

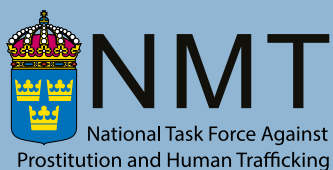
# National Referral Mechanism

Protecting and supporting victims of  
Trafficking in Human Beings in Sweden

Report 2016:29



Länsstyrelsen  
Stockholm



NMT consists of governmental authorities working against prostitution and human trafficking and functions as a strategic resource for developing and increasing the efficiency of cooperation in the work against human trafficking. The cooperation focuses particularly on supporting municipalities and regions which have limited experience with the work against prostitution and human trafficking. NMT offers operational method support to municipalities, governmental authorities and NGOs in human trafficking cases through its Helpline: 010-390 000 and through their website [www.nmtsverige.se](http://www.nmtsverige.se).

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# Foreword

Trafficking in Human Beings, regardless of the form of the exploitation, is a great challenge for the society and can only be countered through multidisciplinary and international cooperation. A long-term effort against human trafficking requires that victims are offered support, protection, reflection period and are given opportunities and alternatives in order to rebuild their lives. Therefore, it is highly important that professionals who identify presumed victims act. A single suspicion can be enough.

Since the Spring of 2014, the County Administrative Board in Stockholm, in its function as the National Coordinator against prostitution and human trafficking, has worked to develop a National Referral Mechanism-manual (NRM). The manual is based on existing legislation and operative experiences.

The purpose of this manual is to support professionals who may identify persons who have been subjected to human trafficking. The manual will make clear what responsibilities governmental authorities have as relates to support of and protection for victims of human trafficking, how they can act in human trafficking cases and also what operative support they have will access to from the National Coordinators Office. The manual is intended to be used by professionals in their daily work.

The production of this publication has been directed by Endrit Mujaj, Development Manager at the National Coordinators Office against Prostitution and Trafficking. The work has been carried out in close cooperation with the International Centre for Migration Policy Development (ICMPD), professionals from The Swedish Prosecution Authority, The Swedish Police Authority, The Swedish Migration Agency, The MIKA Reception Centers, The Regional Coordinators Against THB, The Platform Swedish Society Against Human Trafficking, The Ministry of Social Affairs, The Ministry of Justice and professionals from the Social Services.

Stockholm in April 2016



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# Glossary of Terms

**Assistance and Protection, pursuant to the Social Services Act (SoL):** Pursuant to the Social Services Act, the goal of assistance is to ensure a reasonable standard of living for the recipient, and the assistance must be designed so that it improves her/his possibilities for living an independent life. The assistance must include housing, support in contact with other governmental authorities, financial assistance, interpreting and psychosocial support. The Social Services Act (Chapter 4, Section 1) states that “anyone who cannot herself or himself satisfy her/his needs or have them satisfied in some other way is entitled to assistance from the social welfare board for her/his maintenance (maintenance support) and for her/his way of life generally.” Pursuant to Chapter 4, Section 2, the Social Services Act states that the social welfare board may provide assistance beyond what follows from Section 1 if there are reasons for that. In Chapter 5, Section 11, the Social Services Act states that “the social welfare board’s duties include working so that anyone who has been subjected to a crime, and others close to her/him, will receive support and help”, which includes formally identified victims of human trafficking. The Act also contains provisions which concern the reception of children, which is based on consideration always being given to what is best for the child in decisions on housing and assistance for children with needs for support.

**Child:** All persons under 18 years of age (sometimes also called “minor”).

**Country of Origin:** The country which a victim of human trafficking originally comes from (also called the country of return).

**Destination Country:** The country which is the final destination for a person who has been subjected to human trafficking (also called “receiving country”).

**First Point of Contact:** Institutions/organisations which function as central points for information, further movement and initial support for potential victims.

**Housing:** Housing offers victims of human trafficking a place to feel secure and to rest. Most

of the housing is operated by volunteer organisations which are connected with the Platform Swedish Civil Society Against Human Trafficking and they can offer various levels of protection, and various long-term help benefits. Ordinarily one is offered: a place to sleep, food, supportive conversations, a social context, help in contacting governmental authorities, help with any eventual police report, help with daily needs such as seeking care. About half of the victims of human trafficking who are living in housing provided by volunteer organisations have been placed there by governmental authorities, the rest have the volunteer organisation as their first contact point.

**Human Trafficking:** Pursuant to Chapter 4, Section 1 a of the Penal Code (2010:371) the crime of human trafficking is described in the following way: “Anyone, other than in a case encompassed in Section 1, who through unlawful force, deception, utilisation of anyone’s exposed situation or by other such inappropriate means recruits, transports, transfers, houses or receives a person for the purpose of exploiting him or her for sexual purposes, removal of an organ, military service, forced labour or other activity in a situation which entails distress for the person thus exploited, shall be convicted of human trafficking and sentenced to prison for at least two and at most ten years. Anyone who commits an act which is encompassed in the first paragraph against a person who has not reached the age of 18 years shall be convicted of human trafficking even if no such improper means as is stated there has been used. If a crime which is encompassed in the first or second paragraph is deemed less aggravated, the sentence to prison shall be at most four years.”

**Potential victim of human trafficking:** A person whom the governmental authorities or NGOs consider to be a victim of human trafficking. The indications for who can be regarded as being a victim of human trafficking are many. A victim can be a person who is being controlled by another person, has had her/his passport taken away, is a minor and in an exposed situation as an unaccompanied refugee, is being utilised sexually, is being forced to beg, is in bad health or lacks fundamental competence in Swedish and English. It is therefore important to act by making a police report when suspicions of human

trafficking arise. It is the police who will investigate whether a crime has been committed.

**Reflection period and Temporary Residence Permit:**

A foreigner can be granted a temporary residence permit for 30 days as a reflection period in order to be able to recuperate and to decide whether he or she wants to collaborate with the governmental authorities that are investigating the crime. The reflection period is also in line with Article 13 of the Council of Europe's Convention on Action Against Trafficking in Human Beings. The purpose of the reflection period is to provide the victim with an opportunity to recover and think about her/his alternatives, for example if she/he wants to return to the country of origin, take part in a court proceeding or, if the possibility exists, remain in Sweden. A foreigner can also be granted a temporary residence permit for a minimum of six months if it is necessary so that a preliminary investigation or a trial in a criminal case can be pursued, if the foreigner is willing to collaborate with the governmental authorities that are investigating the crime and has terminated the connection with the persons who are suspected of the crime to which the preliminary investigation relates.

**Reintegration:** Reintegration of victims focuses on reuniting them with their families or integrating them into a new context. In addition, the return itself also encompasses the victim's integration into a social environment and is intended to be a long-term social and economic solution.

**Return:** A person's voluntary return to her/his homeland through the County Administrative Board's program, *The Voluntary Return Program* for victims of Trafficking in Human beings.

**Risk assessment:** A formal procedure for identifying and evaluating the risks which are associated with the person who is receiving support and with that person's situation and future plan for support in Sweden and/or in the country of origin.

**Social inclusion:** The purpose of this process is to ensure that those who risk poverty and social exclusion have the possibilities and resources required to participate in the economic and social life and are thereby guaranteed a

reasonable standard of living. The process also ensures that these people have greater participation in decision making on questions which affect their lives and access to their fundamental rights. By means of such a process, individuals are offered access to such things as education, practical experience, employment, housing and medical care. A program for social inclusion can be carried out either in Sweden or after return to the country of origin.

**Transit Country:** The country which a person who has been subjected to human trafficking travels through in order to reach her/his final destination.

**Third Country:** A third country is a country which is not a member of the EU or the EEA.

**Victim of Human Trafficking:** *Victim of Human Trafficking* is a concept, not a characteristic. There is, however, no uniform definition of what a victim of human trafficking is nor any established system for giving a person status as a *victim of human trafficking*. Generally speaking, a victim of human trafficking is a physical person who has been subjected to human trafficking in accordance with the definition in the Penal Code (Chapter 4, Section 1). The concept victim, however, has different meanings depending on the context. In a criminal proceeding the complainant is a person who has been subjected to a crime or has been violated or damaged by the crime. In order to be regarded as a complainant, it is required that the crime has been reported to the police and that a criminal proceeding has been commenced. The Court will decide whether a person is a complainant when the prosecutor commences a prosecution. Pursuant to Swedish law it is necessary, in addition to being classified as a complainant, to be a party and/or to testify in the court proceedings in order to have access to certain rights, such as interpreting, translation and reimbursement for costs.

Pursuant to the international conventions to which Sweden has acceded, however, all identified potential victims have rights which are to be satisfied, regardless of whether or not they are complainants.



# Introduction

# Introduction

## How to use this Manual

This National Referral Mechanism-manual is built upon Swedish legislation, validated experiences and international directives.<sup>1</sup> The document contains five steps and a number of measures which are to be carried out in order to ensure efficient and secure referral of persons who may have been subjected to THB and to offer them support and protection. The manual is primarily intended for professionals who either work against prostitution and human trafficking or may identify potential victims and in that way are participating in the support process, for example police, social services, officers at The Swedish Migration Agency, NGOs, shelters, prosecutors, lawyers and psychologists.

The document is divided into **five steps**:

**Step 1 - Identification**

**Step 2 - Initial Support and Protection**

**Step 3 - Long-term Support and Social Inclusion**

**Step 4 - Return**

**Step 5 - Criminal Proceedings**

The manual is intended to guide the above-mentioned actors in order to guarantee support and protection to presumed victims of THB. This document presents:

- **WHAT** measures are to be taken in every individual case of THB
- **WHO** is responsible for carrying out the measures
- **WHEN** the measures are to be taken
- **HOW** the measures are to be carried out

Every section provides guidance for the reader.

The actors who will use the manual do not have to go through the steps and the measures in the given order, but may instead choose that which would contribute to the victim receiving support and protection. There is room for flexibility and individual adaptation of the referral process. The steps are to be regarded as a help for professionals and are intended to increase cooperation between actors working against THB, governmental and non-governmental.

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<sup>1</sup>The European Parliament's and the Council's directive 2011/36/EU on prevention of human trafficking and on protection of its victims was adopted on 21 March 2011. The purpose of the directive is to strengthen the protection of victims of human trafficking and to improve the preventive measures by increasing the prosecution of the perpetrators.

All measures in this document which affect children are coloured in blue.

## Principles for reception

The following principles should be used by all involved governmental authorities and volunteer organisations in order to ensure support of high quality and to avoid the risk that persons subjected to prostitution and human trafficking will become victims again:

- Be non-discriminatory as relates to gender, ethnicity, religion, functional disability, sexuality, age and legal status
- Do not be judgmental as relates to the potential victim's earlier experiences and current choices and behaviour
- Respect all decisions which the potential victim makes with knowledge of the circumstances
- Define and respect expectations and duties

## Relevant Actors

### **The County Administrative Board in Stockholm**

Since 2009, the County Administrative Board in Stockholm has been appointed by the government to function as the National Coordinator against prostitution and Trafficking.<sup>2</sup> The County Administrative Board functions as a national contact point and provides operative and strategic method support to governmental authorities and NGOs in questions relating to prostitution and human trafficking. The County Administrative Board in Stockholm is also responsible for the Voluntary Return Program which is a program in which victims of human trafficking can participate, regardless the form of exploitation, and who have decided to return voluntarily to their country of origin and receive continued support there.

The County Administrative Board leads the National Task Force against Prostitution and Trafficking (NMT). NMT consists of governmental authorities which work against prostitution and human trafficking and functions as a strategic resource for developing and increasing the efficiency of cooperation in the work against human trafficking. The cooperation focuses particularly on supporting municipalities and regions which have limited experience with the work against prostitution and human trafficking. NMT offers operational method support to municipalities,

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<sup>2</sup> Since this governmental authority's functions have been increased to encompass combatting human trafficking in other forms of exploitation (governmental decision of 11 April 2013), the operational area of the County Administrative Board in Stockholm has been enlarged to include other forms of exploitation in human trafficking, such as forced labor.

governmental authorities and NGOs in human trafficking cases through its Hotline: 010-390 000 and through their website [www.nmtsverige.se](http://www.nmtsverige.se).

The County Administrative Board has also appointed Regional Coordinators against human trafficking in seven Regions, following the regional structure of the Police Authority. This means that all municipalities can receive support in THB cases by a Regional Coordinator located in the region.

The Regional Coordinators will:

- Assist regional governmental authorities, for example the police and social services, with support in direct human trafficking cases and function as regional actors with highly developed competence
- Synchronise the work against prostitution and human trafficking which takes place at a regional level with the work which takes place at a national level through continuous contact with the national coordinator against prostitution and human trafficking at the County Administrative Board in Stockholm
- Refer trafficking cases in the region to the correct authority

### **Social Services**

The responsibility for offering assistance to persons who have been subjected to human trafficking in Sweden rests upon social services in all of the country's 290 municipalities and districts which have the final responsibility for persons who are in the municipality. Pursuant to the Social Services Act, the goal of the assistance is to ensure a reasonable standard of living for the recipient of the support. Social services have the authority to take necessary measures during all stages of the process of identification and support, so long as the needs of the person who was subjected to human trafficking continue to exist.



**If a child is suspected of being a victim of human trafficking, social services is the authority which has the principal responsibility as relates to investigating whether a child needs support from social services, as well as deciding whether the child needs immediate protection.<sup>3</sup>**

### **The Police Authority**

When a potential victim of human trafficking is discovered, it can often be the local police who is the first contact point. The police will prepare a report and initiate a preliminary investigation as well as conducting a first interview with the victim. If the victim needs help and support, this can be provided by social services and NGOs in cooperation with the police. The police should also make a risk assessment as relates to the victim. The police and the prosecutor will cooperate during the

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<sup>3</sup> Chapter 11, Section 1. The Social Services Act (2001:453)

preliminary investigation for the purpose of collecting and securing evidence which provides a basis for an eventual prosecution. The leader of the preliminary investigation, most often a prosecutor but sometimes the police, is the one with a mandate to apply to The Swedish Migration Agency for a reflection period and a temporary residence permit <sup>4</sup> for the victim.

### **The Swedish Migration Agency**

The Swedish Migration Agency identify many victims of THB. Officials at The Swedish Migration Agency may identify victims, and the authority's role is, among other things, to investigate and make decisions in the matters as relates to reflection period as well as temporary residence permits for persons having evidence (complainants and witnesses) in accordance with the Aliens Act (Chapter 5, Section 15).

### **The Swedish Prosecution Authority**

The Prosecution Authority have operational responsibility for preliminary investigations and prosecutions in human trafficking matters. The prosecutors and the police officials play an important role in applying for a reflection period for the potential victim of human trafficking. The prosecutor will lead the preliminary investigation and will prosecute the case in the event of a trial. The prosecutor can initially assist with extracting compensation from the perpetrators. The prosecutor can request that a complainant's advocate, that is a Swedish Advokat or other lawyer, can be provided to assist the victim in the court and with questions of compensations.

### **Swedish Civil Society Against Human Trafficking**

The organisations in the platform Swedish Civil Society Against Human Trafficking identifies potential victims and often offer direct housing as well as long-term support for those who choose to remain in Sweden after trial. These services can be provided in cooperation with the municipality's social services and the police. The Platform is a network consisting of approximately twenty NGOs and offers assistance to persons subjected to human trafficking. The members of the platform can offer such things as shelter, support conversations and long-term support. The Platform continually gathers statistics about how many of the human trafficking victims the platform's members identify, and compile the statistics annually. The Platform cooperates with governmental authorities at various levels in order to improve the support to those who have been exploited. Many times it is in the Platform's shelters that social services and the police will place victims of human trafficking. The Platform is part of society's support system and is also responsible

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<sup>4</sup> Preliminary Investigation Proclamation Section 14 a: A foreigner who can be granted a time-limited residence permit pursuant to Chapter 5, Section 15 of the Aliens Act (2005:716) must be informed of this possibility by the leader of the preliminary investigation. Regulation (2007:321)

for supplementary support. The Platform is undergoing a certification process of its member organisations in order to ensure the quality of the support and to be a part of the national support program for victims of Human Trafficking, financed and owned by the County Administrative Board in Stockholm.

### **International Organisation for Migration (IOM) Helsinki**

For the purpose of developing a function which will make possible voluntary return and reintegration of victims of human trafficking with nationalities other than Swedish, the County Administrative Board in Stockholm has commenced a close cooperation with the IOM office in Helsinki in order to implement The Voluntary Return Programme.

# Steps and measures

# Steps and measures

## Step 1: Identification

### MEASURE 1: INITIAL REFERRAL

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#### WHO:

When you come in contact with a potential victim of human trafficking you can contact any of the following:

- The National Secretariat against Prostitution and Human Trafficking at the County Administrative Board in Stockholm. Hotline: 020-190 000
- Police (114 14 or 112)
- Social Services (Socialjouren) in your municipality after office hours

#### WHAT:

Initial efforts means that you inform relevant authorities that a person appears to be a victim of human trafficking.

A potential victim can be discovered via:

- The Police
- Social Services
- The Swedish Migration Agency
- NGOs
- Customs
- An Embassy or Consulate
- Health Care
- Unions
- The Swedish Work Environment Authority
- The Swedish Tax Agency
- Transport Personnel
- Family or Acquaintances
- Someone else



When social services, or another governmental authority, comes into contact with an unaccompanied child an investigation should be made as to whether the child is or has been subjected to human trafficking and the child should be assured of getting special protection and support.



If the identification measures cannot definitively confirm a potential victim's age, the governmental authorities involved must proceed on the assumption that the victim is a child and offer relevant protection and support measures in accordance with that.

Ü Measure 5: Reflection period

Ü Step 2: Initial support and protection

Ü Step 3: Long-term support and social inclusion

**WHEN:**

Immediately after a person is assumed to be a victim of human trafficking.

**HOW:**

- The County Administrative Board in Stockholm can help you as a professional worker, regardless of governmental authority, to establish contact with the local police, social services and NGO in the municipality where the potential victim is discovered in order to inform them about the case. When the potential victim has been identified by the police, the same procedure shall be applied as in the point below.
- The police will investigate as to whether there are indications that the person may have been subjected to human trafficking. On the police intranet there are checklists which can be used for identifying victims of human trafficking. For more support, there is also an interactive training program on the police intranet which can be used to discover and investigate human trafficking.
- After the initial efforts. In accordance with the Police Act (1984:387)<sup>5</sup> the police must collaborate with social services, for example by informing social services about a human trafficking matter in the municipality. Social services must place the person subjected to crime in adequate housing, where she/he will be offered relevant protection and support measures.  
(Ü Measure 2: Access to fundamental needs and information).



As soon as a potential victim is a child, social services must be informed. Social services must follow the child during the entire process and maintain a close cooperation with law enforcement authorities, The Swedish Migration Agency (if an unaccompanied child seeking asylum is involved), and other

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<sup>5</sup>Section 3 The police must collaborate with the prosecution authorities. Collaboration must also take place with other governmental authorities and organisations whose activities affect the police work. This is particularly important insofar as the police are continually collaborating with governmental authorities in the social services and are informing them as soon as possible about circumstances which should lead to some measure by them.

actors until a sustainable solution that takes into account what is best for the child has been identified and implemented.

## MEASURE 2: BASIC NEEDS AND INFORMATION

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### WHO:

- The Police or social services (The MIKA Reception Centers or the Regional Coordinators in the regions of Malmö, Bergslagen, Gothenburg and Stockholm) will provide the information
- The housing where the victim is placed can also provide the information



If the victim is a child, social services must always be present in order to guarantee that the child's fundamental needs and rights are preserved.

### WHAT:

Provide for: a) basic needs and b) information to the potential victim.

The police must inform the victim pursuant to the Preliminary Investigation Proclamation in order to see what information must be given to the victim.<sup>6</sup>

- a) Basic needs must be satisfied as relates to food, hygiene, rest and if necessary health care
- b) Providing information is an important step in the process in order to enable the victim to feel as secure as possible. It is also the first step towards building a relationship of confidence between the victim and the involved actors, such as a governmental authority or a volunteer organisation, which for the moment is in contact with her/him. The victim must be informed about the rights and duties she/he has as early as possible. Information must be provided about:
  - Rights and duties as a potential victim
  - The possibility of receiving a reflection period
  - Available services (housing, support conversations or other available support)
  - Possibility of being granted a complainant's advocate during the investigation and the legal proceedings (if the potential victim consents to cooperate with the governmental authorities)
  - Possibility of returning to the country of origin through the County Administrative Board in Stockholm's Voluntary Return Program **Step 4: Return**

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<sup>6</sup> The Preliminary Investigation Proclamation. Section 13 a

- Potential safety risks
- Which governmental authorities, organisations and other relevant actors can provide support, help and care

Note! Individuals who do not want to carry on a conversation and do not wish to receive support must be provided with information on available support if they decide to seek assistance in the future

**WHEN:**

Immediately after the initial support

No interrogation and no interview may be carried out before a potential victim has received acute help, been informed about her/his rights, been given an opportunity to decline cooperating with the legal authorities and has been offered an opportunity to ask questions. Every individual is entitled to decide whether she/he wants to receive support. An initial rejection of support, however, may not result in the victim no longer having access to support if she/he later changes her/his mind.

**HOW:**

If the police identify the potential victim, she/he must be provided with information. If the potential victim consents to being referred to a shelter, the police must inform social service in the relevant municipality about the potential victim and the need for housing. Social services will contact the actor which is responsible for the shelter. If the victim has been identified by social services, social services must transfer her/him directly to the shelter and inform the police after having obtained consent. In this case, the initial conversation with the police and/or social services will take place in the premises of the shelter. The housing facility is entitled to financial compensation from social services for having provided the housing.

When the potential victim is a child, language must be used which is appropriate for the child's level of development. The police can also decide to exchange information initially with an authorised representative of the child from social services and then let that person share the information with the child.



**WHERE:**

- Provision of information must take place in an environment which the victim experiences as secure: for example, at social services or at the housing facility if the potential victim has been placed in one
- Fundamental needs must preferably be satisfied in the housing facility's premises (if the person in question does not want to be placed in housing, she/he must nonetheless have her/his needs satisfied)

## MEASURE 3: EARLY RISK ASSESSMENT

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### WHO:

- The police must make a risk assessment, in consultation with social services if that is necessary
- Social services and volunteer organisations will make a risk assessment as relates to health
- **When a child is involved social services has the primary responsibility**



### WHAT:

A risk assessment must preferably be done in consultation with relevant actors, for example between the police and social services, and is one way of evaluating the potential victim's situation for the purpose of:

- Identifying any immediate threats to her/his health
- Assessing the need for acute medical care or other urgent support needs. The police will assess any immediate or future risks to her/his safety, as well as that of others close to her/him such as children, to the extent that is possible
- Establish the next steps in order to guarantee her/his safety and wellbeing, as well as that of others close to her/him such as children



The risk assessment for a child which is suspected of being a victim of human trafficking must also contain concrete measures and steps which must be taken immediately in order to guarantee what is best for the child.

Social services will make an evaluation of the child's situation, background and needs and will collaborate with the police if there is an ongoing police investigation, regardless of whether the child seeks asylum or not.

When what is involved is a child who is not seeking asylum, contact must be established with the relevant embassy which will contact the responsible governmental authority in the country of origin. An inquiry will be sent to the responsible governmental authority in the country of origin in order to obtain information on prior knowledge of the child, to carry out a social investigation, a risk assessment related to the human trafficking situation, and a proposal on a sustainable future solution for the child. A close cooperation between the responsible authorities in the respective countries is a precondition for assessing what is best for the child and being able to ensure protection from future exploitation.

When what is involved is a child who is seeking asylum, on the other hand, the contact with the country of origin will be made via The Swedish Migration Agency.

**WHEN:**

Acute safety risks must be evaluated immediately after initial support. Acute health risks must be evaluated as early as possible, preferably before or after the victim has obtained a place in a housing facility. The conversation should be initiated after the potential victim has:

- Received information on fundamental rights
- Been informed about the procedure for risk assessment
- Been given an opportunity to ask questions or present demands
- Affirmed that she/he feels safe
- Given her/his consent

The risk assessment **cannot** be carried out if the potential victim:

- Is in a place where seclusion and safety cannot be guaranteed
- Is in need of acute medical care
- Asks for legal assistance
- Asks to delay or declines a risk assessment

**HOW:**

The evaluation as relates to health must be done by means of a conversation with the victim. This will show that the most important question is the individual's well-being and will contribute to winning her/his confidence. Questions may **never** be asked if another person from the environment in which the victim had been is present (that is, other exploited persons, suspected human traffickers, persons who exploit in some other way, criminal confederates and so on).

If the person wishes to return to her/his homeland, the information which has been collected as above can constitute the basis for an application for support in voluntary return and reintegration through the County Administrative Board in Stockholm's *Voluntary Return Program for Human Trafficking Prostitution*.

**Ü Step 4: Return**

If the risk assessment indicates that special protection is required, a risk management plan must immediately be designed in cooperation with social services and the police, and in cooperation with a volunteer organisation if one is involved. The plan must state the prescribed safety measures, and related procedures must be described thoroughly. The plan can only implemented if the potential victim is informed. The plan must be managed having regard to the rules which relate to safety and confidentiality.

A risk assessment must be updated so as to guarantee the safety of the victim, of others close to her/him, and of those who are providing the support. It must also provide a basis for the development of a risk management plan as relates to the return to the country of origin within the framework of the return program.

**Ü Step 4: Return**

## **MEASURE 4: LANGUAGE INTERPRETATION**

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### **WHO:**

Interpreting will be provided by the actor which is responsible for the victim, for example social services or the police.

Note! Under no circumstances may governmental authorities or housing facilities use interpretation by individuals who have been found together with the potential victim - even when they maintain that they are partners, friends or family members.

### **WHAT:**

Complete conversational interpreting for potential victims who cannot communicate in Swedish. For a person who can to some extent make herself or himself understood and wants to speak herself or himself, an interpreter can be engaged to assist in conversation if the potential victim gives her/his consent.

### **WHEN:**

Whenever during the proceedings it is considered that the victim is in need of an interpreter.

### **HOW:**

Before a conversation is begun, the potential victim must be informed concerning the interpreter's role, duties and responsibilities and of her/his right to dismiss an appointed interpreter at any time.

## **MEASURE 5: REFLECTION PERIOD**

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### **WHO:**

- The person conducting the preliminary investigation, police or prosecutor, will apply for a reflection period when a suspicion of human trafficking exists
- The Swedish Migration Agency is the decision-making authority when a residence permit for a reflection period is involved.

### **WHAT:**

A reflection period is a temporary residence permit for a period of 30 days in accordance with the Aliens Act<sup>7</sup> in which the potential victim can recover from the crime she/he was subjected to and decide whether she/he wants to collaborate with the governmental authorities investigating the crime. Applying for a reflection period is an important step in the process of offering a victim protection and support.

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<sup>7</sup> Chapter 5, Section 15 (2005:716)

The reflection period also serves to strengthen the potential victim's confidence in the state and its capacity to protect her/his interests. Persons who have been offered a reflection period and/or a temporary residence permit (TUT) have the same right to health care and medical care as well as to social support as persons resident in the municipality. **The reflection period must be applied for and granted regardless of a person's willingness to collaborate with the investigation<sup>8</sup> and can be followed by a temporary residence permit being granted for at least 6 months, if special prerequisites are satisfied.** Ü **Step 2: Protection**

The principal components of a reflection period are:

- Access to secure housing (for example, a shelter or an HVB home)
- Information on available alternatives for longer support and return to the homeland via the County Administrative Board's Return Program Ü **Step 2: Protection**
- An appropriate period of time to recover and consider alternatives, including the possibility of collaborating with law enforcement authorities, such as the police

**WHEN:**

The reflection period must be applied for as early as possible in the process and it ought to run for at least 30 days. A temporary residence permit for at least six months must be granted to potential victims when the reflection period has run out, if the circumstances require it. It is not necessary to obtain a statement from the potential victim in order to prepare an application for a reflection period.

**A reflection period can be granted even if the potential victim is in an ongoing asylum process.**

**HOW:**

The Swedish Migration Agency will make a decision on the application the same day it is received, or at latest the day after that. **See appendix: *Application for a temporary residence permit or a reflection period.***

An application for a reflection period is made by the leader of the investigation and is sent to The Swedish Migration Agency via fax or e-mail:

Fax: 011-23 98 39

E-mail: [visa.app@migrationsverket.se](mailto:visa.app@migrationsverket.se)

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<sup>8</sup> The Council of Europe's Convention on Action Against Trafficking in Human Beings (2005), articles 13 and 14.

**Do not forget!**

- *Contact the National Secretariat Against Prostitution and Human Trafficking at The County Administrative Board in Stockholm and/or the local police when potential victims of human trafficking are discovered*
- *Ensure the potential victim's fundamental needs*
- *Contact social services if a child is involved*
- *Apply for a reflection period for the potential victim so that she/he can have further support and protection*
- *Offer an interpreter if necessary*



## Step 2: First assistance and protection

### **MEASURE 1: INFORMATION ON ASSISTANCE OPTIONS AND CONDITIONS**

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**WHO:**

- Social services in cooperation with the housing facilities. Social services, however, has the primary responsibility for guaranteeing that the victim is properly informed.
- If the victim has need of an interpreter one must be made available.

**WHAT:**

Provide clear and detailed information to the victim on what support alternatives she/he has access to and the design of the support:

- Housing
- Meals
- Clothing (hygienic articles and fundamental needs)
- Psychological advice and support
- Medical support
- Social support
- Legal information and support **Ü Measure 2: Information on legal alternatives**
- Protective measures
- Interpreting
- The victim's rights and duties

**WHEN:**

As soon as possible after the potential victim has been identified, is in a secure environment and an evaluation of needs has begun. Information is given with respect to the potential victim's condition.

**HOW:**

Representatives of social services, and/or involved governmental authorities and the housing facility, will inform the potential victim about available support alternatives and conditions in Sweden (see list above under **WHAT**).

Alternatives and conditions must be communicated directly to the potential victim in a language which the victim understands. You should:

- Encourage the victim to ask clarifying questions
- Regularly confirm that the individual has understood the information
- Adapt the information to the victim's specific needs



Children must be informed in a language which is appropriate for the child's level of development. In these cases, social services will be present throughout the entire conversation.

## **MEASURE 2: INFORMATION ON LEGAL OPTIONS**

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### **WHO:**

- Complainant's advocate
- Police
- Social services

### **WHAT:**

This involves giving correct information on the available, existing legal alternatives and collateral rights. During this step the victim will be informed about the following:

- The possibility of cooperating with competent governmental authorities
- The possibility of receiving a reflection period (unless this has already been applied for)
- The possibility of being granted a temporary residence permit
- The possibility of compensation Ü **Step 5: Criminal proceedings, Measure 5: Support for demands for compensation**
- The possibility of returning to her/his homeland via *The Return Program for Human Trafficking Prostitution* Ü **Step 4: Return**
- Investigation status (decision as to whether a preliminary investigation is to be commenced or not commenced, or in the alternative that the case is dropped)

### **Right to a temporary residence permit**

After an application from the leader of the preliminary investigation, a temporary residence permit, which will be in effect for at least six months, may be granted if:

- It is necessary in order to carry out a preliminary investigation or a trial in a criminal case
- The victim of human trafficking has shown a clear intention to collaborate with the investigating governmental authorities
- The victim of human trafficking has terminated all connections with the persons who are suspected of the actual crime involved in the preliminary investigation
- Regard to public order and safety do not indicate that a permit should not be issued

A residence permit can be renewed if the leader of the preliminary investigation requests it and the conditions which are stated here are satisfied.

## Asylum

To be a victim of human trafficking is not in itself a ground for being granted asylum in Sweden. But circumstances and the trauma which exists can affect the decision in an asylum matter. It is possible that a residence permit may be granted on humanitarian grounds. A reflection period has to be applied for in parallel even if the victim of human trafficking is involved in an asylum proceeding.

### WHEN:

Together with the provision of information on support alternatives and conditions.  
**Ü Step 2 Protection, Measure 1: Information on support alternatives and conditions**

### HOW:

The leader of the preliminary investigation will apply to the Court for the appointment of a complainant's advocate. The complainant's advocate must immediately contact the victim to provide necessary information on the victim's legal rights and duties.<sup>9</sup>

Legal rights and duties must be communicated:

- Orally or in writing in a language which the potential victim understands
- In a clear, professional and supportive way
- By means of encouraging the victim to ask clarifying questions
- By means of regularly confirming that the individual has understood what has been explained
- With help from an interpreter if that is needed



Children must be informed in a language which is appropriate for the child's level of development. If a guardian has been appointed that person must be present during the conversation. Children are entitled to a variety of support measures in Sweden, regardless of whether they are resident here and regardless of whether or not they collaborate with competent governmental authorities. In any event, a child which has been separated from its family must only return to its country of origin if that is considered to be what is best for the child.

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<sup>9</sup> See duties in Aliens Act [Sw: UL] 5:15

## MEASURE 3: INTAKE AND NEEDS ASSESSMENT

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### WHO:

- Social services in cooperation with the housing facility
- **When a child is involved it is only social services which is responsible for the evaluation of needs**

### WHAT:

It is a procedure for evaluating the needs for support and security of every potential victim of human trafficking. Her/his family situation and if she/he has children should also be considered in the evaluation.

### WHEN:

After the potential victim has been provided with information on the available alternatives, legal possibilities and possible duties or conditions which are linked with possible support.

### HOW:

An evaluation of needs must be carried out with the help of one or more discussions with the competent governmental authorities and the potential victim. **Social services are responsible for preserving documentation of the matter until the matter has been closed.**

If the person consents to return to the country of origin the documentation of the matter will function as a basis for an application to *The Return Program for Human Trafficking Prostitution*. **Ü Step 4: Return**

Before the procedure is begun competent governmental authorities must:

- Review any existing description of the matter which the County Administrative Board in Stockholm or the police have received
- Clarify who will and who will not have access to the information
- Clarify the individual's possibility of declining to answer questions

When the evaluation of needs has been completed the potential victim must be informed of the results.

## MEASURE 4: ASSISTANCE PROVISION AND PROTECTION

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### WHO:

- The housing facility in cooperation with social services
- The Police

### WHAT:

The support of the potential victims, if they give their consent, will encompass housing, help in establishing contact with other governmental authorities, financial support, interpreting, developing social connections, employment, psychological and legal support. Generally what is involved is providing support in conformity with the result of the evaluation of needs and satisfying immediate or acute needs as well as ensuring the potential victim's safety. Prompt support and protection may exist at any time or several times during the whole process.



Children who are potential victims of human trafficking should be placed in housing where a high level of care, close personal relations and care which is conscious of trauma are available.

### WHEN:

After the initial support and with consent from the potential victim, in the available housing facility or at social services depending on where in Sweden the potential victim was discovered.

### HOW:

The housing facility in cooperation with social services will offer the victims support. The type of support may differ depending on what services are available at various housing facilities. The police are responsible for guaranteeing the victim's protection in dialogue with the shelter facility.

At the end of the first support period, the potential victim will make a decision as to whether:

- She/he will travel back to her/his country of origin and, when a risk assessment has been carried out, measures necessary for it must be carried out. **Ü Step 4: Return**
- She/he wants to stay in Sweden and thus necessary measures and services must be carried out so as provide longer term support as well as support in social inclusion. **Ü Step 3: Help longer term and social inclusion**
- She/he wants to collaborate with the competent governmental authority and apply for damages. **Ü Step 5: A criminal proceeding**



When children are involved the evaluation must be done on the basis of what is best for the child in order to identify a sustainable solution for the long term.

#### **Do not forget!**

- *Inform the potential victim about support alternatives and legal alternatives and conditions*
- *Evaluate the potential victim's need for support and security*
- *Give the potential victim support to make decisions about her/his future*
- *Provide the potential victim with measures for support and security*
- *Offer an interpreter if necessary*

## Step 3: Long-term assistance and social inclusion

### **MEASURE 1: JOINT DEVELOPMENT OF AN INDIVIDUAL TREATMENT PLAN**

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**WHO:**

- Social services in cooperation with all actors who are participating in the matter, for example the housing facility where the victim has been placed or governmental authorities in the victim's homeland if the victim will return home

**WHAT:**

It is a plan which describes the steps and the related measures which have been offered to the person who is to be given support in conformity with her/his needs.

The long-term support and the social inclusion are given either:

- In Sweden if the person who is receiving support remains after the reflection period and/or a temporary residence permit
- In the country of origin when the person who was subject to crime returns to her/his homeland.

**Ü Step 4: Return**



When a child is involved social services is responsible for the evaluation of the child's needs and for recommendations for short-term and long-term support. In addition, social services must carry out regular follow-ups of the child's individual treatment plan.

Depending on the individual circumstances, the responsibility for more long-term support and social inclusion will fall upon social services in Sweden and in the country of origin. When the child is to remain in Sweden, the long-term support will be provided in accordance with Swedish legislation.

**WHEN:**

When the victim expresses a willingness to develop an individual treatment plan or when the decision on return to the country of origin has been made.

**HOW:**

In Sweden social services is responsible for the development of the individual treatment plan. Based on the information which is provided by all actors who are participating in the matter, social services will determine the needs and explore the possibilities of satisfying them. Based on the needs and the available resources, social services will carry out the individual treatment plan for a period of up to six months, depending on the length of the residence permit.

The competent governmental authorities and volunteer organisations will discuss the matter with the person who is receiving support and together they will develop the plan, which must be based on needs and desires. The person who is receiving support must be given sufficient time to evaluate the available alternatives.



The individual treatment plan must be signed by the person who will receive the services and, if a child is involved, by the respective representative of social services. Just the child's signature and consent are not enough. When a child is involved the plan must be developed with regard taken to the child's perspective and social services' evaluation of what is best for the child. The communication must include complete information on the available measures and services, including the rights and duties which are linked to them.

## **MEASURE 2: ADJUSTMENT AND SOCIAL INCLUSION**

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### **WHO:**

- Social services and volunteer organisations, for example the Platform Swedish Civil Society Against Human Trafficking

### **WHAT:**

This is a process which ensures that the person who is receiving support has the possibilities and resources which are required to adapt herself or himself to her/his new living conditions and participate in the economic and social life as well as guaranteeing a reasonable standard of living.

### **WHEN:**

During the long-term support phase in Sweden or after the return to the country of origin. If the victim remains in Sweden the duration of the support depends on the length of the residence permit, which is dependent on how long the preliminary investigation and the court proceedings go on.

If the person who is receiving support enters into *The Return Program for Human Trafficking and Prostitution* the support for reintegration may include the first three months after the return to the country of origin or the first three months after the support has been commenced.

### **HOW:**

A joint strategy for involved governmental authorities must be used in order to support the person who is receiving support during all stages of the implementation of the individual treatment plan. Social services are responsible for implementation of the individual treatment plan in close cooperation with the involved governmental authorities.



## In Sweden

During this phase the person who is receiving support will carry out her/his individual treatment plan. It may include:

- Housing<sup>10</sup>
- ADL-training (Activities in daily life)
- Conversational support
- Psychological advice
- Legal advice and support
- Medical support
- Social support and support in contacts with medical care
- Language training
- Educational activities
- Practical and on-the-job training
- Professional guidance
- Reintegration measures for family/society
- Family advice and parental support
- Leisure activities
- Financial support
- Follow-up of the matter

The person who is given support has a right to employment during her/his stay in Sweden, depending on desire and competence. According to the aliens act (Aliens Act (2005:716) Chapter 5, Section 15) all victims of crime, including victims of human trafficking who have been granted temporary residence permits, are relieved of the requirement of a work permit.



**When the victim is a child it must be taken care of through existing legislation for the protection of children who are without care from parents and must be placed in a suitable housing facility, for example HVB.**

**As relates to education for children who do not have residence permits, municipalities and schools are to receive children on a voluntary basis. This also includes child care facilities.**

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<sup>10</sup> Different types of housing may be offered based on need.

## MEASURE 3: LEGAL SUPPORT AND ASSISTANCE

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### WHO:

- The complainant's advocate or private lawyers who are retained individually



When the victim is a child social services must always be involved in all phases of legal support and help.

### WHAT:

What is involved is the provision of professional legal help and help to the individual, for example:

- To apply for the expungement of the crimes which the victim was forced to commit as a consequence of her/his being subjected to human trafficking
- To prepare herself or himself before the trial in which she/he will be a witness
  - **Ü Step 5: A criminal proceeding, Measure 2: Support before the trial**
- To participate in the trial as a complainant **Ü Step 5: A criminal proceeding, Measure 3: Support during the trial**
- Demanding compensation for the loss or damage the perpetrators caused
  - **Ü Step 5: Criminal proceedings, Measure 5: Support for demands for compensation**
- To apply for a temporary residence permit
- To apply for asylum
- To apply to have a deportation decision withdrawn
- To have any debts written off (loans, health insurance)
- To provide updated information on any ongoing legal proceedings

### WHEN:

During longer term support in Sweden or before returning to the country of origin.

### HOW:

The official involved must:

- Provide correct information orally and (if possible) in writing in a language which the individual understands
- Be professional and supportive
- Respect confidentiality and not use and/or convey any information about the person who is receiving support without her/his consent
- Help in evaluating the available alternatives
- Respect all decisions which the person who is receiving support makes with complete knowledge of the circumstances



- See to it that the person who is receiving help has understood the procedures and the related consequences
- **When a child is involved, have a child's perspective and communicate in a way that is comprehensible to the child and with a language which is appropriate for the child's level of development**

When a foreign person without identity papers is involved the competent governmental authority must contact the embassy or consulate of the country of origin in order to verify the identity and the citizenship of the person who is receiving support. **Embassies and consulates are not to be contacted if the person who is receiving support has expressed a desire to apply for asylum or is in an ongoing asylum proceeding.**

#### **Do not forget!**

- *Develop an individual treatment plan for the person who is receiving support*
- *Ensure a reasonable standard of living if the person who is receiving support has decided to remain in Sweden*
- *Ensure a reintegration period of three months if the person who is receiving support has decided to return home*
- *Offer interpreting if there is need*

## Step 4: Support for voluntary return (only relevant for victims with a nationality other than Swedish)

### **MEASURE 1: THE DECISION TO SEEK ASSISTANCE FOR VOLUNTARY RETURN**

#### **WHO:**

- Involved actor (for example social services, volunteer organisation, The Swedish Migration Agency or the police)
- The County Administrative Board in Stockholm

#### **WHAT:**

The person who is offered support makes a decision to accept support for voluntarily returning home, based on the information which has previously been provided on the alternatives and risks of remaining in Sweden, returning home or residing in another place. **Ü Step 2: Initial support and protection, Measure 2: Information on legal alternatives and prerequisites**

The return process in Sweden is run by the County Administrative Board in Stockholm's program *The Return Program for Human Trafficking Prostitution (ÅMP)*. The program is designed so as to support the individual who has made a decision to return home or to reside in another place. The support includes not only the physical transport of the victim but also measures to ensure that the return is safe and worthwhile. The support includes:

- Support and travel preparations before the trip
- Support during the trip
- Support in connection with reintegration in the country of origin. This can include financial support or support in some other form such as housing, education, employment or medical, psychosocial and legal services in the homeland (based on individual needs and availability).

**Ü Step 3: Help longer term and social inclusion, Measure 2: Adjustment and social inclusion**

Visit [www.nmtsverige.se](http://www.nmtsverige.se) for more information on the County Administrative Board's return program.

#### **WHEN:**

When the person who is receiving support expresses a desire to return to her/his country of origin. This can happen at any time during the support period.

#### **HOW:**

The decision to accept support for returning home must be based on sufficient and correct information and by the returning person herself or himself.

With help from the person responsible for the matter or other contact person at a governmental authority or volunteer organisation, the returning person can evaluate her/his situation in Sweden, desire and possibilities to remain in the country, and possibilities and limitations associated with a voluntary return. After this, the returning person can decide to request support for returning home. Application for support for a voluntary return and participation in the program is made via the County Administrative Board in Stockholm.

The returning person is entitled to change her/his mind and to terminate the return at any time during the proceedings. When possible, the person who is responsible for the matter must try to respond to all worries and all questions which the person who is receiving support may have as they arise in order to avoid any possible termination on the basis of insufficient or deficient information.



When the victim is a child consideration must be given to the child's desires, but social services will make the final decision. The child must be fully informed and consulted throughout the process as well as being offered appropriate advice and support. Consideration must also be given to the child's view on return, settling in and transfer in light of her/his age and level of maturity.

If a decision is made that the child is to return to the country of origin responsibility for longer term support and social inclusion falls upon the country of origin. The County Administrative Board in Stockholm in cooperation with social services is responsible for providing information about the child to the country of origin in order to guarantee what is best for the child and to provide support for finding sustainable solutions. Since the process of return and the possibilities for providing support for reintegration vary depending on the specific legislation and case law in the country of origin, it is not possible to describe a concrete long-term support and a process for social inclusion which covers all steps. The County Administrative Board in Stockholm coordinates the process and supports the Swedish social services, with help from IOM, from case to case.

## **MEASURE 2: GRANTING ACCESS TO PARTICIPATE IN THE RETURN PROGRAMME**

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### **WHO:**

- The County Administrative Board in Stockholm

### **WHAT:**

Applying for support from and participation in the return program and granting the individual support within the framework of the program.

**WHEN:**

When the person who is receiving support decides to enter the program.

**HOW:**

The County Administrative Board in Stockholm will discuss the matter with the relevant governmental authority/volunteer organisation and will inform them concerning a potential participant in the program.

When the returning person has been granted access to support, an application must be filled out. If the application cannot be translated into the returning person's language, it must be explained carefully in a language which the returning person understands. Assist the returning person with filling out and signing the application form.

**MEASURE 3: APPLICATION FORM**

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**WHO:**

- Involved actor (for example social services or volunteer organisations which are assisting the victim in applying for the return program)
- The County Administrative Board in Stockholm
- IOM Helsinki

**WHAT:**

It involves a process for filling out and sending in a formal application for participation in the return program.

**WHEN:**

When the returning person has been granted access to support within the framework of the return program.

**HOW:**

The County Administrative Board in Stockholm will inform IOM Helsinki about the matter. Thereafter IOM Helsinki will contact the governmental authority or volunteer organisation which is responsible for the matter (for example social services) and request that the application form for the program be filled out and signed by the victim who is to return. The relevant governmental authority or volunteer organisation must assist the returning person in filling out and signing the application form. If the governmental authority or volunteer organisation has a problem in filling out the application form or needs further clarification, the County Administrative Board in Stockholm may be contacted for support. The application form must be carefully explained in a language which the returning person understands (the application is available in Swedish and English). The application form must be filled out based on the information which has previously been collected during the evaluation of needs [Ü Step 2, Measure 3 -Evaluation of Needs](#) and the completed risk assessment [Ü Step 1 Measure 3 - Risk assessment](#).

The filled-out application form, which has been signed by the person who is receiving support, must be sent together with enclosed documents which are required to IOM Helsinki by e-mail or fax.

**Do not forget!**

- *Inform the person who is receiving support about the return program*
- *Give the individual support for applying to enter the return program*
- *Contact the County Administrative Board in Stockholm, 010-223 11 40, for support during all phases of the return process*
- *Offer an interpreter if necessary*

## Step 5: Criminal proceedings

### MEASURE 1: INVESTIGATION AND EVIDENCE GATHERING

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**WHO:**

- Prosecutor and police, after a report of human trafficking has been made
- Complainant's advocate, a representative of social services, a representative of a volunteer organisation and/or a housing facility
- When a child is involved a representative of social services must always be present

**WHAT:**

A criminal investigation, or preliminary investigation, is intended to investigate whether a crime has been committed, by whom and to collect evidence which speaks for or against the guilt of the suspects. It is very important that the specification of the crime be given as human trafficking when a report of crime is made to the police.

**WHEN:**

A preliminary investigation must be commenced as soon as there is cause to believe that a crime which falls within the scope of a public prosecution has been committed, regardless of whether or not there has been a report from a crime victim.

**HOW:**

A preliminary investigation consists of various components, surveillance observations, interrogations of witnesses, complainants, suspects or other persons who can provide information on the matter and technical evidence. A very important part of the preliminary investigation is the interview of the complainant.

Before the interview of the complainant (the person subjected to the crime) that person should be informed about the legal proceeding and about the crime victim's position in a criminal proceeding.

Crime victims who are to be heard by the Court and who do not understand Swedish are entitled to cost-free interpreting and translation during the trial. See The Preliminary Investigation Proclamation.<sup>11</sup>

Preliminary investigation confidentiality prevails in an ongoing preliminary investigation, which can be experienced as making things more difficult for the cooperation since social services cannot receive all—or avail itself of all—information

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<sup>11</sup> Section 14 a: A foreigner who can be granted a time-limited residence permit pursuant to Chapter 5, Section 15 of the Aliens Act (2005:716) must be informed of this possibility by the leader of the preliminary investigation. Regulation (2007:321).



from the police. Social services can coordinate with the police investigator as to what information in the matter it can receive.

## **MEASURE 2: SUPPORT BEFORE THE TRIAL**

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### **WHO:**

- Social services in cooperation with responsible persons at the housing facility
- Complainant's advocate, a possible support person, a psychologist (or a conversation contact) and an interpreter
- The Police
- Prosecutor

Note! It is recommended that as few persons as possible participate in the proceeding.



If the victim is a child and does not have parents the Court must, at the request of the prosecutor, appoint a special advocate for the child.<sup>12</sup> The advocate must be a lawyer or another person who is appropriate for the assignment.<sup>13</sup> The advocate will protect the child's interests during the preliminary investigation and the trial.

### **WHAT:**

It is a way of proceeding so as to ensure that the person who is receiving support and who acts as complainant in a criminal proceeding has received information on the following alternatives:

- Duty to participate in the hearings in Court
- Right to receive legal advice
- Right to be represented by a complainant's advocate (without cost)
- Have access to excellent interpreting
- Right to be accompanied by a support person in the Court
- Possibility to be heard without the perpetrator being present in the courtroom, even if that person can always hear the testimony
- Possibility not to disclose name and personal identity to the public
- Right not to answer certain question about her/his own criminal activity

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<sup>12</sup> Special Advocates for Children Act (1999:997). Section 3: A special advocate shall, in the place of the child's custodian, act as a substitute to preserve the child's rights during the preliminary investigation and in the subsequent trial. The advocate may not, however, commence a criminal prosecution or commence a suit for damages without a public prosecution having been commenced.

<sup>13</sup> Special Advocates for Children Act (1999:997). Section 5: A Swedish Advokat, an associate lawyer at a law firm, or some other person can be appointed as a special advocate. Only a person who, on the basis of her/his knowledge and experience and personal characteristics is especially appropriate for the assignment, may be appointed.

- Right to request compensation for her/his appearance
- Right to request damages
- Possibility to hold some parts of the trial behind closed doors
- Right to be represented by a lawyer as a complainant's advocate (without cost)

The goal in the preparatory phase is also to ensure that the crime victim is:

- Conscious of what value the information provided has in the trial and its possible consequences
- Conscious of the roles of various persons who participate in the legal proceeding
- Conscious, where it is appropriate, that all information which is presented in a trial may become public
- Conscious of what support the person can receive after the conclusion of the legal proceeding

**WHEN:**

As soon as possible before the trial.

**HOW:**

The complainant will be provided orally and (to the extent it is possible) in writing with all necessary information so as to be able to participate in the trial.

She/he can visit the Court before the trial date in order to acquaint herself or himself with the building and the courtroom. If possible the person who is receiving support can sit in the witness chair while the accompanying person goes through how the trial proceeding will be carried out.

The complainant will be informed about where to meet on the day of the trial and on any accompanying procedures.

If the complainant returns to her/his homeland before the trial, she/he will be prepared in the homeland at the request of the responsible prosecutor or judge in Sweden, before the trial takes place. It is even possible that the complainant will appear in a Court in her/his homeland and testify in the Court in Sweden over a video link.

The request will be sent to the competent governmental authority in the country where the victim has her/his domicile.

### **MEASURE 3: SUPPORT DURING THE TRIAL**

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**WHO:**

- Police, prosecutor, complainant's advocate in cooperation with the person responsible for the matter from the shelter and an interpreter
- Further support can be offered by, for example, MIKA Reception Centers in the major cities and by volunteer organisations

**WHAT:**

Provide information, and psychological and legal support in order to minimise the risk that the potential victim will be exposed to a new trauma on the basis of her/his participation in the trial. The victim must feel secure and be able to tell her/his story.

**WHEN:**

During the trial.

**HOW:**

Examples of support during the trial:

- Physical support for the victim
- Possibility for the victim to be heard without the perpetrator being present in the courtroom, even if the perpetrator can always have audible access to the testimony
- Recording of testimony so that the victim need not personally appear or at least not be confronted by the perpetrator (for example, video testimony, closed-circuit TV, use of screens, providing testimony in another room, hearing behind closed doors during part of the trial)
- Accompanying the victim/witness to, in and from the Court
- Avoid contact with the perpetrator (and to the extent possible also friends and other contacts) when going into the building (for example using a side entrance or a separate waiting room)
- The prosecutor can issue a prohibition of contact order which will forbid contact between the defendant and the victim
- Provide support persons (for example relatives, representatives of an association/a group which protects crime victims' interests) who will accompany the complainant to the Court
- For certain sensitive information (for example life history, name and photograph of the victim/witness) confidentiality can apply if necessary
- If there is a serious threat against the victim/witness consideration can be given as to whether testimony should be given via video link



Complainant and witness interviews with children under 15 years of age will be presented in the Court in the form of a video recording, based on the police interrogation which is carried out at Barnahus or a similar place. Barnahus is a place where police, social services, pediatricians and psychologists from child and youth psychiatry work together with children who are victims of violence and sexual exploitation. Barnahus exists all over Sweden.

The Court can also decide that a trial with a child under 15 years of age shall take place behind closed doors. Children over 15 years of age who are victims generally tell their stories in the usual place in the Court.

#### **MEASURE 4: SUPPORT AFTER THE TRIAL**

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##### **WHO:**

- Social services in cooperation with other governmental authorities or actors (for example housing). **Ü Step 3: Help longer term and social inclusion**
- If safety measures must be taken they will be taken by the police in dialogue with the governmental authorities or actors involved

##### **WHAT:**

It is the support which is offered to the individual when the legal proceedings are over. Depending on the desires the individual herself or himself has expressed, the risk assessment which has been performed and the legal possibilities which are available, the victim/witness may:

- Remain in the destination country **Ü Step 3: Help longer term and social inclusion**
- Return to the homeland **Ü Step 4: Return**

In order to be able to guarantee the individual's safety further safety measures may need to be taken after the trial.

##### **WHEN:**

After the trial, and when safety measures are involved, so long as the victim's safety is at risk.

##### **HOW:**

If it is necessary to take additional safety measures in order to protect the victim, a new risk assessment must be performed and the risk management plan revised by the police in cooperation with social services.

The victim must give her/his written consent to any new plan and must be informed within a reasonable time about any changes which arise (for example, that the perpetrator has been released from prison).

## MEASURE 5: SUPPORT FOR COMPENSATION GRANTS

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### WHO:

- Complainant's advocate or prosecutor, at the request of the crime victim. Social services and/or the MIKA Reception Centers may also be of help
- Pursuant to the Preliminary Investigation Proclamation, the Police Authority and the Swedish Prosecution Authority have the duty of informing the complainant that the prosecutor under certain circumstances may prosecute an individual claim (damages) as a result of a crime and about the possibilities for the complainant to obtain compensation for damages resulting from the crime. In conjunction with providing this information, information ought also to be provided in an appropriate way about the rules which apply to dealing with such claims. In a case where the complainant has a complainant's advocate, that person must help with the claim. The Crime Victims Compensation and Support Authority may also be contacted for information on damages and on compensation for damages resulting from the crime



In certain criminal cases the Court may appoint a special representative for a child who will help with the request for damages.

### WHAT:

During the trial, a crime victim may demand damages from the criminal defendant being prosecuted. The damages can, for example, relate to compensation for the injuries which the criminal defendant has caused but also the costs of lost income. Such a claim is prosecuted by a complainant's advocate.

### WHEN:

During the Court proceedings. The question of damages is ordinarily heard by the Court in conjunction with the trial which deals with the crime.

A crime victim who comes from another country can demand damages even after she/he has returned to her/his homeland. In such a case, the support for seeking compensation must also be arranged through the available international contact mechanisms.

### HOW:

The victim or a competent governmental authority in the country of origin will contact the complainant's advocate who will demand damages from the perpetrator during the Court proceeding, after consultation with the crime victim. The Court will make a decision on the amount which the victim is to receive in damages. After a conviction, the crime victim can receive certain help with obtaining her/his damages from the Swedish Enforcement Authority. If the criminal actor lacks resources the crime victim may apply for compensation for damages resulting from the crime from the Crime Victim Compensation and Support Authority. An application for

compensation for damages resulting from the crime must ordinarily be made not later than three years from the conclusion of the legal proceeding. It is also possible to obtain compensation for damages resulting from the crime if the criminal actor is unknown and the police's preliminary investigation has been dropped.

The victim must:

- Be fully informed about her/his right to compensation and about the necessary Court proceeding this brings with it
- Be guaranteed cost-free legal help during the legal proceeding
- Receive psychological support during the entire proceeding

**Do not forget!**

- *Inform the person who is receiving support about the investigative process*
- *Provide the person who is receiving help with necessary information and safety measures before the trial*
- *Provide the person who is receiving help with psychological support and physical protection during the trial*
- *Support the victim in requesting damages*
- *Offer an interpreter when needed*

# Appendices



**Application for  
temporary residence permit or reflection period**  
with support of Chapter 5, Section 15 of the Aliens Act  
(2005:716).

The leader of the preliminary investigation can use this form to apply for a temporary residence permit or a reflection period in criminal cases pursuant to Chapter 5, Section 15 of the Aliens Act.

A foreigner can be granted a temporary residence permit for at least six months if it is needed in order that a preliminary investigation or a trial in a criminal case can be carried out, if the foreigner is willing to collaborate with the governmental authorities investigating the crime and has terminated the connection with the persons who are suspected of a crime to which the preliminary investigation relates. A foreigner can also be granted a temporary residence permit for 30 days as a reflection period in order to be able recuperate and decide whether he or she will collaborate with the governmental authorities which are investigating the crime.

A residence permit which has been granted pursuant to this Act can be extended.

An application which must be signed and scanned is to be **sent by mail to [visa.app@migrationsverket.se](mailto:visa.app@migrationsverket.se) or fax No. 011-23 98 39**. The Swedish Migration Agency will send the decision to the e-mail address of the leader of the preliminary investigation and to the affected person.

You can find more information at our website [migrationsverket.se](http://migrationsverket.se)

- Application for a residence permit for at least six months
- Application for a residence permit for a reflection period of 30 days

**Personal information**

**The person to whom the application applies**

Surname	Given name	File number
Date of birth (year, month, day)	Citizenship	
Postal address	E-mail address	

**The crime**

<input type="checkbox"/> Suspected human trafficking <input type="checkbox"/> Other crime
Report on the background of the applicant. Also state the time for the application, any potential obstacles against public order and safety, etc.



### Person in charge of the preliminary investigation

Surname	Given name	Telephone number
Governmental Authority		E-mail address
..... Place and date		..... Signature

### Appendices which are being sent with the application

- Copies of passport or other id-document

## Preliminary Investigation Proclamation

Section 13 a/Effective date 1:1 January 2016/

The complainant must be informed as soon as possible that the prosecutor under certain circumstances may prosecute an individual claim resulting from a crime and about the possibilities for the complainant to obtain compensation pursuant to the Criminal Injuries Compensation Act (2014:322). The custodian of a child which has witnessed a crime must be informed about the possibilities for compensation for damage resulting from a crime pursuant to the Criminal Injuries Compensation Act, unless the custodian is suspected of the crime. In conjunction with providing this information, information ought also to be provided in an appropriate way about the rules which apply to dealing with such claims. If the crime is such that there can be a question about ordering a complainant's advocate pursuant to the Complainant's Advocate Act (1988:609) or issuing a contact prohibition pursuant to the Contact Prohibition Act (1988:688), or if the complainant has need of special protective measures pursuant to Section 13 f, the complainant must be informed as soon as possible about the rules which apply to the appointment of a complainant's advocate or the issuance of a contact prohibition as well as about what protective measures exist and about the possibility of an alternative housing facility.

### *The complainant must be informed as soon as possible about*

- the rules on a support person in Chapter 20, Section 15 and Chapter 23, Section 10 of the Code of Judicial Procedure,
- the possibilities of receiving legal assistance and advice pursuant to the Legal Aid Act (1996:1619),
- the possibility of requesting a European protective order being issued and sent over to another member state of the European Union pursuant to the European Protective Orders Act (2015:642),
- the possibility of and the prerequisites for intervention pursuant to the Intervention Resulting from Crime Act (2002:445),
- what governmental authorities, organisations and others which can provide support, help and care,
- the contact information which is needed in order to obtain information on her/his own matter,
- the continued handling of the matter and what role he or she will have in it,
- the right to interpreting and translation,
- the right to compensation for costs and in connection with appearance at interviews and proceedings in Court,
- where he or she can turn with complaints which bear on the handling of the matter, and
- that he or she upon request can obtain information about how the matter is progressing at the police, the prosecutor or the Court if this can occur without prejudice to the investigation.

A measure pursuant to the first paragraph, second sentence, need not be taken if it is obvious that it is not needed or if taking that measure is associated with significant difficulty. Regulation (2007:647).



County Administrative Board of Stockholm  
Social Development unit  
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