

The EU Mutual Learning Programme in Gender Equality

Combatting trafficking in women and girls for the purpose of sexual exploitation

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Comments Paper - Sweden



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Taking the gender dimension of human trafficking into account

Ninna Mörner
Swedish Civil Society Platform
Against Human Trafficking

1. Brief country overview

1.1. Linking gender inequality and sexual exploitation

The Government in Sweden focuses its anti-trafficking work on human trafficking for sexual purposes and prostitution (THB), and links it to the principles of gender equality, ending violence against women, ensuring equal opportunities for women and men, and their right to bodily integrity. In January 2018, the Government established a authority for gender equality, the Gender Equality Agency and transferred the coordination of anti-trafficking work (previously held by the County Administration Board of Stockholm) to this agency. Sweden has an appointed ambassador since 2016, with the mission to promote the Swedish legislation that prohibit the buying sexual services. Sweden has a National Rapporteur since 1998 that is embedded in the National Police Board and annually report the development regarding human trafficking (of all forms since 2016, previously solely sexual purposes) and prostitution to the Government. The County Administration Board of Stockholm did, on request of the Government carry out two mayor campaigns; in 2016 "Resekurage" [Curage on travel] aimed at encouraging tourists to report child abuse and in 2017 "Du avgör" [It is your decision] a short film with the message that it is the male buyers' responsibility to end demand, that causes sexual exploitation.

1.2. National action plans

In February 2018, the Government released a new national action plan for the combat of human trafficking and prostitution, but without any earmarked funding this time (last NAP 2008-2010). The new action plan includes 38 separate measures in eight priority areas, involving ten public authorities; strengthened collaboration between public agencies and other actors; strengthened preventative work; increased capacity to discover prostitution and trafficking in human beings; legislative measures; stronger protection and assistance to victims (VoTs); more effective law enforcement; strengthened knowledge and methodology development and increased international cooperation.

In 2016 the Government presented an updated national action plan for the protection of children against THB and exploitation. It contains 23 measures to prevent, protect and assist children that are, or risk to be, exploited. This NAP also emphasises the need for improvement of the law enforcement's capacity. The civil society has raised concerns that both NAPs are not action-oriented enough, and lack a victim first principal. It is further argued that there is a need for more long-term commitments and funding in order to develop long-term assistance and strengthen the capacity for support for all victims.

1.3. Legislation

Trafficking in human beings is, by its nature, a crime against the person and it is dealt with in Chapter 4 of the Swedish Penal Code, on crimes against liberty and peace. In cases where the victim is under 18, the perpetrator will be convicted of THB even if no improper means have been used. The legislation puts emphasis on the intent to control the victim's free and true will, regardless of the intended exploitation. The act of procuring may be aggravated if the crime involves aspects of THB and the transportation of girls and women to Sweden from other countries for the purposes of prostitution. GRETA has raised concerns that cases of human trafficking are transformed to procuring instead of THB. A government inquiry (2016) into THB criminalisation has expressed concern over the fact that so few trafficking investigations in general lead to convictions in Sweden.

Much attention has been put on the Swedish law to prohibit the buying of sexual services, but not the selling. Sweden was the first country to introduce this legislation, but lately other countries have followed. It is stated in the Swedish Penal Code on purchases of sexual services: *"Someone who, in a case other than as intended previously in this chapter, obtains casual sexual intercourse in return for payment, will be convicted of the purchase of a sexual service and sentenced to a fine or a custodial sentence of a maximum of one year."* Purchase of a sexual act from a child is also a specific more severe crime.

2. Victims of human trafficking

2.1. Victimhood and the gender dimension

The Swedish Civil Society Platform gathers disaggregated data on encounters with victims of trafficking (VoTs), as well as testimonies from shelters and the victims. A finding is that many female victims have experienced gender-related inequality and violence early in their life. A common push-factor is to escape domestic violence, or forced marriage. Sometimes the family of the victims have abandoned the girl/women and left her in the hands of the traffickers as a punishment. It is a gender-specific pull-factor for female victims that they often act according to what is beneficial for other members of the family, especially their children. Threat of informing the children and family about participating in prostitution, although forced, is used to make sure that the victims if identified do not give testimonies to the police and law enforcement. The stigmatisation that would follow is life threatening for women, in certain cultures and countries. Threats of violence against family members is also frequently used for the same goal; to make the female victim obey and also not to tell anyone about what she has been exposed to. It occurs that a woman, when identified as VoT for sexual purposes, if words come out, risks being abused by people in her circle.

Women are often exposed to trafficking because of previous abuses (individual causes), and gender-related inequality (structural causes). The gender dimension follows all the way from entering to exiting THB, not only during the exploitation. There are data as well as testimonies to support this major finding by the Swedish Civil Society. This stigmatisation makes the female victims vulnerable to re-trafficking. Prevention must therefore include the risk group of already once trafficked persons. There are both individual and structural risks for re-trafficking that must be prevented. The children of the victim must also be taken into account in

risk assessment to avoid generational heritage of THB. In Sweden, a victim of trafficking would not be granted asylum as such. Civil society lobbies for that, at least, female victims exposed to gender-related violence in their home-countries, and exploited in THB and prostitution, should be granted asylum. This is necessary to avoid the continuation of gender-related violence if sent home, and, is argued, a responsibility that follows the obligation in the EU-Directive 2004.

2.2. Identification and assistance

In 2015, there was an extremely large migration flow into Sweden resulting in over 162 000 asylum applications, among them over 35 000 unaccompanied minors. The Swedish Migration Agency identified a total of 414 potential victims in 2017. In 2017 there were 86 potential victims that received assistance from NGOs via the Swedish Civil Society Platform. Many of the victims were from third countries. Many have children (with them or in the home countries). The data shows that 55 of the 86 VoTs neither reported to the police, nor took any contact with authorities, yet they received assistance and long-term support through the civil society (mostly – 27 cases in 2017 - through the National Support Programme described further below).

In 2016, the Swedish Migration Agency conducted a minor study among children seeking asylum in 2013-2015 and identified 132 children (97 % girls) who said that they were married. The phenomenon has been linked to forced marriages. There were no standardised procedures nor specific training for staff and administrators to deal with children who are married.

To be *formally* identified as a potential victim for THB in Sweden a police report must have been filed. In 2017, there were 82 reported cases of THB for sexual purposes, and 132 cases of other forms, especially begging. Very few of those however led to a legal process, only five of a total of 214 did, and of this five, only one single case concerned a charge of THB for sexual purposes (revised to procuring). An assessment report on child trafficking reviewed 68 cases which were reported to the Swedish police between 2015 and the mid-year 2016. While the preliminary investigation had begun in most of the cases (84 percent), prosecution had been initiated in only one case. It is likely that the extent of child trafficking in Sweden is bigger than showed by the criminal statistics.

2.2.1. The National Referral Mechanism

In 2016 Sweden established a National Referral Mechanism. It is based on a manual which outlines the responsibilities of each authority regarding the referral of VoTs, including children. The manual is divided into five steps, aimed to help professionals and NGOs after they have identified a potential VoT. Assistance to victims is provided directly by the municipalities. There is a hotline (020-390 390) open for everyone that encounters a potential victim to receive guidance (More information at www.nmtsverige.se). In addition, NGOs can assist victims in cooperation with municipalities, or directly and via the National Support Programme.

There is a high threshold to enter the NRM and obtain assistance. To obtain formal status as a VoT a report to the police is needed. Only the investigating police can apply for a reflection period of 30 days, or a temporary permit (max 6 months at a time) to stay during the legal process. The reflection period and the temporary permit is conditional (which GRETA has given Sweden critic for), the VoTs must be needed in the legal process, the VoTs must cooperate and must not have any

contact with the traffickers. At any point the investigation may be closed and the VoT asked to leave the country in two weeks' notice. The system is not designed out of the best interest for the victim (which is contrary to the intent of article 12 and 13 as GRETA and the civil society in Sweden have stressed). Access to assistance de-linked from the legal process is not part of the NRM. However there is a Return Programme that grant support to voluntarily returned VoTs via IOM, and fund up to 9 months of integration in their home-country.

3. Good practices

3.1. Coordination

The establishment of Regional Coordinators has been helpful for the municipalities, that are responsible for giving assistance to VoTs according to the Social Act. There are 290 municipalities in Sweden and the resources to refer and deal with cases varies a lot. The regional coordinators function as focal points and first point of contact for operative support in cases of trafficking.

In the city of Helsingborg, on an initiative by the NGO Salvation Army, the local actors have formed a unit to together combat human trafficking and prostitution and refer victims to assistance. Partners are the local hotels, the social services, NGOs, and the police. There is a contact person coordinating the local team.

The Swedish Platform civil society against human trafficking coordinates 20 NGOs and cooperates with all levels of society. A corner stone is to add knowledge and capacity of the single NGOs, to improve the whole help chain. The Platform runs the National Support Programme, organises training-meetings monthly and gathers data on the civil society's contacts with VoTs. The Platform monitors the anti-trafficking work and report on it. More information at www.manniskohandel.se).

3.2. National Support Programme

The National support programme (NSP) aims to provide improved and additional support for VoTs who fall in the gaps of the official system, or who do not want to contact the authorities nor return to their home country. The NSP makes it possible to offer a maximum of 30 days of services to a person while they make the decision of whether to contact the authorities. This way an informal identification as potential VoT is possible. After 30 days, up to 90 days of services are available to persons who do not report to the police nor are included in the NRM. Additionally, 90 days may be relevant before final closure of 45 days for planning for integration/safe return. In 2017 NSP supported 27 cases mostly on long term basis. NSP is funded by the government. The shelters in the programme live up to certain minimum standards and are accredited.

3.3. Identification models

The Migration Authority (MIG) has developed a successful model to identify VoTs. The national coordinator at MIG trains regional coordinators, that in their turn have 80 contact persons that they train in how to train others in the identification of VoTs, and how to respond, when they find indicators. The contact persons follow up and report back to the regional coordinators. The Migration Authority's capacity to identify has gone from almost zero to over 400 cases in two years' time.

3.4. Changing attitudes

In 2013-2015 the project Dream business was created around a theatre play. Several schools saw the play, discussed and did creative work around it. The play became a film in 2016 and placed on UR, the Swedish state television platform, together with an educational guide. In 2018, the film will be placed on the Finnish state television YLE and the educational guide adjusted to the Finnish context.

From 2016-2018, the NGO Real stars worked with the concept of Fair sex in a project reaching out to 15 000 pupils. They have chosen to work to promote Fair sex, as the opposite of sexual exploitation. The aim is zero tolerance against sexual harassments and exploitation. (More information at www.realstars.eu)

4. Reflections on the Spanish paper

4.1 Transferability of good practice

In the Spanish paper it is stressed that there is a link between gender inequality and sexual exploitation and this is clearly in line with the Swedish stand point. It is also highlighted that the public attitudes and awareness is a key to make change. Still many, according to the Spanish paper, place the responsibility on the victim, not the perpetrator. In Sweden, there has been a long struggle from the women movement since the 70s of placing the blame and shame on the perpetrator and not the victim, and it is still not fully internalised. One sign is the ignorance among judges to understand how control mechanism can be executed without violence. The civil society in Sweden has called for specially trained judges in cases on human trafficking. The amount of convictions is very low, which partially could be explained in the view of the civil society, by the gap between the intention of the legislation and the judge's interpretation of it in practice. When it comes to changing public attitude, there have been several campaigns to stress the Swedish legislation that clearly place the responsibility on the buyer. This legislation is one key to changing the attitudes. Awareness raising geared towards pupils is another promising way to change attitudes and educate a new generation on value grounds like human rights, gender equality and fair sex. To integrate those elements in the educational plan could be a very effective way to cut demand, in Sweden, Spain and elsewhere.

To train trainers is a model that can strengthen the capacity-building in authorities. Worth keeping in mind is to have clear routines for referral to assistance. Identification should lead to help and assistance. One should always conduct a proper risk-assessment that include both the VoT and the family. The model of training trainers could be used in any country to identify victims, but also in a preventive manner to identify persons at risk to be exploited.

The Spanish paper presents an interesting model on multi-agency coordination that links the assistance system on local, regional and national levels by a structure led by an independent National Rapporteur that gathers information and collect reports regularly and also follows up the delivery. And all this with a victim first perspective. A key here is a National Rapporteur that have an interactive independent role, and able to function as an interlocutor. The Spanish model could be transferred to Swedish circumstances, if an independent National Rapporteur could be appointed, with a mission to be an interlocutor to the civil society. This would answer well to the critic from GRETA that the civil society is not integrated in

the decision-making. To work with multi-agency groups could be doable in any country. One needs a structure; routines, MoU, (Memorandum of Understanding), and, importantly, a coordinator at each focal point, to be able to cope with vertical and horizontal referral. To monitor and develop the work an independent function supervising and holding it together is a clear advantage, as in the Spanish example.

However, the civil society must also be independent. Many cases concern women that are afraid to have any contact with authorities as they, as described above, fear more than anything the safety for their families and the stigmatisation that follows being a VoT for sexual purposes. It is essential that civil society can act and support VoTs de-linked from the legal process and with no information going to the authorities. This is the strength of the National Support Programme (NSP). To provide help and assistance to victims de-linked of the legal process is a challenge in many countries. NSP helps particularly women, who have early experience of individual and structural gender-related violence and therefore risk stigmatisation and re-trafficking. The structure of NSP is transferable to NGOs in other countries.

5. Recommendations in sum

In this paper it has been stressed that there is a link between gender inequality and sexual exploitation. Here follows lessons learned that is worth discussing further:

- The sex industry is identified as one of the drivers of human trafficking for sexual purposes. The sex industry is fed by men triggered by the sex industry to consume sexual services and pornography. This leads to exploitation of women, that are harmed by the stigmatisation and violence from the male buyers. To reduce the impact of the sex industry is an effective way to stop sexual exploitation and cut demand. Awareness raising, and knowledge is in the core to finally place the responsibility on the men buying sexual services and feeding the pockets of the sex industry.
- The women exploited in human trafficking and prostitution have often been exposed to gender inequality before entering THB. If they exit the exploitation, they risk re-trafficking because of their vulnerability. The law enforcement, if notified at all, cannot protect women after trial, and the possibilities to receive permit to stay in the country is often very limited. This means that identified women in the end are sent back to the same, or even worse, situation than before being trafficked. This is a major challenge in the combat against gender-related violence and human trafficking. A recommendation is to fight re-trafficking by letting women exposed to gender-related violence, be granted with permission to stay in the country of choice in the EU.
- Coordination on all levels is effective for giving assistance to victims of trafficking. The basis should be human rights and the victim first principle. Still there are many challenges to work in multi-agency teams locally, regionally and nationally. A key here is an independent rapporteur that can monitor and thus push the development further. The coordination bodies should have a structure for passing information to each other. A NRM is good, but it must be implemented and identified victims must be referred further. The civil society must also be part of the multi-agency team on all levels. We need both a structure and flexibility to ensure human rights in accordance with the VoTs' best interest.

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