suppress domestic open prostitution is being done in close cooperation with Närpolisområde Göteborgs City [*Gothenburg City local police*]. Meetings to discuss open prostitution have been held with representatives from the groups, the Border Police, social authorities and representatives from the City of Gothenburg. There has been a slight observable increase in the number of foreign women involved in open prostitution. It is very difficult to ascertain whether or not they have pimps.

In Norway and Denmark there a large number of Nigerian women are being exploited in prostitution in various organised forms. A few women of Nigerian background have been found in Gothenburg. The Human Trafficking Group will be looking out for any increase in their numbers. Nigerian trafficking in human beings and prostitution are characterised by aspects of voodoo, and as a result it is difficult to get the women to cooperate.

The police's human trafficking group actively participates in the EQUAL project<sup>13</sup> by lecturing at seminars, training days, etc. both nationally and internationally. The police have also actively worked with the Museum of World Culture in Gothenburg and their trafficking in human beings exhibition

## **Norra SamO**

(Västerbotten County, Norrbotten County, Västernorrland County, Jämtland County)

### ***Norrbotten and Västerbotten Counties***

One report of trafficking in human beings for sexual purposes and three reports of procuring in the nature of trafficking in human beings were issued in Norrbotten County during 2006. In the same year there were also two reports of procuring in the nature of trafficking in human beings in Västerbotten County. It was not possible in any of these cases to prove that a crime was committed, though there is information indicating that foreign women are being exploited for both work and for sexual purposes. Prostitution advertisements are appearing on the Internet indicating that women are being sold/are selling themselves for the purposes of prostitution in the counties represented by Norra SamO. However this advertising contains nothing to indicate that trafficking in human beings is involved. Information indicates that sexual services are being bought in hotels and flats. In Västerbotten County the police have been trying since 2004 to establish whether trafficking in human beings is taking place in the county. In Umeå the police have established contacts with representatives of the hotel and restaurant industry in order to find out about women who are temporarily present in Umeå and who are possibly being exploited in prostitution.

Police authorities in Norrbotten and Västerbotten Counties jointly organised a conference that was held in Piteå in February 2006. The purpose of the conference was to develop an exchange of information primarily on trafficking in human beings between the countries in the Arctic region, i.e. northern Sweden, Finland, Norway and Russia. About 30 people from the four counties, in particular personnel from the criminal intelligence service, attended and drew up guidelines for an increased exchange of information.

### ***Västernorrland County***

In Västernorrland a preliminary investigation into trafficking in human beings for sexual purposes has been launched. In this case the suspected perpetrator was of Swedish origin and the victim was a 20-year-old from Poland. There are also suspicions that the perpetrator is guilty of raping the woman in question. Information in this case indicates that the man was responsible for inviting in a number of people who may have been exploited in Sweden. The woman and the suspect have been interviewed, though for several months now the case has been with the regional public prosecution office for further consideration and a decision.

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<sup>13</sup> *The anti-trafficking collaboration* is a development partnership operating within the European Social Fund's Equal Programme

## **Mellersta SamO**

(Örebro County, Gävleborg County, Dalarna County, Värmland County, Västmanland County, Uppsala County)

### ***Örebro County***

It is possible to contact women offering prostitution/escort service via advertisements on the Internet. Some of these women can be linked to Örebro County, and these web-sites present information about the women, what sexual services are offered and the prices for these, etc. Buyers of sexual services can arrange to receive these services at various hotels or home addresses in the region. However it has not been possible to confirm that trafficking in human beings, via these Internet sites, is taking place in Örebro County.

### ***Gävleborg County***

There are indications that women are selling sexual services in connection with massage.

### ***Uppsala County***

A preliminary investigation into trafficking in human beings for sexual purposes, involving a victim who was a 22-year-old woman Poland, was initiated and then closed down.

## **Östra SamO**

(Jönköping County, Östergötland County, Södermanland County)

### ***Jönköping County***

A preliminary investigation into trafficking in human beings in Gislaved was initiated in 2005 though it was subsequently re-classified as procuring (not in the nature of trafficking in human beings) when it was not possible to prove trafficking in human beings.

### ***Östergötland County***

In 2005 there was a preliminary investigation into trafficking in human beings in which nine people were convicted in Norrköping district court on 14-02-2006<sup>14</sup>. The victims were two women from Slovakia, aged 20 and 28. Among other things, five individuals were imprisoned for trafficking in human beings and one for complicity in the same offence. Some of the perpetrators were also convicted for drug-related crimes and fraud. It was also suspected that the perpetrators were also involved in theft, receiving stolen goods, copying credit cards, illegal gambling, etc.

The sentences aroused considerable interest since this was the first time anyone had been convicted for trafficking in human beings where the victim was over eighteen years of age. In this case the woman was twenty. The perpetrators were accused of

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<sup>14</sup> Norrköping district court 14-02-2006, Case no. 982-05.

passing to another party, or having taken over from another party, *control* of a person in order to exploit that person for sexual purposes, i.e. for trafficking in human beings in accordance with chap. 4, § 1 a, para. 2 of the Penal Code. The accused attempted to claim that the provision in the second paragraph did not apply if the *original* control over the person had not been taken using improper means according to the first paragraph of the same section. The statements from the preparatory work however state that no such requirement exists. The provision is also applicable if there is control based on any other reason<sup>15</sup>.

A prosecution for trafficking in human beings was dismissed in the case of the 28-year-old woman since there was insufficient support for her having been under the control of the perpetrators.

The court of appeal increased the punishments for two of the perpetrators. In one case the court of appeal changed the district court's sentence in respect of culpability and considered one of the offences to be trafficking in human beings in accordance with chap. 4, § 1 a, para. 2, page 1 instead of page 2 of the Penal Code. In the other case the court of appeal considered one of the offences to be trafficking in human beings instead of procuring.

The police authority in Östergötland County had difficulty conducting the preliminary investigation without the help of the special funds that had been granted by the operational council.

### **Södermanland County**

In Södermanland County, tip-offs concerning trafficking in human beings for sexual purposes are currently being charted and processed.

The prevalence of this crime in Södermanland County is as yet unknown. There have been a lot of tip-offs that initially indicated that trafficking in human beings is taking place. After processing these tip-offs, it appears there are on the whole no known occurrences. Usually cases actually involve procuring or prostitution and they do not therefore fulfil the criteria required for a discussion of trafficking in human beings.

However there are indications that people travelling from Skavsta airport are involved in some form of organised activity in which young women from Latvia and Lithuania for example are being recruited.

Charting and profiling are being carried out continuously and any suspicion is reported to the National Criminal Investigation Department in accordance with pre-determined routines.

During autumn 2003 information was received from an investigation in Norway that a woman had claimed that she had been the victim of trafficking in human beings by people living in Katrineholm, and that she was then sold on for prostitution in Norway. The police in Nyköping carried out targeted intelligence gathering which confirmed the suspicions that the perpetrators indicated had probably conducted traffick-

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<sup>15</sup> Prop. 2003/04:111 page 53, with the reference given therein to the UN protocol and especially the EU's framework decision, and also page 67.

ing in human beings, and a preliminary investigation into the matter was consequently initiated.

As the case was thought to be wide reaching, it was presented to the operational council<sup>16</sup> at which promises were given of funds and some assistance from the National Criminal Investigation Department. The case, which in the matter of trafficking in human beings is an investigation into historical events, rests largely on telephone analyses, passenger lists and a lot of properly conducted victim interviews. Other crimes in the form of aggravated procuring, rape, unlawful use, fraud, people smuggling, etc. are proven primarily by very extensive telephone tapping which was started during the first half of 2004 and continued up to when the police took action in February 2005.

The case has in principle been conducted without access to surveillance resources, which may have contributed to the need for extensive telephone tapping. A further contributory factor in this is that the perpetrators' criminal activities in terms of e.g. organisation and routines were rather unorganised and spontaneous, for which reason surveillance resources would not have been cost-effective. The few surveillance operations conducted in this case have however been very productive for foreign police forces and they have contributed to arrests in other countries for aggravated drug-related crime, while at the same time one serious criminal has been prevented from obtaining permission to live in Sweden.

The criminal boss, together with others in Katrineholm, operated an only moderately well run procuring operation at a local level which involved the exploitation of women in vulnerable situations. In particular, women living locally with substance abuse problems were procured for prostitution, but there was also active contact with under-age girls at local children's care homes who were then offered for prostitution. Due to the low ages and the vulnerability of these girls, and also the fact that one of the perpetrators was convicted for raping one of the girls, this procuring operation must be considered to be aggravated. This part of the case was decided in a separate judgement, and in Svea Court of Appeal the gang leader was sentenced to a term of two years and four months for aggravated procuring, and a co-defendant, a citizen of Bosnia Herzegovina, was given a sentence of four years for aggravated procuring and rape.

In summer 2003 two women were tricked into travelling to Katrineholm from Romania to be exploited in prostitution. They were tricked by the female perpetrator with promises of work in Sweden and a holiday trip. One of the women was certainly put in such a vulnerable position since she did not know the language, she had no money and her passport was taken from her. Nor was she able to refuse to provide the sexual services that the gang leaders procured for payment. The other woman was raped on three occasions by the male gang leader, though the district court did not regard this as constituting an element of the trafficking in human beings. It was however considered that the crime of trafficking in human beings had been committed, since it was proven that the intention with this woman was also that she would be procured/sold for sexual

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<sup>16</sup> Among other things, the operational council will initiate action group operations within the Police aimed at combating aggravated and organised crime. Among the council's members are representatives from the National Criminal Investigation Department, SÄPO [*the Swedish Security Service*] and a number of police authorities. The Chief Public Prosecutor also has an observer on the council.



services even though this did not in fact happen. They were both sentenced for two counts of trafficking in human beings for sexual purposes, and the man also for three counts of rape, one of which was less serious in nature.

In October 2003 the two perpetrators working together tricked another Romanian woman into leaving her home country with promises of work in Sweden. After just a few days in Sweden she was handed over in remarkable circumstances to a couple who took her to Oslo. On arrival she was told that she had been bought from the perpetrators in Katrineholm and she was then forced into prostitution. The perpetrators in Sweden were sentenced for attempted trafficking in human beings for sexual purposes since under the then-current legislation the crime was considered to have been committed only when the victim arrived at the destination country, in this case Norway.

The female gang leader was sentenced to three years' imprisonment for the above cases of trafficking in human beings and attempted trafficking in human beings for sexual purposes. The public prosecutor's demand that the Romanian woman be deported was dismissed. The district court did not find that there were reasonable grounds for deportation since she had been in Sweden for almost eight years (one of which in custody). The woman had a permanent residence permit and she had started studying to be a nurse. This must be weighed against the serious nature of the crime which she had repeatedly committed, the fact that this had actually started after five years in Sweden and that she did not have any family or employment in this country.

The male gang leader was also convicted by the district court for the three aforementioned acts of rape, in addition to trafficking in human beings and attempted trafficking in human beings for sexual purposes. He was also convicted for unlawful use in that he exported cars to Albania which were then reported stolen in Sweden. He was also convicted of people smuggling in a case involving an Albanian woman who had been illegally smuggled into Sweden. There are factors indicating that the intention was that she would be exploited for prostitution, though the district court did not consider this as having been proven. It can be noted that the police conducted their raid on the morning after this woman had been smuggled into Sweden, having arrived in Katrineholm the previous night. The gang leader was also convicted for attempted people smuggling by virtue of having organised a sham marriage for payment and also attempted violation of the Alien's Act with his own sham marriage.

It can be confirmed that an investigation of this scale demands considerable resources of an individual authority and it would not have been feasible without the allocation of the special funds. An appeal was lodged against the case as a whole with the Svea Court of Appeal and detailed results of the judgement are given in appendix no. 4 to this report. It can be confirmed that with the support of the extensive telephone tapping, properly conducted interviews and other supporting evidence, the case proved successful, with a number of people being convicted despite minimal availability of surveillance resources.

This was the second case in the country (the first having been in Östergötland county) in which perpetrators were convicted of trafficking in human beings where the victims had been over 18. As with previous convictions in this area, it is worth noting that even this case, which features deceit, threats, rapes, etc., is essentially considered by the district court and the court of appeal as deserving a punishment value in the lower range of the punishment scale.

With the exception of the Romanian woman, whose primary role was as a recruiter, other individuals in the group had links with the Balkan region. The group consisted of a fairly loosely composed and unorganised number of individuals who took part in a wide range of aggravated crimes. The investigation confirmed the existence of extensive contacts with individuals, usually of the same origin, in several countries such as Albania, Macedonia, Italy, Greece, Germany, Romania and Denmark.

## **Södra SamO**

(Skåne County, Kalmar County, Kronoberg County, Blekinge County)

### ***Skåne County***

The intelligence information on trafficking in human beings for sexual purposes shows that the organisers still come predominantly from Eastern Europe. The countries that dominate are Slovakia, the Czech Republic, Hungary, Sweden, Poland and Romania. Many of the organisers are of foreign origin, but now Swedish citizens. Information about the victims of trafficking in human beings concerns primarily women from Poland, Slovakia and Romania.

During 2006 there was an increase in the flow of information about trafficking in human beings for other than sexual purposes. The information is primarily about Polish citizens who are exploited in Sweden for theft.

During 2006 special funds were granted by the operational council. These special funds allowed the Skåne Police Authority to prioritise crimes of trafficking in human beings more than was previously the case since these cases are very resource-intensive. Five preliminary investigations into trafficking in human beings were launched as well as another two preliminary investigations into procuring/aggravated procuring in the nature of trafficking in human beings. In 2006 there was one conviction for procuring attributable to trafficking in human beings. The suspect was issued an order of summary punishment and a suspended sentence by the public prosecutor.

In 2005 the police authority joined an EU project (EQUAL) aimed at promoting cooperation between authorities in Skåne. The same project also takes in Stockholm and Västra Götaland. A common collaboration plan for trafficking in human beings is to be produced and authorities are to cooperate across county boundaries.

## Appendix 2

## Legislation in this area

## Trafficking in human beings

**The Penal Code (2004:406) chap. 4 § 1 a Trafficking in human beings**

*"A person who, in cases other than those stated in §1, by the use of unlawful coercion or deceit, by exploiting someone's vulnerable situation or by any other such improper means recruits, transports, houses, receives or takes any other such measure with a person, and in so doing takes control of that person in order for the person to be*

- 1. Exposed to crime as in chap. 6 §1,2,3,4,5 or 6, exploited for casual sexual relations, or in any other way exploited for sexual purposes,*
- 2. Exploited in active military service or forced labour or some other similar compelled status,*
- 3. Exploited for the removal of organs, or*
- 4. In any other way exploited in a situation involving distress on the part of the person thus exploited,*

*shall be sentenced for **trafficking in human beings** to a prison sentence of at least two and at most ten years.*

*The same applies to anyone who, for such a purpose as is given in para. 1*

- (1) hands control over a person to someone else, or*
- (2) accepts control over a person from someone else.*

*Anyone who commits a crime as intended in para. 1 against a person who has not yet reached the age of eighteen shall be sentenced for trafficking in human beings even if such improper means as stated therein have not been used.*

*If the crime as intended in paras. 1-3 is of a less gross nature, the perpetrator shall be sentenced a term of imprisonment of at most four years."*

Trafficking in human beings is by its nature a crime against the person and it is dealt with in the Penal Code (BrB) chap. 4 on crimes against liberty and peace. The crime of trafficking in human beings differs from procuring by virtue of the focus on violation of the victim's liberty rather than any intended exploitation<sup>17</sup>. In order to be convicted for trafficking in human beings it is required that the perpetrator, by use of unlawful coercion, deceit, someone's vulnerability, or some other improper means, recruits, transports, houses, receives or takes some similar action in order to take control of another person with the intention of exploiting that person for, for example, sexual purposes, forced labour, the organ trade, or in other way exploiting a person who is in some distress. Using improper means to take control of another person with the intention of exploiting that person is a criminal offence. There must also be a causal relationship between the improper means and the taking of control. This control should entail an evident position of weakness on the part of the victim and an evident influence by the perpetrator over the victim's actions. The prerequisite of control is of decisive importance as to whether or not an act is to be classified as trafficking in human beings. In addition, it is a punishable act to hand over or receive control of a person for the purpose of exploiting a person for sexual purposes, forced labour, active mili-

<sup>17</sup> Prop. 2001/02:124, p 24.

tary service, organ donation, or for some other purpose in a situation involving distress for the victim<sup>18</sup>.

If the victim is less than eighteen years old, the public prosecutor does not need to prove that the perpetrator used improper means in order to carry out the crime. This is because where children are concerned it is considered that a control situation can arise simply as the result of an adult's position of mental superiority relative to the child, especially younger children.

The victim being younger than eighteen years of age need not in itself be considered sufficient for a control situation as intended in chap. 4, § 1 a of the Penal Code to be considered to have been achieved. A case of this kind is described in a judgement in the Stockholm city court, in which a prosecution for trafficking in human beings involving two 17-year-old girls was dismissed<sup>19</sup>. Since control of the victim must be obtained by improper means, the court indirectly made this requirement, despite the fact that this was not required since the victim was under eighteen years of age.

## Procuring

### **Chap. 6, § 12 of the Penal Code (2004:406) procuring/aggravated procuring**

*"Anyone who encourages or improperly economically exploits a person having casual sexual relations in return for payment is sentenced for **procuring** to a term of imprisonment of at most four years.*

*If a person who has leased an apartment with a right of usage becomes aware that the apartment is being used entirely or to a significant degree for casual sexual relations in return for payment and does not do what may reasonably be expected in order for the lease to come to an end, and if this activity continues or is resumed in the apartment, then he or she shall be regarded as having promoted the activity and will be sentenced for culpability in accordance with para. 1.*

*If a crime as intended in para. 1 or 2 is regarded as gross, then the perpetrator shall be sentenced for **aggravated procuring** to a term of imprisonment of at least two and at most eight years. When considering whether or not the crime is gross, special attention shall be paid to whether the activity was conducted on a large scale, entailed significant financial gain or involved the ruthless exploitation of another person."*

Culpability for procuring rests with the person who promotes or exploits the fact of another person having more than casual sexual relations in return for payment. The act of procuring may be considered to be aggravated if the crime related to an activity was carried out on a fairly large scale, resulted in considerable gain or involved ruthless exploitation. A crime of procuring may also be considered aggravated if it has aspects of trafficking in human beings and it involves the transport of girls and women to Sweden from other countries for the purposes of prostitution.

The maximum punishment for aggravated procuring has been increased to a term of from six to eight years. This was done in order, among other things, to be able to pun-

<sup>18</sup> Penal Code 4: 1a, para. 2

<sup>19</sup> Stockholm city court, 20-01-2006, Case no. B 8862-04, page 82-83.

ish those who plan and organise procuring in the nature of trafficking in human beings, though where it has not been possible to prove the requirement of improper influence.

### **The victim and witness concept**

The victim is the person against whom a crime has been committed or who has been offended against or suffered injury as a consequence thereof<sup>20</sup>. Anyone who is not a party in the case may be heard as a witness<sup>21</sup>.

Of fundamental importance in the question as to whether it shall be considered that a crime has been committed against a person is the matter of against whom a certain type of criminality is regarded as being directed. In order for an individual to be regarded as a potential victim, i.e. the person against whom a crime has been committed or who has been offended against or suffered injury, the crime in question must be regarded as being directed against that individual and not e.g. the general public or the state. The person who is a victim is entitled to, among other things, bring an action of culpability of the crime and to bring an action for an individual claim, often damages, in combination with a general prosecution for the crime. A victim also has a certain entitlement to legal advice and a person providing support.

Trafficking in human beings is a crime against the person in which the person against whom the crime is committed is regarded as the victim.

Procuring is a crime against the state and the person against whom the crime is committed is generally regarded as a witness. There is no equivalent of legal advice for witnesses. Neither do witnesses have any statutory right to damages or to be accompanied by a person providing support during the trial. With regard to procuring cases in the nature of trafficking in human beings, in practice a victim support worker has almost always been appointed.

### **The Purchase of a sexual service**

#### ***The Penal Code (2004:406) chap. 6, § 11 The Purchase of a sexual service***

Someone who, in a case other than as intended previously in this chapter, obtains a casual sexual relation in return for payment, is sentenced for *The Purchase of a sexual service* to a fine or a custodial sentence of at most six months.

What has been stated in the first paragraph also applies even if the remuneration has been promised or given by someone else.

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<sup>20</sup> The Penal Code, chap. 20 § 8.

<sup>21</sup> The Penal Code, chap. 36 § 1.

## **The Purchase of a sexual act from a child**

### ***The Penal Code (2004:406) chap. 6, § 9 The Purchase of a sexual act from a child***

Someone who, in a case other than as intended previously in this chapter, induces a child below the age of eighteen to carry out or endure a sexual act in return for payment is sentenced for *The Purchase of a sexual act from a child* to a fine or to a custodial sentence of at most two years.

What has been stated in the first paragraph also applies even if the remuneration has been promised or given by someone else.

## **The Aliens' Act**

### ***The Aliens' Act (2005:716) chap. 5, § 15***

A temporary residence permit may be granted at the request of the enquiry leader to an alien who has been living here, if this is required in order for a preliminary investigation or main hearing to be held in the criminal case. A temporary residence permit for a minimum of six months must be given at the request of the enquiry leader to an alien who is living here if

1. this is required in order for a preliminary investigation or main hearing to be held in the criminal case,
2. the alien in question has clearly displayed a willingness to cooperate with the criminal investigation authorities,
3. the alien has broken off all contacts with the persons who are suspected of a crime that is the subject of the preliminary investigation, and
4. considerations of public order and safety do not require that the permit should not be granted.

If the alien wishes to have some time for consideration in order to recover and to make a decision as to whether he or she wishes to cooperate with the criminal investigation authorities, then a temporary thirty-day residence permit is issued at the request of the enquiry leader, as long as the conditions as stated in 1 and 4 of the first para. are fulfilled.

A residence permit issued in pursuance of para. 1 may be extended if so requested by the enquiry leader and if the conditions stated therein are still fulfilled. A residence permit issued in accordance with para. 2 may be extended if so requested by the enquiry leader, if there is a need for particular reasons for a longer consideration time and the conditions as stated in 1 and 4 of the first para. are still fulfilled.

## Appendix 3

### Application of the law

#### How have the provisions on trafficking in human beings been applied?

On 1 July 2002 amendments in the law came into effect that established criminal liability for the crime of trafficking in human beings for sexual purposes. On 1 July 2004 criminal liability was extended to also include all forms of trafficking in human beings including trafficking in humans within the national borders and also trafficking in human beings for other forms of exploitation, for example forced labour and slavery.

In the following text, *trafficking in human beings for sexual purposes* is defined by the paragraph (chap. 4 § 1a of the penal code) in its wording subsequent to 1 July 2002 and *trafficking in human beings* (which may also be for sexual purposes) is defined by the paragraph (chap. 4 § 1a of the penal code) in its wording subsequent to 1 July 2004. The judgements currently available and which relate to *trafficking in human beings*, relate to trafficking in human beings for sexual purposes, and so no other forms of exploitation have been considered by the courts.

As a part of its commission, the National Criminal Investigation Department analyses the judgements issued by district courts and courts of appeal in which the public prosecutor has made a claim of trafficking in human beings for sexual purposes or trafficking in human beings, and also attempts to prepare for or to conspire to commit such a crime. The National Criminal Investigation Department has also learnt of judgements in which the courts have considered alleged criminal acts of procuring or aggravated procuring, despite the accounts of said criminal acts describing a sequence of events displaying considerable similarities to or being entirely identical to such events that could imply culpability for trafficking in human beings for sexual purposes or trafficking in human beings. In order to arrive at a decision on how the provisions have been applied, the National Criminal Investigation Department chose to report on those judgements in which the public prosecutor made a claim of trafficking in human beings for sexual purposes or trafficking in human beings.

As of 1 July 2002 to 1 January 2006 inclusive, six people have been sentenced for trafficking in human beings for sexual purposes and twelve people have been sentenced for trafficking in human beings, these representing seven cases in all. Although the number of decisions is few, they provide a good example of how trafficking in human beings takes place to, from and within Sweden, and above all how this problem is being dealt with by the courts. There is as yet no decision from the Supreme Court.

All the victims originally come from European countries other than Sweden and so they have been recruited in another European country. More than half of them were younger than eighteen when the criminal acts were committed. In all cases, the courts' judgements in matters of guilt and damages have been based on details provided by victims, either by themselves or together with supporting evidence in the form of transcripts obtained from surveillance of conversations. Some judgements feature crimes that are punishable in accordance with chap. 6 of the penal code, such as rape, sexual coercion, procuring and aggravated procuring and in most cases also crimes in violation of the sex purchase law.

The judgements reveal that a number of defendants were also sentenced for crimes involving weapons, crimes in violation of the Misuse of Drugs Act, human smuggling, etc. In judgements, e.g. from Stockholm City Court,<sup>22</sup> in addition to being sentenced for trafficking in human beings for sexual purposes, the defendants were also sentenced for drug-related crime, crimes involving weapons, aggravated crimes involving weapons and aggravated drug-related crime, i.e. crimes typically considered to be a common feature of organised crime. It is clear from most of these judgements that trafficking in human beings occurs in very organised forms, though there are also examples of trafficking in human beings carried out by individual perpetrators or less organised groups.

In just about all the judgements in which the defendants were accused of trafficking in human beings for sexual purposes or trafficking in human beings, there were alternative criminal allegations of procuring or aggravated procuring. It cannot be taken for granted that the current incidents of trafficking in human beings are brought to trial as such. This conclusion is based on a number of judgements in which the courts were only given the option of deciding in cases of procuring or aggravated procuring, despite the fact that the sequence of events could be regarded as trafficking in human beings. There are considerable variations in the extent and nature of the judgements. This is also the case with the courts' explanations and conclusions in these cases.

### **Interpretation by the courts of the requirement of the use improper means**

Most of the judgements issued since the introduction of the legislation in 2002 in which a criminal act is classified as trafficking in human beings for sexual purposes or trafficking in human beings involve victims under the age of eighteen. In these cases, the public prosecutor does not need to prove that the perpetrator used improper means in order to recruit, transport, house, receive or take some other such action with a person in order to take control of that person.

There are consequently only a limited number of ultimate orders of the court<sup>23</sup> in which the use of improper means by perpetrators is examined. This makes it difficult to assess the courts' interpretation of the prerequisite and what is required in order for it to be considered to be met.

In three of the judgements, the courts decided on whether the victims had been deceived. In a decision from Huddinge district court<sup>24</sup> and in the Svea Court of Appeal<sup>25</sup> 2003, the courts of appeal also had to decide whether the perpetrators exploited the fact that the victims were in a vulnerable economic situation in a number of respects. In the decision of 2003, the Svea Court of Appeal also had to assess whether the perpetrator used improper means by locking the victim in a flat. In the decisions in which the public prosecutor alleged that the perpetrators deceived the victim, the deceptions consisted of the perpetrators providing inaccurate information concerning the purpose

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<sup>22</sup> Stockholm City Court's judgements of 28 February 2005 in case B 2689-04, 2 June 2005 in case B 4156-04 and 20 January 2006 in case B 8862-04.

<sup>23</sup> Huddinge district court's judgement of 29 April 2004 in case B 3848-03, Svea Court of Appeal's judgements of 26 June 2003 in case B 3605-03 and 19 September 2006 in case B 3651-06 and also the judgement by the Western Sweden Court of Appeal of 18 December 2003 in case B 4388-03.

<sup>24</sup> Huddinge district court's judgement of 29 April 2004 in case B 3848-03.

<sup>25</sup> The Svea Court of Appeal's judgements of 26 June 2003 in case B 3605-03.



and the conditions of the stay in Sweden. Only in the Svea Court of Appeal's 2006 judgement<sup>26</sup> were the circumstances considered such that deception as in chap. 4 § 1 a of the Penal Code was seen as having taken place.

Where the courts have made a decision as to whether the perpetrator has in fact deceived the victim, the courts seem to experience some difficulty analysing the circumstances relating to her own person. This is the case e.g. where the court considers information relating to whether the victim was aware of or understood that she was at risk of being exploited for sexual purposes after her arrival in Sweden. Where the victim had previously been exploited in prostitution, the courts see this as proof that she was free to act without any influence on the part of the perpetrators, or that her social situation implied consent. In ultimate orders of the court this was worded as e.g. "the victim was herself keen to travel" and that the victim "knew what she was getting into". The National Criminal Investigation Department wishes to point out that it is clear from the preparatory works to the provision that the victim's consent to the types of exploitation listed in chap. 4 § 1 a of the Penal Code are of no legal relevance and must not therefore be accorded any effect such as to remove culpability<sup>27</sup>. This means that the courts must first decide on the actions of the perpetrator, his intention with the trafficking in human beings, what means he employed to recruit the woman, and also the purpose of the trafficking in human beings. The consideration does not therefore take into account the crime victim's character, her mental state or whether she was aware of and consented to being exploited e.g. for prostitution.

A further analytical problem is revealed in the decisions in which the victim's economic situation was subjected to scrutiny. The courts chose to base their reasoning on circumstances relating to the victim's person and the victim's opportunities to influence her own economic and social situation in her country of origin, rather than the situation as a whole. Areas of uncertainty or ignorance with regard to these circumstances have often therefore resulted in the prosecution not being seen as proven, despite the fact that it has been confirmed in the decisions that the victim had been living under considerable economic pressure.

### **The courts' interpretation of the requirement of trafficking actions**

In a trafficking in human beings case, the court must make a decision as to which trafficking actions the perpetrator carried out. In most of the judgements, the defendants were prosecuted for having recruited, transported and housed the victims. In only two cases did the prosecution not cover recruiting of the women. In one of these cases the court explained that the prosecution was directed only at trafficking actions taken once the victims arrived in Sweden<sup>28</sup>.

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<sup>26</sup> The Svea Court of Appeal's judgement of 19 September 2006 in case B 3651-06.

<sup>27</sup> Prop. 2003/04:111 page 60.

<sup>28</sup> Footnote: The Svea Court of Appeal's judgement of 13 June 2006 in case B 626-06.

### **The courts' interpretation of intent with regard to exploitation**

Chap. 4 § 1 a of the penal code states that the perpetrator must have taken the trafficking actions described in the provision with the intention of exploiting the victim, i.e. there is a requirement of direct intent with regard to the exploitation. In two decisions<sup>29</sup> the courts expressed their opinions that the direct intent must already have existed by the time the perpetrator initiated the trafficking in human beings process. This interpretation has resulted in a limitation in the analysis, and it has had the consequence that the courts have in some cases dismissed prosecutions for trafficking in human beings on the grounds that the perpetrator's intent was not present at the time in question. This was the case for instance in a case from the Svea Court of Appeal in which the circumstances of the victim's travel, including the fact that she paid for her ticket to Sweden herself, meant according to the court of appeal that direct intention of exploitation was not proven. Reasoning of the same kind was also to be found in a decision from the Skåne and Blekinge Court of Appeal, where the perpetrator's claim to have been in a relationship with the victim led to the conclusion that the perpetrator had not intended to exploit the victim at the start of the journey to Sweden.

### **The courts' interpretation of the requirement of control**

In four judgements issued by Gothenburg City Court, Stockholm City Court, the Skåne and Blekinge Court of Appeal and the Western Sweden Court of Appeal, the courts discuss the application of the prerequisite of control<sup>30</sup>.

### **Girls under the age of eighteen as victims and the prerequisite of control**

It is pointed out in the preparatory works to the legislation that a control situation will probably already exist by virtue of the adult's mental superiority relative to a child under the age of eighteen. Reference is made to this fact throughout the decisions. However the judgements also include comments concerning the prerequisite of control that follow the reasoning on the prerequisite of impropriety, thus revealing the court's inability to accept that the perpetrator had control over the victim, despite that fact that she was under eighteen years of age. In a decision by the Stockholm City Court<sup>31</sup> in which the victim was seventeen when she became the victim of trafficking in human beings, the court confirmed e.g. that the perpetrators did not have control over her since she had the option of escape and had access to a return ticket.

In Gothenburg and Stockholm City Courts<sup>32</sup> control was seen to consist in the fact that the perpetrators as adults were in a position of superiority over victims who were under eighteen years of age. In both cases, the perpetrator misled the victim concerning the conditions of the journey and promised them economic benefits. In the decisions

<sup>29</sup> The Svea Court of Appeal's judgement of 19 September 2006 in case B 3651-06 and the Skåne and Blekinge Court of Appeal's judgement of 11 January 2006 in case B 2429-05.

<sup>30</sup> The Gothenburg City Court's judgement of 13 July 2005 in case B 4385, Stockholm City Court's judgement of 28 February 2005 in case B 2698-04, the Skåne and Blekinge Court of Appeal's judgement of 11 January 2006 in case B 2429-05 and the Western Sweden Court of Appeal's judgement of 18 December 2003 in case B 4388-03.

<sup>31</sup> Stockholm City Court's judgement of 28 February 2005 in case B 2698-04.

<sup>32</sup> Gothenburg City Court's judgement of 13 July 2005 in case B 4385 and Stockholm City Court's judgement of 28 February 2005 in case B 2698-04.

from the Skåne and Blekinge Court of Appeal<sup>33</sup> and Western Sweden Court of Appeal<sup>34</sup> the perpetrator was regarded as having control over the victim as a result of threats, and by having abused them and subjecting them to sexual abuse.

### **Prerequisite of control and consent**

When the courts consider whether there is fulfilment of the prerequisite of control, they often focus on the extent to which the victim has consented to the circumstances that are described as constituting the control. Here as well, as with the reasoning concerning the use of improper means, emphasis is placed on the victim's attitude to and previous experiences of having been exploited for prostitution. This type of reasoning can be found in the aforementioned decision from Stockholm City Court and elsewhere, in which the court, in its reasoning concerning the matter of control, also attached emphasis to the victim's age and opportunities to look after herself.

It is evident from the wording of the provision that there must be a causal connection between the improper means and the trafficking actions and that this must result in the perpetrator gaining control over the victim. Only in exceptional cases is there express reasoning concerning this causal link.

### **Selecting a sanction and meting out punishment**

A perpetrator who is considered to be guilty of the crime of trafficking in human beings can be sentenced to a prison sentence of at least two and at most ten years. The imposed sanction usually also includes several other crimes. So far the district courts have issued surprisingly low punishments for this crime. A review of sentences passed by district courts for the crime of trafficking in human beings reveals that the shortest imposed custodial sentence was for two years and two months, while the longest was for five years and six months. Where the defendant is sentenced to the *lower* punishment, this is for trafficking in human beings alone. Where the defendant is sentenced to the *higher* punishment, this is also for other crimes such as rape. In other judgments the perpetrators are sentenced for trafficking in human beings and crimes as in chap. 6 of the penal code, usually procuring or aggravated procuring. The National Criminal Investigation Department believes that it is extremely important that the courts explain in detail the reasons for their choices of sanction for these crimes. In the sentences that have been passed down so far, the motivations with regard to the penalty sanctions have been far too concise. It is also frequently unclear which factors have influenced the assessment of the punishment value.

This can be compared with the sanctions in cases involving, among other things, procuring or aggravated procuring that are in the nature of trafficking in human beings. According to the legislation, anyone who encourages or improperly economically exploits a person having casual sexual relations in return for payment, is sentenced for procuring to a term of imprisonment of at most four years. Where the crime is considered to be aggravated, e.g. by the perpetrator having carried out activities on a fairly large scale, if it has involved a significant financial gain or the ruthless exploitation of another, then he may be sentenced for aggravated procuring to a term of imprisonment of at least two and at most eight years.

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<sup>33</sup> Skåne and Blekinge Court of Appeal's judgement of 11 January 2006 in case B 2429-05.

<sup>34</sup> Western Sweden Court of Appeal's judgement of 18 December 2003 in case B 4388-03.

During the period from 1 January 1999 to 31 December 2006, the sentences for procuring and aggravated procuring reveal an approach that displays considerable similarities with trafficking in human beings. In the sentences for criminal acts that were committed before 1 July 2002, the courses of events are practically identical with those where the courts subsequently applied chap. 4 § 1 a of the penal code. Victims are from the same countries of origin, have identical economic and social backgrounds, and have been recruited and transported under very similar conditions.

In those judgements where the criminal actions were aimed at procuring or attempted procuring, the courts sentenced the perpetrators to terms of imprisonment ranging from six months up to two years and six months. In other judgements, the custodial sentences were about one year and six months. The courts also included other crimes in these custodial sentences. With regard to custodial sentences for aggravated procuring, these are commensurate with sentences for trafficking in human beings for sexual purposes and trafficking in human beings. The lowest custodial sentence was for two years and the longest for six years.

The National Criminal Investigation Department believes that it is extremely important for application of the law that the courts explain in their ultimate orders the factors that motivated the length of the custodial sentence. It is particularly important to clarify what factors may have resulted in a custodial sentence in the upper range of the punishment scale.

### **Order of summary punishment and suspended sentence for procuring**

An order of summary punishment means that a person is ordered, subject to approval, to pay a fine according to what the public prosecutor feels is called for in view of the crime. A suspended sentence or similar sanction combined with a fine may be imposed by an order of summary punishment if it is clear that the court would pass a sentence for such a sanction (Penal Code 48:2 as compared with RB 48:4, para. 2). The person must approve of the punishment. If an order is approved, then it is valid as a judgement that has gained legal force (Penal Code 48:3, para. 2). No prosecution is therefore initiated and the court will not consider any criminal acts, sanction options or the meting out of punishment. Anyone who is given a suspended sentence is automatically given a probationary period of two years. When the court chooses to issue a suspended sentence, it must take account of whether there is any risk of the perpetrator committing any further crimes. The court may not impose a suspended sentence where the punishment value of the criminal act indicates otherwise.

In 2006, a public prosecutor in Skåne County issued an order of summary punishment and a conditional sentence for procuring that was in the nature of trafficking in human beings.

The case involved a man from Slovakia who was resident in Malmö when the crime was committed. Together with another man from Slovakia, he brought two Slovakian women to Sweden in order to exploit them for the purposes of prostitution. Both the women were housed with the perpetrator's family in Malmö. The man used his mobile telephone to sell the women to buyers of sexual services in the region. The man's wife also helped to sell the women. The police were able to identify a total of six men as purchasers of sexual services. The women were interviewed, though they were either reluctant or unable to say anything about the crimes that were committed. The women

refused any help with accommodation and contact with the social services, and instead returned to the suspect's flat in Malmö. After a number of days the women returned to Slovakia. In the case of the first Slovakian man referred to, the public prosecutor issued an order of summary punishment and a suspended sentence for procuring. The preliminary investigation into the other two was close by the public prosecutor.

The National Criminal Investigation Department finds the public prosecutor's actions in this case to be remarkable. The account of the crime contains some elements which, according to the legislation, should be classified as trafficking in human beings for sexual purposes, or else as a crime resembling trafficking in human beings i.e. procuring or aggravated procuring. Both the nature of the crime and the punishment value of the criminal act would indicate the suitability of a custodial sentence and of the court issuing such a sanction. Giving the perpetrator an order of summary punishment meant that the victims of the crime were excluded from the action. As such they lost any entitlement to support and assistance, as well as the opportunity to claim damages from the perpetrator or from the Crime Victim Compensation and Support Authority.

**Sentences pronounced in 2006 in Stockholm County****Appendix 4****1 A : 2006 Sentences in Stockholm City Court 20-01-2006, Case no. 8862-04.**

1. Woman, born '73, Estonia  
 Crime: Trafficking in human beings  
 Aggravated procuring  
 Sanction: Imprisonment for 4 years and 6 months  
 Expulsion for life  
 Forfeited value of procuring activities SEK 304,800 (jointly)

2. Man, born '80, Estonia  
 Crime: Trafficking in human beings  
 Aggravated procuring  
 Crimes involving weapons  
 Sanction: Imprisonment for 2 years and 6 months  
 Expulsion for life  
 Forfeited value of procuring activities SEK 304,800 (jointly)

3. Man, born '83, citizen of Estonia  
 Crime: Trafficking in human beings  
 Aggravated procuring  
 Crimes involving weapons  
 Sanction: Imprisonment for 2 years and 6 months  
 Expulsion for life  
 Forfeited value of procuring activities SEK 304,800 (jointly)

4. Man, born '72, Estonia  
 Crime: Procuring  
 Sanction: Imprisonment for 10 months  
 Expulsion for 5 years  
 Forfeited value of procuring activities SEK 6,000

- The same case saw fines imposed on five men, in three cases for purchasing sexual services and in two cases for attempting to purchase sexual services.
- Victims: fifteen girls/women from Estonia aged 16-35.

**1 B : 2006 Sentences in the Svea Court of Appeal 09-05-2006, Case no. B 21149-06.**

1. Woman, born '73, Estonia  
 Crime: Trafficking in human beings  
 Aggravated procuring  
 Sanction: Imprisonment for 5 years  
 Expulsion for life

- The perpetrators under points 2-4 withdrew their appeal to the court of appeal.

**2 A : 2006 Sentences in Stockholm City Court 27-07-2006, Case no. B31582-05.**

1.            Woman born '69, Russia  
Crime:        Aggravated procuring  
Sanction:    Imprisonment for 2 years and 2 months  
                  Expulsion for 10 years
  
2.            Woman born '80, Russia  
Crime:        Aggravated procuring  
                  Using counterfeit documents  
Sanction:    Imprisonment for 2 years and 6 months  
                  Expulsion for 10 years
  
3.            Woman born '81, Russia  
Crime:        Aggravated procuring  
Sanction:    Imprisonment for 2 years
  
4.            Woman born '81, Stateless, resident in Sweden  
Crime:        Aggravated procuring  
Sanction:    Imprisonment for 2 years

- The same case saw fines imposed on eight men for purchasing sexual services.
- Victims: ten girls/women from Russia aged 20-25.

## Sentences pronounced in 2006 in Östergötland County

### 1 A : 2006 Sentences in Norrköping District Court 14-02-2006, Case no. 982-05.

1. Man, born '79, Slovakia  
 Crime: Trafficking in human beings  
         Procuring  
         Inflicting damage  
 Sanction: Imprisonment for 3 years  
             Expulsion for 10 years
  
2. Woman, born '79, Slovakia  
 Crime: Trafficking in human beings  
         Procuring  
 Sanction: Imprisonment for 2 years and 6 months  
             Expulsion for 10 years
  
3. Man, born '82, Bosnia Herzegovina  
 Crime: Trafficking in human beings  
 Sanction: Imprisonment for 2 years and 6 months
  
4. Man, born '81, Serbia and Montenegro  
 Crime: Trafficking in human beings, chap. 4 § 1a, para. 2 p. 2  
         Procuring  
         Drug-related crime  
 Sanction: Imprisonment for 2 years and 8 months
  
5. Man, born '79, Serbia and Montenegro  
 Crime: Trafficking in human beings  
         The unlawful sale of alcoholic drinks  
         Attempt to commit the above  
         Unlawful possession of alcoholic drinks  
 Sanction: Imprisonment for 2 years and 4 months
  
6. Man, born '77, Bosnia Herzegovina  
 Crime: Complicity in trafficking in human beings  
 Sanction: Imprisonment for 1 year and 6 months
  
7. Man, born '78, the former Yugoslavia  
 Crime: Procuring  
         Drug-related crime  
 Sanction: Imprisonment for 1 year and 6 months



8. Man, born '76, Syria  
 Crime: Procuring  
 Complicity in procuring  
 Fraud  
 Buying sexual services  
 Sanction: Imprisonment for 1 year and 3 months

- The same case saw fines imposed on nine men, in seven cases for purchasing sexual services and in two cases for attempting to purchase sexual services.
- Victims: two women from Slovakia aged 20 and 28.

**1 B : 2006 Sentences in Göta court of appeal 13-06-2006, Case no. B 626-06.**

Appeals were lodged with the court of appeal against three of the sentences for perpetrators 4, 7 and 8:

4. Man, born '81, Serbia and Montenegro  
 Crime: Trafficking in human beings, chap. 4 § 1a, para. 2 p. 1 of the Penal Code  
 Procuring  
 Drug-related crime  
 Sanction: Imprisonment for 3 years and 2 months

7. Man, born '78, the former Yugoslavia  
 Crime: Trafficking in human beings, chap. 4 § 1a, para. 2 p. 1 of the Penal Code  
 Drug-related crime  
 Sanction: Imprisonment for 2 years and 2 months

8. Man, born '76, Syria  
 Crime: Procuring  
 Complicity in procuring  
 Fraud  
 Buying sexual services  
 Sanction: Imprisonment for 1 year and 3 months

**Sentences pronounced in 2006 in Skåne County**

1. Man, born Slovakia, resident in Sweden

Crime: Procuring

Sanction: Suspended sentence and order of summary punishment issued by  
the public prosecutor.

- Victims: two women from Slovakia.

## Sentences pronounced in 2005-2006 in Södermanland County

### **1 A : Separate judgements in Katrineholm district court 15-07-2005, Case no. B 133-05.**

1. Man, born '63, Bosnia Herzegovina  
 Crime: Rape  
         Aggravated procuring  
         Attempted aggravated procuring  
         Unlawful threats  
         Threatening a public official  
 Sanction: Imprisonment for 3 years and 4 months
  
2. Man, born '68, originally from Macedonia but now a Swedish citizen  
 Crime: Aggravated procuring  
         Attempted aggravated procuring  
 Sanction: Imprisonment for 2 years and 4 months

- The same case saw fines imposed on four men for purchasing sexual services.
- Victims: five girls/women from Sweden aged 17-48

### **Separate judgements in the Svea Court of Appeal 21-10-2005, Case no. B 5960-05.**

1. Man, born '63, Bosnia Herzegovina  
 Crime: Rape  
         Aggravated procuring  
         Unlawful threats  
         Threatening a public official  
 Sanction: Imprisonment for 4 years
  
2. Man, born '68, originally from Macedonia but now a Swedish citizen  
 Crime: Aggravated procuring  
 Sanction: Imprisonment for 2 years and 4 months

### **1 A : Sentences in Katrineholm district court 12-04-2006, Case no. B 133-05.**

2. Man, born '68, originally from Macedonia but now a Swedish citizen  
 Crime: Trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
         Attempted trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
         Rape  
         Unlawful control  
         People smuggling  
         Attempted breach of the Aliens' Act  
         Attempted people smuggling  
 Sanction: Imprisonment for 4 years and 6 months
  
3. Woman, born '75, Romania - resident in Sweden

- Crime: Trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
Attempted trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
Sanction: Imprisonment for 3 years
4. Man, born '86, Albania - resident in Greece  
Crime: People smuggling  
Sanction: 100 fines
5. Man, born '74, Serbia and Montenegro - resident in Sweden  
Crime: People smuggling  
Sanction: 100 fines
6. Woman, born '59, originally from Bosnia Herzegovina but now a Swedish citizen  
Crime: Attempted people smuggling  
Sanction: 80 fines
7. Woman, born '61, originally from Yugoslavia but now a Swedish citizen  
Crime: Attempted people smuggling  
Unlawful control  
Sanction: Suspended sentence and 80 fines
- One other woman was convicted for attempted fraud
  - Victims: three women from Romania, two women from Bulgaria and one woman from Albania, aged 23-30.

**1 B : Sentences in the Svea Court of Appeal 19-09-2006, Case no. B 3651-06.**

2. Man, born '68, originally from Macedonia but now a Swedish citizen  
Crime: Trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
Attempted trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
Rape  
Unlawful control  
Sanction: Imprisonment for 4 years and 6 months
3. Woman, born '75, Romania - resident in Sweden  
Crime: Trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
Attempted trafficking in human beings for sexual purposes, in its wording prior to 1 July, 2004  
Sanction: Imprisonment for 3 years
4. Man, born '86, Albania - resident in Greece  
Crime: People smuggling  
Sanction: 100 fines

5. Man, born '74, Serbia and Montenegro - resident in Sweden  
Crime: People smuggling  
Sanction: 100 fines
6. Woman, born '59, originally from Bosnia Herzegovina but now a Swedish citizen  
A prosecution for attempted people smuggling was dismissed on the merits.
7. Woman, born '61, originally from Yugoslavia but now a Swedish citizen  
Crime: Unlawful control  
Sanction: Suspended sentence and 80 fines

## Appendix 5

## The Swedish National Council for Crime Prevention

### *Registered crimes in 2006*

<b>Entire Country</b>	<b>Number</b>
Procuring incl. aggravated	58
Crimes of purchasing sexual services	162
Trafficking in human beings (all forms)	37
<b>Blekinge County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	0
<b>Dalarna County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	1
Trafficking in human beings (for sexual purposes)	0
<b>Gotland County</b>	
Procuring incl. aggravated	1
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	0
<b>Gävleborg County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	1
Trafficking in human beings (for sexual purposes)	0
<b>Halland County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	1
Trafficking in human beings (for sexual purposes)	1
<b>Jämtland County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	0

<b>Jönköping County</b>	
Procuring incl. aggravated	3
Crimes of purchasing sexual services	7
Trafficking in human beings (for sexual purposes)	0
<b>Kalmar County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	1
Trafficking in human beings (for sexual purposes)	2
<b>Kronoberg County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	1
Trafficking in human beings (for sexual purposes)	0
<b>Norrbottn County</b>	
Procuring incl. aggravated	3
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	1
<b>Skåne County</b>	
Procuring incl. aggravated	8
Crimes of purchasing sexual services	41
Trafficking in human beings (for sexual purposes)	4
Trafficking in human beings (for other purposes)	1
<b>Stockholm County</b>	
Procuring incl. aggravated	26
Crimes of purchasing sexual services	82
Trafficking in human beings (for sexual purposes)	9
Trafficking in human beings (for other purposes)	7
<b>Södermanland County</b>	
Procuring incl. aggravated	1
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	0
<b>Uppsala County</b>	
Procuring incl. aggravated	1
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	2
<b>Värmland County</b>	
Procuring incl. aggravated	2
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	0
<b>Västerbotten County</b>	
Procuring incl. aggravated	1
Crimes of purchasing sexual services	1

Trafficking in human beings (for sexual purposes)	0
<b>Västernorrland County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	1
Trafficking in human beings (for sexual purposes)	1
Trafficking in human beings (for other purposes)	3
<b>Västmanland County</b>	
Procuring incl. aggravated	1
Crimes of purchasing sexual services	4
Trafficking in human beings (for sexual purposes)	0
<b>Västra Götaland County</b>	
Procuring incl. aggravated	8
Crimes of purchasing sexual services	19
Trafficking in human beings (for sexual purposes)	5
<b>Örebro County</b>	
Procuring incl. aggravated	0
Crimes of purchasing sexual services	0
Trafficking in human beings (for sexual purposes)	0
<b>Östergötland County</b>	
Procuring incl. aggravated	3
Crimes of purchasing sexual services	3
Trafficking in human beings (for sexual purposes)	2



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