



MODERN SLAVERY IN SWEDEN

– with good practices from a Nordic perspective

The Salvation Army Sweden's status report
to combat labour exploitation*



* Labour exploitation in this regard relates both to human trafficking for forced labour and similar crimes such as human exploitation.



**This report has been conducted during the fall of 2021
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Labour exploitation means exploiting labour through, for example, very low wages, unreasonably long working hours and a poor working environment.

A person who exploits another person for work under clearly unreasonable conditions can be sentenced for trafficking in human beings for forced labour or human exploitation for forced labour or labour under clearly unreasonable conditions, the Swedish Criminal Code Chapter 4, Sections 1a and b.

Abstract

Problem

Over the last decade, the Salvation Army Sweden (Salvation Army) has seen an increasing number of potential victims of labour exploitation and human trafficking. Many of them are workers from foreign countries as part of an influx of migrants escaping from economic crisis, conflict, oppression, and discrimination. Most crimes against labour exploitation are hidden in plain sight and are undetected throughout Europe in labour-intensive sectors such as restaurants, cleaning, construction and agriculture. Labour exploitation is a highly lucrative crime and the risk of being apprehended is low. Perpetrators make use of the structures and practices to hide their criminal activities from the law enforcement agencies. Therefore, there is a need to aim higher in the ambitions to end these crimes and violations of human rights.

Purpose

The purpose of this report is to illustrate current issues and main challenges associated with combating labour exploitation, the modern slavery in Sweden today. Furthermore, the report has a comparative perspective and compares the current challenges and strategies in Sweden, Finland and Norway, in order to share a Nordic view of successful actions and good practices in the combat of human trafficking and labour exploitation.

Method

The report is based on the Salvation Army’s gained experience and data derived from public reports and eight semi-structured digital interviews with authorities and NGOs in Sweden (3), Norway (3) and Finland (2) over. See Question Guide in Appendix 2.

Analysis and Conclusions

This report concludes that all Nordic countries, and Sweden in particular, experience challenges in the combat against human trafficking for labour exploitation. These challenges include unclear application of human trafficking legislation regarding labour exploitation, limited case law, lack of knowledge and training of responsible authorities and lastly inefficient cooperation across public authorities due to confidentiality issues. Many of these challenges are common as between the Nordic countries and there are examples of good practices to develop a more efficient approach in the work against labour exploitation. With this report, the Salvation Army call on the Swedish government and its responsible agencies to improve the Swedish efforts to comprehensively address labour exploitation. In doing so the Salvation Army urge the Government to acknowledge its shortcomings in terms of lack of (i) priorities, (ii) clear resources, (iii) clear mandates and structures, in order to give victims of all forms of human trafficking the protection, access to justice and support which they are entitled to according to the international conventions.

Introduction

Background

Human trafficking for labour exploitation is a serious crime where the most vulnerable people in our society are exploited for the profit of perpetrators. Moreover, labour exploitation has increased in recent years since the prolonged EU refugee and migrant crisis, combined with restrictive migration policies offering few paths for legal migration, are "push factors" for particularly vulnerable individuals who are at the bottom of the socio economic spectrum.¹ The problem with labour exploitation has also increased during the Covid-19 pandemic, since its effects increase common push factors and hinders measures for public protection, law enforcement and labour inspections.² In Sweden the crime human exploitation was introduced in the Swedish Criminal Code in 2018³ and it is a complementary crime for situations where the actions of a perpetrator does not meet the procedural requirements of the more serious crime of human trafficking. The law aims to protect the vulnerable from exploitation in forced labour, unreasonable working conditions and more.⁴

Labour exploitation in Sweden mainly affects foreign labour, working for unreasonably low wages, having very long working days, being exposed to a dangerous work environment, or having poor accommodation.⁵ Individuals who are at risk of being exploited often do not know the language spoken in the country, have limited education, live in poverty in their home country and lack applicable work permits.⁶ As further pointed out by the Swedish National Audit Office (NAO), there is very little knowledge in Sweden of the individuals at risk of exploitation and the conditions under which they work and the Swedish NAO deems that there is a vast number of persons working in Sweden that are at risk of being exploited but who are not represented in statistics.⁷

Reports during 2020 from the Swedish NAO and the Council of the Baltic Sea States pointed out major

shortcomings in the handling of matters of exploitation in the Swedish labour market. The challenges are several: lack of national coordination, inability to enforce the law, investigate crimes and provide support to victims of crime.⁸ These shortcomings will be further elaborated in this report.

The problem with labour exploitation is widespread in Sweden and the Swedish Prime Minister has recently stated that it will be an area of focus for the Swedish government.⁹ It remains to be seen what actions the Swedish government will take as part of their increased efforts in the combat against labour exploitation but the Salvation Army hopes that this report can serve as part of the basis for the Government’s continued work in expanding and improving Sweden’s efforts to combat human trafficking for all purposes.

Increasing Problem

In recent years, the Salvation Army has experienced an increased influx of victims of human trafficking and exploitation in Sweden especially at the Salvation Army’s safe houses and its trafficking centre Safe Havens which offers low threshold-social and legal services. During 2021 the Salvation Army had contact with 414 (313 in 2020) potential victims of different types of human trafficking, of which 205 people, 173 (96) adults, including 32 (16) accompanying children, were given protection and support at the Salvation Army’s Safe Havens trafficking centre or the Salvation Army’s safe houses. Approximately 30% (61 out of these 205) were potential victims of labour exploitation. Regarding all forms of human trafficking are these figures by far the highest numbers the Salvation Army have come across.

The Swedish Civil Society Platform against Human Trafficking (Platform) has also presented statistics showing that 322 persons were exposed to human trafficking in 2020. The majority of these persons were

¹ European Parliamentary Research Service, p. 7.

² See more under "Increasing Problem", as well as European Parliamentary Research Service, p. 2 and Abdulla Shahid at the High-Level Meeting of the General Assembly on the Global Plan of Action to Combat Trafficking in Persons.

³ See Chapter 4, Section 1 a and b of the Criminal Code (1962:700).

⁴ Johansson, p. 6.

⁵ See statistics under "Increasing Problem" and Swedish Police Authority, p. 8.

⁶ FRA, p. 45.

⁷ Swedish NAO, p. 16.

⁸ Swedish NAO, p. 4 and Johansson, p. 3.

⁹ "Magdalena Anderssons löfte: Hårdare krav på de som anställer utländsk arbetskraft".

exposed to sexual exploitation, but the Platform could also see that close to 50 persons were exploited for labour purposes which is a fourfold increase compared to 2019.¹⁰

According to statistics from the Swedish National Council for Crime Prevention, 73 crimes against human exploitation for forced labour were reported in 2020. This is an increase from 2019, during which 43 crimes against human exploitation for forced labour or labour under unreasonable conditions were reported. Many of the number of reported crimes against human exploitation involved the same trades and industries in which victims are subjected to human trafficking for forced labour, such as construction, restaurants, car washes, cleaning, berry-picking, beauty salons and domestic work. The perpetrators were often men, living in Sweden, and often originated from the same countries as the victims or spoke the same language as the victims. The National rapporteur has stated that the increase in reported crimes of human exploitation, could be a sign that there is an increased tendency to report suspicion of forced labour as labour exploitation instead of reporting suspicion of forced labour as human trafficking.¹¹

Finally, between 2013-2019 there were 209 police complaints filed for human trafficking for forced labour.¹² Recent statistics published by the Swedish Police Authority, show that only four suspected crimes against human exploitation led to prosecution in 2020, and none of the prosecutions led to a conviction. In 2019 only four suspected crimes were prosecuted of which one case led to a conviction of the perpetrator.¹³ Around half of the criminal investigations were led by a public prosecutor and the other half by the Swedish police. Approximately half of the reported crimes against human exploitation were filed by the Swedish Migration Office and the Swedish Police.¹⁴

Labour exploitation has for a long time been conceived as a concern for purely illegal markets and not common industries and has therefore gone under the radar until around ten years ago when it gained increasing in-

terest.¹⁵ Consequently, these figures strongly indicates that human trafficking and modern slavery continue to ravage freely despite times of the covid 19-pandemic.¹⁶ It should also be noted in this context, as is further elaborated further down in this report, that many victims are either unaware of the exploitative nature of their work or afraid of reporting their situation to the police and/or other authorities. According to different estimation attempts made at EU and global level, the real number of victims could be 5 to 10 (or even 20) times higher than the actually identified victims.¹⁷ Furthermore, as highlighted by the Swedish NAO in a report from 2020, no government agency that has an overview of persons affected by labour exploitation or the number of victims and statistics the number of victims that receive support by government agencies is uncertain.¹⁸ Hence, the Salvation Army anticipates that there is a vast number of victims who are not represented in the statistics.

The Salvation Army’s Combat Against Human Trafficking

Strategy and Purpose

The Salvation Army seeks to change the pattern of social injustice and exploitation and has a strong commitment to serve human needs without discrimination. The work against human trafficking has a three pillar agenda; prevention, protection and reintegration. The Salvation Army desires to steward their response work in a way that honours those who are served and strives to respond holistically to the problem and to be a part of the solution. All work is based on a human rights-based approach with the focus on empowerment, inclusion and long-term engagement to strengthen the life conditions of the people the Salvation Army meets to become resilient actors in society.

The Salvation Army’s international strategy for the fight against human trafficking and modern slavery is built upon a Freedom Action Framework.¹⁹ The Salvation Army

¹⁰ Platform, p.1.

¹¹ Swedish Police Authority, pp. 8, 38.

¹² Johansson p. 2.

¹³ Swedish Police Authority, pp. 88, 134.

¹⁴ Swedish Police Authority, pp. 54-55.

¹⁵ European Parliamentary Research Service, p. 5.

¹⁶ "En inblick i Sveriges moderna slaveri".

¹⁷ European Parliamentary Research Service, pp. 2, 5.

¹⁸ Swedish NAO, p. 4.

works actively in partnership with public authorities’ civil society organisations and private sector, e.g., law firms, to protect and help victims and potential victims of human trafficking.

The Salvation Army is keen to develop a more survivors-inclusive and trauma-informed approach. It is needed now more than ever as we see the lack of access to support, health services and restoration throughout the Swedish national support system. We must ensure that our commitment to victim-centred and trauma- and survivor-informed approaches when serving victims and survivors is uninterrupted. We must also extend this approach to our interactions with our colleagues throughout the anti-trafficking field. Salvation Army calls for better cooperation for Sweden to live up to its international commitments²⁰ to help the vulnerable and fight human trafficking and urge the Swedish government to give a clearer mandates and allocate more resources.

The initiative for this report comes from experience related to the Salvation Army’s digital seminars²¹ on the issue regarding Sweden’s modern slavery and the campaign ”Insight into Sweden’s Modern Slavery”²² where the Salvation Army has highlighted stories²³ and pictures²⁴ from reality which show the vulnerability and living conditions of people in exploitation on the Swedish labour market. The press release ”Sweden can learn from Nordic neighbors to counter modern slavery”²⁵ was also published to raise awareness of labour exploitation/modern slavery at which several interviewees to this Report attended.

Collaboration with Public Authorities and Agencies

Since 2018, there has been a joint government assignment to stop work life criminality, which has led to many inspections and raids by the RMS-agencies²⁶ and specialised regional coordinators against human trafficking.²⁷ However, the Salvation Army fears that the eight assigned authorities have only discovered the

tip of the iceberg. So far, very few victims have been identified and received protection and support and there are very few preliminary investigations, and almost all of them are discontinued. The few vulnerable victims who have been found have in some cases received support from the Salvation Army’s safe house Lyktan, today the only safe house specialised in and giving protection to victims to all forms of exploitation of human trafficking regardless of gender and age. According to our experience, other potential victims were given shelter at low-budget hotels or hostels before they were quickly removed from Sweden to their home countries. The Salvation Army would like to see an even closer collaboration with the authorities:

”We have had a number of vulnerable people with us who have been referred here for protection and support, but the authorities’ remaining responsibility has been far from obvious.” (Kremena Hultby, manager at the Salvation Army’s safe house Lyktan)

Sweden’s Largest Case of Human Exploitation in Modern History

In August 2021, a national scandal in Sweden erupted when around 50 people from Bulgaria were found to have been brought to Sweden by an employer to be exploited for berry picking in Älvsbyn, northern Sweden. The Salvation Army was asked to assist in an aid action including social and legal support to help out the victims to press charges against their exploiter together with the responding authorities.

”This is by far Sweden’s largest case of human exploitation and child labour that we have encountered in modern times, where the exploited victims were left completely without access to protection and support.” (Madeleine Sundell, lawyer and national coordinator for the Salvation Army’s combat against human trafficking, Salvation Army)

¹⁹ *”Fight For Freedom strategy seeks to be a roadmap as we mobilize and work towards a world filled with justice and freedom”.*

²⁰ See Council of Europe, Convention CETS No. 197 and European Union, Directive 2011/36/EU.

²¹ *”Seminarium”.*

²² *”En inblick i Sveriges moderna slaveri”.*

²³ *”Den osynliga hemtjänst-kvinnan”, ”Född in i dödshot och hemlig identitet”, ”Byggets smutsiga bakgård – en svensk kåkstad”, ”Kriminell exploatering – att tvingas och hotas till brott”.*

²⁴ *”Bilder”.*

²⁵ *”Sverige kan ta lärdom av nordiska grannar för att motverka det moderna slaveriet”.*

²⁶ The RMS-agencies are eight agencies that collaborate to stop trafficking and are composed of the Swedish Police Authority, Swedish Public Employment Service, Swedish Work Environment Authority, Swedish Economic Crime Authority, Swedish Social Insurance Agency, Swedish Gender Equality Agency, Swedish Migration Agency and Swedish Tax Agency.

²⁷ *”Myndighetssamverkan mot arbetslivskriminalitet”.*

The increasing problem of human exploitation and lack of national coordination was underpinned by the case in Älvsbyn where about 50 Bulgarian men, women and children were recruited to Sweden to be exploited in berry picking. An operation was initiated by the police and social authorities in northern Sweden, but only a small part of the recruited persons were interviewed and identified as victims. All these potential victims of crime are entitled to rights such as; safe housing, medical and psychological care, access to material support and information about their legal rights.²⁸ The Salvation Army’s Safe Havens trafficking centre, together with the law firm Brottsbyrå, assisted with practical support and legal information to 35 of the 50 Bulgarians, as they were stranded in Stockholm whilst waiting to return home. Lovisa Landälv gives her view of the situation:

”We got to listen to many impactful stories, this opened up trust and most of them ended up reporting to the police and showed a willingness to participate in a criminal procedure. We are now waiting for the prosecutors’ decision on whether to bring charges or not. The most important thing is that the case is not closed, which unfortunately happened in the summer of 2020 when 91 people were suspected of being exploited in the very same location under similar circumstances.” (Lovisa Landälv, manager at the Salvation Army’s Safe Havens trafficking centre)

The Salvation Army identified a number of shortcomings by the Swedish state in the case of the Bulgarian workers due to the responsible agencies’ insufficient knowledge and lack of preparation. The acting regional coordinator was not listened to, the support from the Swedish Gender Equality Agency was out of reach. The consequence of this was that the exploited persons were not given the opportunity to enter the Swedish national referral mechanism since the police and social services did not identify the persons as potential victims.

Recent Initiatives by the Swedish Government

Since the Swedish NAO report in December 2020 there have been some improvements and new assignments;

The Swedish government announced, in a publication from April 2021, that it is gearing up its ambitions through more permanent funding for the Swedish Work Environment Authority to be used to increase permanent collaboration between different public agencies and to increase multidisciplinary inspections to effectively prevent people being exploited in the labour market.²⁹

The Swedish department of finance commissioned a report to investigate if the possibilities for agencies to share confidential information under current secrecy legislation is used efficiently but also if there is a need for amendments to the Swedish secrecy legislation in order to achieve effective collaboration between different agencies in regards to combatting, e.g., work life criminality. The results shall be presented at the Swedish parliament no later than 1 april 2022.³⁰

In 2021, the Swedish National Support Program (NSP) run by the Swedish Civil Society Platform against Human Trafficking received more resources (close to SEK 2.7 million) than ever before and hopefully it can cover more victims’ need of assistance and protection.³¹

A new National Delegation on Work Life Criminality has been initiated by the Swedish government which will be tasked to gather and support relevant actors in order to strengthen knowledge about work-related crime in Sweden and learn from international experience.³²

A national campaign about labour exploitation was launched towards the general public in order to raise awareness in risk sectors of services and goods.³³

²⁸ Council of Europe, Article 12 and 13, pp. 6-7.

²⁹ p. 9, Skr. 2020/21:169.

³⁰ pp. 1-3, Fi2021/02442.

³¹ ”Sverige kan ta lärdom av nordiska grannar för att motverka det moderna slaveriet”.

³² pp. 1, 3, Dir. 2021:74.

³³ ”Stoppa arbetslivskriminalitet”; the project was launched as part of the interagency cooperation between the RMS-agencies.

Challenges

In 2020, the Swedish NAO performed an audit report on the Swedish government initiatives to combat labour exploitation in the central government initiatives at counteracting against human exploitation and human trafficking. The audit identified major shortcomings, mainly because the Government has not given public agencies the necessary mandates and responsibilities to counteract the problem. Although the shortcomings exist in all parts of the system, NAO highlighted four areas in particular: regulations, inspections, information, and support for victims.³⁴ National coordination has also been addressed as a topic of concern in a report recently published by the Swedish Police, which states that the Covid 19-pandemic has hampered national coordination between public agencies in connection with a suspected crime against labour exploitation.³⁵ Furthermore, the Country of Baltic Sea-states report on human trafficking and human exploitation on the Swedish labour market states that important challenges remain to combat labour exploitation, especially regarding investigations and prosecution of such crimes. There are several challenges: both to align the Swedish courts’ application of “forced labour” in line with the international definition, as well as to secure adequate resources to investigate work exploitation and support its victims.³⁶

Through the compiled research and the interviews in this report, as well as from experience from the work with victims of labour exploitation, the Salvation Army has collected the most common challenges in the field of combating labour exploitation. The existing challenges may be many more but the Salvation Army believes that these are a good starting point to navigate the way forward in the battle against labour exploitation. The Salvation Army regards the main challenges to be;

- The categorisation and definition of labour exploitation
- Limited case law and unclear legislation
- Lack of understanding/education
- Confidentiality issues
- Victim’s rights
- Resources, mandates and structures
- Unwillingness to press charges

Below you will find each one of them in the context of the words of the persons who were interviewed as part of the work with this report.

Categorisation and Definition of Labour Exploitation

A universal problem across Sweden, Norway and Finland in the combat of labour exploitation is that the crime itself is similar to other crimes, and there is a tendency, due to the lower burden of proof³⁷ or lack of sufficient understanding of trafficking cases³⁸, to therefore prosecute for other crimes, such as illegal coercion, pimping and other crimes.

“To achieve a conviction in such cases you have to provide evidence in a broad number of things, about working conditions, about living conditions, how well the work is controlled or not and it becomes very complicated for the courts so it’s sometimes easier to press charges for other breaches of rules and relations. It’s tricky, it’s a difficult crime.” (Jan Austad, specialist director at the Ministry of Justice and Public Security in Norway)

“When an act/behaviour does not reach the procedural requirements for human trafficking, it may well be procuring as human trafficking-like and human exploitation, it will eventually be a question of definition in court whether it is human trafficking or human exploitation, so I think it [SGEA’s work against unfair competition and SGEA’s national coordination role] must go hand in hand there.” (Mats Paulsson, senior adviser at Swedish Gender Equality Agency)

A consequence of steering away from human trafficking- or crimes of exploitation to other crimes is that victims of human trafficking can be barred from the assistance that they had been entitled to if the crime which they had been subjected to categorised as trafficking instead of any other crime.³⁹ It can also lead to insufficient restoration for victims of trafficking since not all other crimes address the exploitation-aspect of the crime.⁴⁰

³⁴ Swedish NAO, p. 1.

³⁵ Swedish Police Authority, p. 129.

³⁶ Johansson, p. 3.

³⁷ US State Department, pp. 432, 237.

³⁸ US State Department, pp. 525, 432.

³⁹ US State Department, p. 432.

⁴⁰ Johansson, p. 37.

Limited Case Law and Unclear Legislation

With the crime of human exploitation, from 2018, so far, few prosecutions for the crime have been brought and Sweden has been urged to investigate, prosecute, and convict traffickers under the trafficking statute and punish them with significant prison terms.⁴¹ The very first case regarding human exploitation and the definition of “forced labour under clearly unreasonable conditions” is from the restaurant sector, and is currently being processed by the Supreme Court of Sweden.⁴²

One issue with crimes in trafficking, and labour exploitation in particular, is that limited case law makes it difficult for the courts to properly assess such crimes and properly apply the legislation.⁴³ This is also highlighted by many of our interviewees, who point out the difficulties within the current legal landscape.

“The courts apply different reasoning and it is difficult to prove the vulnerability of the victims.” (Anonymous employee, NOA, Swedish Police Authority)

“(...) there is a need for clearer legislation and more guiding case law in order to further develop relevant legislation.” (Magdalena Lennmarken, work environment inspector at the Swedish Work Environment Authority)

The Swedish criminal law protection has since 2018 been tightened by the introduction of human exploitation. However, it has only led to very few convictions. At present, the risk is almost non-existent of an employer who exploits labour being sentenced for human exploitation or human trafficking.⁴⁴

“Human exploitation becomes a question of definition in the court whether it is human trafficking or human exploitation.” (Mats Paulsson, Swedish Gender Equality Agency)

Swedish regulations do not provide adequate protection against abuses that may lead to labour exploitation. Furthermore, the government agencies’ joint inspections to detect fraud and criminality among employers are insufficient since they do not currently fully detect or focus on potential exploitation of employees. The Swedish NAO states the reason for this is because no agency is mandated to check working conditions but also because it is unclear which agency has the mandate to act if victims are detected.⁴⁵

“The directives are quite clear but there is a lack of incentive for the authority itself (...) where we [SWEA] need to work a little more internally with it (...). The government and parliament need to review and come up with clearer directives.” (Magdalena Lennmarken, Swedish Work Environment Authority).

In 2020, Märta Johansson wrote in a report, published as part of the CAPE⁴⁶ framework, that Sweden lacks helpful case-law when it comes to prosecutions for crimes against human trafficking for forced labour. Swedish courts, Johansson writes, have often interpreted the term “forced labour” to require a victim to have been in a state of coercion (Sw. *tvångstillstånd*), which does not correspond with international definitions of forced labour.⁴⁷

⁴¹ US State Department, p. 525.

⁴² Johansson, p. 2., see also *“Människoexploatering i sista instans”*.

⁴³ Johansson, p. 37.

⁴⁴ Swedish NAO, p. 26.

⁴⁵ Swedish NAO, p. 4.

⁴⁶ Competence building, Assistance provision and Prosecution of Labour Exploitation cases in the Baltic Sea Region.

⁴⁷ Johansson, p. 2. See also European Parliamentary Research Service, p. 2., where human trafficking or exploitation is widely recognized by (1) the activity: the recruitment, transport, harbouring or receipt of persons; (2) the means: including the threat or use of force, deception, coercion or abuse of power, or of a position of vulnerability; and (3) the purpose: the exploitation of trafficked persons. The victim’s consent to the intended exploitation is irrelevant if any of the above means has been used; for child victims, the use of any specific means is not even required.

Lack of Understanding/Education

Sweden has received criticism for lack of training within human trafficking for relevant staff participating in anti-trafficking efforts.⁴⁸ The Swedish NAO recommends the implementation of proper training procedures for staff participating in workplace inspections and the implementation of support procedures for potential victims of exploitation.⁴⁹

Experts have reported that some judges have insufficient understanding of trafficking cases and current trafficking laws and non-governmental organisations (NGO) highlight the need for specialised prosecutors working on trafficking cases.⁵⁰

“We must get training for the judicial officials and an absolute priority is that we in practice must get a definition of what is an unreasonable job and obviously unreasonable working conditions.” (Mats Paulsson, Swedish Gender Equality Agency)

Unlike cases of human trafficking which are handled by a senior specialist prosecutor at the Swedish Prosecution Authority’s national unit against international and organised crime (RIO), cases of human exploitation are usually handled in local districts by general public prosecutors who do not receive any special training with respect of human exploitation, which could be a contributing factor for the small number of prosecutions.⁵¹ Kajsa Wahlberg, the Swedish National Rapporteur states:

“The Public Prosecutor’s Office should introduce competence-enhancing measures for all prosecutors, let the crimes of human exploitation be handled by specialised prosecutors at RIO with the aim to increase the possibility of obtaining convictions.” and “Knowledge of the legislation regarding human trafficking and human

exploitation by prosecutors and judges is important for a preliminary investigation to lead to prosecution and conviction, as well as for victims of crime to be rehabilitated and given the opportunity for compensation.” (Kajsa Wahlberg, Swedish Police Authority)

Group of Experts on Action against Trafficking in Human (GRETA) has also criticised how crimes against human trafficking for forced labour are investigated and prosecuted in Sweden, stating that it is worrying that the number of prosecutions for trafficking in human beings remains low and the number of convictions is even lower.⁵² The Swedish NAO has urged the Swedish Police and Public Prosecutor’s Office to review how these processes can be improved.⁵³

⁴⁸ US State Department, p. 525.

⁴⁹ Swedish NAO, p. 75.

⁵⁰ US State Department, p. 525. Finland has also been self-critical in their latest Action Plan which states that all authorities involved in the criminal justice process require training when it comes to identifying human trafficking, Roth and Luhtasaari , p. 29.

⁵¹ Swedish NAO, p. 37.

⁵² Group of Experts on Action Against Trafficking in Human Beings, p. 44.

⁵³ Swedish NAO, pp. 72-73.

Collaboration and Confidentiality Issues

When interviewing persons from relevant agencies, the need for more and better collaboration is highlighted in order to more effectively combat labour exploitation and its root causes.

”I believe in interagency collaboration and to have an active regional coordinator that can be in contact with plaintiffs. If there is going to be a change, there needs to be interagency collaboration and identification of those who are victims of human trafficking.” (Anonymous employee, NOA, Swedish Police Authority).

”In the field of labour exploitation, I see the lack of a mainstreamed coordination, right now we have various agencies involved with a lot of assignments and sometimes overlapping strategies, but I can’t see the ownership and therefore we have a lot of missing pieces.” (Magdalena Lennmarken, Swedish Work Environment Authority)

”In Finland we have a national coordinator against human trafficking (...) and this is very necessary. When I look at what the different agencies do in terms of human trafficking, I notice that some of their tasks overlap and sometimes there are gaps in the work, so the coordinator’s job is to ensure that all agencies’ activities contribute to the same goals.” (Pia Marttila, coordinating senior advisor at the Victim Support Finland)

As noted above in this Report, the government has launched an initiative to increase interagency collaboration, through its establishment of a National Delegation on Work Life Criminality. However, it must be highlighted, in this regard, that Sweden’s current confidentiality legislation often hinders effective collaboration and this issue must be addressed in order for the delegation to be able to effectively carry out its task. The issue with restricted information sharing between agencies, due to restraints under Swedish confidentiality legislation, is raised as a critical issue by many of our interviewees.

”A problem we have is confidentiality linked to authorities, where the Swedish Tax Agency might have very interesting information, but for privacy and confidentiality reasons they cannot share it, which I sometimes think plays in the hands of the criminal organisations. As the Swedish Gender Equality Agency, we can say that we think that should be reviewed, but we cannot intervene, it is entirely a government issue to raise.” (Mats Paulsson, Swedish Gender Equality Agency)

”(...) in cases like these we need to have the same view on the possibility of exchanging information between public authorities.” (Anonymous employee, NOA, Swedish Police Authority)

”There is room for improvement. There’s been a problem with the legal foundation, so that the possibility to share information has been limited between certain authorities and we are trying to make changes. And we have made changes to the law (...) So I think we’ve found a good system, but the capacity is limited.” (Jan Austad, Norwegian Ministry of Justice and Public Security)

”(...) there is a need for a joint action from the society. The different government assignments, directed towards the same issue, will either need to be merged or properly defined, (...) if we are to be more effective then each person needs to know when to act and with what information. There is a lot that requires clarification.” (Magdalena Lennmarken, Swedish Work Environment Authority)

Victims’ Rights

First of all, it’s been very obvious throughout all the reports and interviews that the prevalence of children is very low and almost unseen in the exploitation of labour. Criticism has been raised by GRETA and in the Trafficking in Persons (TIP) Report against Sweden for the lack of identification of children, especially undocumented minors.⁵⁴ Child labour is widely considered as such a serious crime against children’s rights and our commitments according the convention of the rights of the child, that it is thought of as a crime not happening in Sweden but only in other less developed countries. However, it is a fact that the Salvation Army did encounter children in the berry picking case in the summer of 2021 who were direct or indirect victims of labour exploitation. This deeply tarnishes Sweden’s self-image in the field, and the Swedish government must do its utmost to adopt a better children’s rights approach with access to victim status, entitled rights and access to justice.

”It is a fact, however, that the Salvation Army encountered children in the berry picking case during the summer of 2021 and that these children were direct or indirect victims of labor exploitation. This deeply undermines Sweden’s self-image in the field, and the Swedish government must do its utmost to adopt a better strategy for children’s rights including to ensure access to victim status, protection and justice.” (Madeleine Sundell, Salvation Army)

”One thing we have seen and that is bothering me a lot is that we have cases of children involved where the police investigator or the prosecutor is charging for human exploitation. I don’t know where this interpretation has come from, when we have child victims we should always aim and use the legal framework of human trafficking.” (Eva Norlin, regional coordinator against prostitution and trafficking at the National Method Support Team)

Moreover, Sweden fails to ensure that foreign workers/persons are properly informed about their rights and where to retain help and support if they are exploited. Instead, each employee must seek informa-

tion individually. The information available is for the employee to seek up for him/herself.⁵⁵

”(...) it is difficult to just call the police and say you are being exploited when you don’t know your rights, then it is not that easy.” (Anonymous employee, NOA, Swedish Police Authority)

”Victims of human trafficking are often afraid of authorities for many reasons and what I can do as a national coordinator is to do my best so that we have right structure in place to make it easier for the victims of human trafficking to come forward, for e.g., low threshold services available.” (Venla Roth, national coordinator on trafficking in human beings at the Finnish Ministry of Justice)

Finally, the Salvation Army and others deem that it is a problem that Sweden lacks shelters dedicated solely to trafficking victims and that there is no protected housing only available to male trafficking victims. This criticism is also brought forward in the TIP Report, where Sweden is recommended to ensure adequate financial support for victim services by introducing a sustainable financial mechanism for consistent funding to NGOs and the National Support Program and ensure all victims have full, unconditional access to assistance, regardless of whether they cooperate with authorities.⁵⁶

”It is within the Swedish Gender Equality Agency’s mission is protection and support for the vulnerable victims. All potential victims should have their rights met on the basis of the various conventions, protocols and charters that Sweden has ratified (...) but I know we are far from close.” (Mats Paulsson, Swedish Gender Equality Agency)

”In the interagency RMS-inspections the different agencies are cooperating, but I can’t say that there’s always one responsible agency present to take care of the potential victims. If the regional coordinators aren’t present then the police are the one closest to the responsibility, but many employees have escaped the work site, obviously because they’re scared.” (Mats Paulsson, Swedish Gender Equality Agency)

⁵⁴ US State Department, p. 525 and Group of Experts on Action Against Trafficking in Human Beings, pp. 16, 51-52.

⁵⁵ Swedish NAO, p. 5.

⁵⁶ US State Department, p. 525.

Consequently, most victims of labour exploitation still live in the shadow of the society without any information about their rights or channels into the Swedish protection system. This is unacceptable and we are now waiting for more Government’s sustainable resources and schemes for more effective cooperation with responsible agencies, to ensure that the victims we identify give access to their rights, such as a safe place, legal information, medical care and material support. The Salvation Army is determined to follow up on this all the way and we support the NAO’s recommendations to ensure that relevant agencies (1) make information on applicable labour rights available to all persons at risk of being exploited (such information should include instructions as to where persons at risk of being exploited can turn to for support, assistance and protection); and (2) adapt a support and protection process for victims of labour exploitation.⁵⁷

Resources, Mandates and Structures

Resources are always seen as one of the main challenges to carry out efficient work. When comparing public funding for countermeasures against human trafficking is, e.g., other organised crimes such as illicit weapons and drugs, it is clear that funding for countermeasures against human trafficking in general, and for labour exploitation in particular, is far behind.

The issues of resources also may come together with the choice of national overview in the organisational structure and instructions for responsible agencies. Sweden’s allocation for resources for countermeasures against human trafficking and labour exploitation has been criticized in the recent TIP Report from 2020, which addresses the delayed government funding for the National Support Program for victim assistance (the only effective unconditional assistance provided to victims), resulting in a standstill of the program. The Swedish government is also criticised in the TIP Report for inconsistent and insufficient funding for victim services.⁵⁸

“I do not think you can ask a single person in any authority around the country who would not also tell you that they wish they had more resources and this is also where we end up (...) it is limited.” (Mats Paulsson, Swedish Gender Equality Agency)

“The Swedish civil society currently takes on an enormous responsibility, without any long-term financing, for obligations that the Swedish state is obligated to fulfil under international conventions regarding the right to protection and support when subjected to trafficking. This leads to legal uncertainty and is not a sustainable approach for the long term. Many of the persons we meet have been subjected to ruthless exploitations, which emphasises the need for safe protection, support and rehabilitation for the long term.” (Jacob Flårdh, president of the Swedish Platform Civil Society against Human Trafficking)⁵⁹

The Swedish government’s action plan against prostitution and human trafficking from 2018 presents a number of initiatives with the aim to strengthened preventive work, legislative measures and stronger protection and support. Although the main focus relates to prostitution and human trafficking for sexual exploitation, the only specific initiatives related to human trafficking for forced labour include (1) the proposal of human exploitation being introduced into the Criminal Code and (2) the assignment relating to developing methods for inter-agency inspections (RMS) to combat fraud, infringement of rules and working life crime.⁶⁰ The Swedish action plan is insufficient in the combat against labour exploitation⁶¹ and experts raised concerns regarding the lack of resources dedicated to the plan as demonstrated by the inconsistent funding to the victims assistance and support.⁶²

The Swedish National Rapporteur argues that it would be beneficial if the Swedish government would adopt an action plan regarding other trafficking crimes than sex trafficking and that such action plan should include crimes such as human exploitation and crimes against migration laws etc. The action plan should

⁵⁷ Swedish NAO, p. 75.

⁵⁸ US State Department, p. 525.

⁵⁹ Flårdh, Interview, 2021-11-17. See “Sverige kan ta lärdom av nordiska grannar för att motverka det moderna slaveriet”.

⁶⁰ Government Offices, Action plan to combat prostitution and trafficking in human beings, 2018, pp. 1-31.

⁶¹ Swedish NAO, p. 65.

⁶² US State Department, p. 526.

also put a larger focus on the perpetrators, including organised criminal networks, and give victims the protection and support which they are entitled to. The target groups of the action plan should include more actors and there should be specifically issued funding for detailed identified areas of focus.⁶³

The Swedish NAO also considers that one agency should be responsible for coordinating the work in order to decrease the risk of overlapping and in order to address important issues. The Swedish Gender Equality Authority currently has a coordinating role for the work against human trafficking, but it is an agency that struggle with few employees and small resources to allocate to work against labour exploitation.⁶⁴

”In order for us to work more efficiently and to gear up the countermeasures on work life criminality the Swedish Work Environment Authority should receive a mandate to check working conditions.” (Magdalena Lennmarken, Swedish Work Environment Authority)

The Swedish NAO states that Sweden’s response to labour exploitation is flawed because the Government has not given relevant agencies a clear mandate and instruction to counteract labour exploitation.⁶⁵ The Salvation Army agrees that the Swedish Government’s lack of governance and clearly delegated responsibilities leads to deficiencies in the initiatives to counteract labour exploitation.⁶⁵

Finally, follows the Swedish NAO’s recommendations regarding resources, mandates and structures to the Swedish government and authorities:

A: Adopt a comprehensive and overarching approach to combat labour exploitation by (1) giving relevant agencies a clear mandate to enable effective measures against labour exploitation, (2) preparing an action plan to provide focus and enable evaluation; and (3) instructing the Swedish Work Environment Authority to coordinate all public agencies work against labour exploitation.

B: Investigate (1) how to ensure that persons at risk of labour exploitation can claim payment of outstanding or agreed wages (2) how to ensure workers are afforded (on the employer’s expense) an acceptable minimum standard of accommodation when accommodation is offered to an employee as part of the employment contract (3) whether agencies should supervise working conditions for foreign labour in sectors with an increased risk of labour exploitation.⁶⁶

Unwillingness to Press Charges or Participate in Proceedings

It should be noted that the majority of the exploited persons that the Salvation Army meet do not want to report their exploited situation to authorities due to insufficient knowledge of their rights, fear of threats, violence and/or deportation from Sweden as they are either exploited by the employer to which the working permit is connected to or are here as undocumented. This view is shared by the Platform whose statistics show that around half of the persons directly exposed to trafficking/exploitation they encountered had not had any contact with any authority in Sweden and had not made any police report. Of those who have made a report to the police, only 11% have received a special representative and only 7% have received a formal reflection period in accordance with international agreements.⁶⁷ One important conclusion of the numbers stated above is that these people’s access to national protection and support as well as recognition within the Swedish judicial system shines with its absence and as a result, their right to protection and support are not thoroughly recognised.

Furthermore, temporary residence permits can only be granted to potential victims who participate in criminal proceedings and where a preliminary investigation is launched. If potential victims are not permitted to stay in the country without the initiation of a preliminary investigation, there is a risk that the victim will leave

⁶³ Swedish Police Authority p. 102.

⁶⁴ Swedish NAO, pp. 65-66.

⁶⁵ Swedish NAO, p. 64.

⁶⁶ Swedish NAO, p. 5.

⁶⁷ Platform, p. 1.

the country and, as a consequence, not participate in criminal proceedings.⁶⁸

The fact that many victims are afraid of reporting their situation or participate in proceedings, hampers criminal investigations and proceedings since a majority of the investigations into human exploitation in 2020 were discontinued due to one of the following reasons: the victim does not wish to participate, there is no reason to believe that a crime has been committed, it is obvious that the crime is not possible to investigate or lack of sufficient evidence.⁶⁹

A temporary residence permit can only be granted to victims who participate in a legal process and there is therefore a risk that victims instead will leave the country since they are not sure if they will be entitled to stay. This may be one factor in the low conviction rates for these crimes.⁷⁰

”I think it’s still difficult to convince exploited workers that they should file reports with the police and the evidence in many cases is not very strong. You can achieve convictions for certain offenses but to prove trafficking as such is very difficult in the legal system, we have cases, but it really demands that you have strong victims who are willing to give evidence in a way the court can feel is satisfying.” (Jan Austad, Norwegian Ministry of Justice and Public Security)

”(...) it’s a clandestine crime, so most of all it’s a thing that you know often victims of human trafficking are in a so vulnerable position that it is hard for them to report the crime to anyone, so if they had courage to go to NGO but not even to them, you know very often, so that’s the problem, I think number one (...)” (Venla Roth, Finnish Ministry of Justice)

”(...) it is not always that they [the victims of human exploitation] want to make themselves known, and then there are subtle control mechanisms from the perpetrators and that is that they [victims] have entered into an agreement and then they have arrived in Sweden and are threatened that if they go to the police they will get deported.” (Anonymous employee, NOA, Swedish Police Authority).

⁶⁸ Swedish NAO, p. 5.

⁶⁹ Swedish Police Authority, p. 87.

⁷⁰ Swedish NAO, p. 5.

Good Practices from Finland and Norway

One of the most important purposes and expected outcomes of this report was the angle of making a comparative analysis with lessons learned and good practices from our neighbouring Nordic countries. From the Salvation Army’s perspective we’ve found that both Norway and Finland, in different ways, have been a bit longer in the commitment of defining, making strategies, taking measures and allocating funding to counteract labour exploitation and work life criminality. Whilst in Sweden we’ve found that until quite recently it’s been hidden in plain sight.

The TIP Report suggests that governments should continue to collaborate with neighbouring countries and NGOs to address cross-border trafficking issues and support cooperative efforts at borders to identify and prevent trafficking.⁷¹ Below we’ve collected a list of good practices in legislation, resources, and methods which we find valuable to look at with the possibility of inspiration of improvement or the option to be replicated.

“Human rights work isn’t a job for those who can’t be patient, because it takes so much time.” (Venla Roth, Finnish Ministry of Justice)

Structured Collaborations with Clear Guidelines

The Finnish National Action Plan

Finland’s national action plan clearly states that it aims to improve the status of its victims and implement the recommendations issued to Finland by international human rights treaty bodies. It contains five clear strategic objectives and 55 actions to responsible agencies with resources. The goal is to implement the action plan between 2021 and 2023. The action plan was carried out by a series of multidisciplinary workshops with around 130 participants, including survivors of trafficking and practitioners “experts by experience, civil society organisations and multi-professional networks” with the aim to gather further information in order to gain a comprehensive picture of the challenges and perspec-

tives for its development. The action plan also emphasises a mainstreamed and intensified cooperation with civil society as well as it links anti-trafficking closely with analysis, assessment and research activities. Its implementation will be monitored and reported.⁷²

“Without formal and outspoken strategies, it’s difficult to lead and assess the country’s work in anti-human trafficking - the national action-plan is my main tool and steering document as a National Coordinator.”

“Basically, we tried to figure out how anti-trafficking looks like in Finland today (...)” (Venla Roth, Finnish Ministry of Justice)

The Finnish Independent National Rapporteur

Finland’s national rapporteur is part of the non-discrimination ombudsman. It was appointed in 2009 and has the responsibility to examine, monitor the work of the Finnish commitments in human trafficking and comply with international obligations and national legislation with a human rights-based approach. The rapporteur can intervene, bring issues to the political agenda by raising shortcomings both generally and in individual cases on actions to the media and/or give comments to change the legislation. By its independence it has access to the highest political levels and is not bound to any authority of ministry. The National Rapporteur Kristina Stenman herself does raise the possibility to share their experiences and establish partnerships with her Nordic colleagues since Finland is the only Nordic country with this independent clear function.⁷³

“It’s not an easy task, but you know what helps, I think, is that we have had a national rapporteur on human trafficking. This is an independent monitoring body who reports directly to the Finnish parliament and makes recommendations for improvement. You know it’s really important to have somebody with a task to gather evidence and who knows what works and what does not. She [the National Rapporteur] gathers the information and makes an analysis on the basis of that data and says that you know, actually, if you look at this, this is human trafficking but has not been understood as such.” (Venla Roth, Finnish Ministry of Justice)

⁷¹ US State Department, p. 21.

⁷² Roth and Luhtasaari, pp. 3, 18.

⁷³ Stenman, Nordic Workshop on Human Trafficking, 2021-11-18. See *“Task of the National Rapporteur on Trafficking in Human Beings”* and *“The task of the Ombudsman”*.

The Finnish Multidisciplinary Approach to Share Information

When looking at the number of identified victims, labour trafficking is the most common form of human trafficking in Finland. Finland has more convictions and case law on trafficking for forced labour than the rest of the Nordic countries combined. The Finnish multidisciplinary approach in tackling labour trafficking by highlighting the role of different actors in ensuring a successful outcome while protecting the rights of the victim. There is a strong cooperation between different authorities and low threshold NGOs working directly with victims. This leads to more cases being discovered, to victims receiving better help and better success rates in preliminary investigations.

Legislation

Possibility to Receive Residence due to Human Trafficking Crimes

In Finland there’s an amended residence permit in the migration legislation from 2021 so that victims of labour exploitation through the Finnish Immigration Services would be able to get residents permitting more easily in Finland. The Finnish Immigration Services conditioned eligibility to receive a specialised residence permit on the victim’s cooperation with police to commence a criminal investigation. Delayed investigations and police failure to submit the appropriate paperwork requesting victims to remain in the country left victims susceptible to deportation.⁷⁴

“As NGO’s we’ve pushed the need for a legislation which doesn’t scare the victims of human trafficking. Otherwise, many of the victims submit to terrible conditions for years just because they are so afraid to be removed from the country if they report. And this is what makes me so sad, that perpetrators exploit victims and make money with this knowledge in fact. And the victims have a lot to lose from reporting and potentially nothing to gain.” (Pia Marttila, Victim Support Finland)

In Norway there’s a possibility for a victim of human trafficking to be granted residence when participating in criminal proceedings. A victim may be granted prolonged residency in Norway in instances where a criminal investigation has been launched or where the victim testifies in a human trafficking case.⁷⁵

“[In Sweden] Now there is a proposal with the parliament that the social welfare board should be entitled to seek 30 days temporary residency permit for victims of human trafficking or exploitation. If this proposal is passed by the parliament, it would be a good way of meeting the critique raised by GRETA. That way, the victims can have some time to reflect and have time to discuss their situation with someone and also receive information in their mother tongue.” (Anonymous employee, NOA, Swedish Police Authority)

The Norwegian Transparency Act

The Norwegian Transparency Act from 2021 aims to disclose risks of poor working conditions. The purpose of the law is to endorse companies’ responsibility for fundamental human rights and decent working conditions in connection with the production of goods and services and to ensure the public’s access to information on how companies deal with negative consequences for basic human rights and decent working conditions. Companies are required to carry out due diligence assessments in order to stop, prevent or limit negative consequences for fundamental human rights and decent working conditions. Companies are required to answer questions about specific conditions.⁷⁶

A Norwegian Proposal for Stricter Legislation

As part of its strategy against work-related crime, the Norwegian government proposed a number of amendments to the penalty provision and framework of work-related crimes, including stricter regulations for recruitment of temporary workers and a prohibition for recruitment agencies from charging fees from job seekers for placement services. The labour inspectorate has been tasked with monitoring recruitment agencies’ compliance to relevant legislation.⁷⁷

⁷⁴ US State Department, p. 238.

⁷⁵ GRETA, p. 21, a temporary residence is referred to as a reflection period.

⁷⁶ “New Act regarding transparency of companies compliance to fundamental human rights and working conditions”.

⁷⁷ US State Department, p. 434.

Resources

Prioritised Resources to Victims

Both Norway and Finland report much higher budget and financial resources given to the victim assistance and protection than Sweden;

In 2020, the Finnish government allocated 1.1 million euro to trafficking victim assistance and protection.⁷⁸

“We need low threshold NGOs to be sustainable funded and staffed that so they are able to do their job and identify and support the victims of human trafficking.” (Venla Roth, Finnish Ministry of Justice)

In 2020 the Norwegian government invested NOK 40 million in project proposals for Norwegian civil organisations/NGOs’ efforts to combat trafficking as the government has created a grant scheme where they fund these organisations’ assistance for and support to victims of human trafficking.⁷⁹

“This is an additional support to the responsibilities of the municipalities since the cost of supporting housing victims can be high and the competence in assisting them isn’t present all over Norway.” (Jan Austad, Norwegian Ministry for Justice and Security)

“We have been fully financed as a protective housing from the start and we have felt a great support in that and we have also been able use the funding to make good investments (...)” (Petra Kjellén Brooke, professional consultant anti-human trafficking at the Norwegian Salvation Army)

In Norway, victims of human trafficking receive legal assistance through an appointed lawyer funded by the government, access to health care services, lodging, and other necessary support throughout their reflection period. In Finland, foreign victims of human trafficking are entitled to care and assistance during their six-

month reflection period, while considering whether to assist law enforcement.⁸⁰

In Sweden there are no specifically allocated resources in terms of assistance and support for victims of human trafficking. Instead, NGOs and other private subjects have to be active and apply for funding from other various schemes, which can be difficult since labour trafficking does not match any of the available schemes. However, in 2020, the government allocated SEK 1.5 million, through the Swedish Gender Equality Authority,⁸¹ to the National Support Program. This amount covered support for around 30 victims during the de facto reflection period at one of the seven specialised shelters certified in the program.⁸² The Salvation Army is currently running two of those certified shelters, where one, the Salvation Army safe house Lyktan, is open for victims of labour exploitation.

National Hotlines

Both Finland and Norway have government funded 24-hour national hotlines with information, assistance and support to the general public and to vulnerable victims.⁸³ In Norway it is managed by the NGO Rosa, where 3 staff during daytime, and crisis-centre during night time assist every call.⁸⁴ The hotline is available in English, Norwegian, Spanish, Thai and Arabic. In Finland, the hotline is exclusively dedicated to trafficking victims and is operated by the national assistance system. It is available in multiple languages.⁸⁵

The Salvation Army’s Safe House Filemon, Norway

The Salvation Army safe house Filemon is the only specialised safe house in Norway which gives victims assistance and support to male victims of forced labour and labour exploitation. Filemon has operated since 2016 and provides safe accommodation and support using methods of human rights-based approach with empowerment, life skills and reintegration measures such as language training, vocational training etc. The residents also receive access to basic needs such

⁷⁸ US State Department, p. 238.

⁷⁹ US State Department, p. 433.

⁸⁰ US State Department, pp. 238, 433.

⁸¹ US State Department, p. 526.

⁸² Platform, p.3.

⁸³ US State Department, see footnotes 92 and 94.

⁸⁴ Langdalen Sbai, Interview, 2021-11-17.

⁸⁵ US State Department, p. 238, and *“How can you help? You may have a part to play”*.

as food, medical and psychological assistance, while having the option to remain in the country during the reflection period of 6 months or longer if participating in criminal proceedings. The Salvation Army shelter Filemon receives a yearly grant around NOK 4.5 million from the Justice Ministry in order to carry out this special assignment of protection to victims of labour exploitation.⁸⁶

“Filemon is probably a good concrete example of how you can work with these kind of issues on an institutional level. In addition, we have the Salvation Army’s migration centre and Caritas’ information centre that also work extensively with persons who are exploited for labour, with focus on early responses and a judicial understanding and assessment of the case based on Norwegian law.” (Petra Kjellén Brooke, Norwegian Salvation Army)

“We accept persons who are in need of assessment who may be victims of human trafficking.” (Leif Tore Solberg, manager at the Salvation Army’s safe house Filemon in Norway)

“(…) that’s [adapting to facts on the ground] something that authorities sometimes struggle with. You establish an assistance structure and then it turns out not to work as intended. It will take time for authorities to evaluate and then redistribute resources or close down an office. Private organisations are better equipped to change the number of teams and staff. That certainly impressed me.” (Jan Austad, Norwegian Ministry of Justice and Public Security)

“(…) one of the things we have seen is that, instead of just receiving people who are likely victims of trafficking, they are now more involved in screening migrants in trouble.” (Jan Austad, Norwegian Ministry of Justice and Public Security)

Dedicated Task Forces and Centres

Mandate for Finnish Labour Inspectors

The Finnish Labour Agency’s mandate on reviewing labour conditions such as salaries and other terms of employment which is an important tool when doing unannounced inspections, receiving anonymous tips and sharing information. Also, after the inspections they have an obligation to notify the Police Authority of cases of work discrimination, exterminate work discrimination and since 15th of November 2021 also cases of human trafficking.⁸⁷

During 2020, the Finnish government approved the employment of 15 new labour inspectors, set up guidelines and a checklist for identifying labour trafficking and established a working group with a focus on due diligence efforts with respect to company supply chains.⁸⁸

“For the past two years it has been understood generally that this is a problem, that it is an important problem and that something must be done. And the government has also started making efforts, including how to think about the mandates of the different agencies involved in these crimes, and how the system and the criminal process could work better to reach more convicting verdicts and, consequently, justice and compensation for the victims.” (Pia Marttila, Victim Support Finland)

Finnish Anti-Trafficking Taskforce in the Police and Protector’s Office

During 2020/2021 the Finnish government established a 20-person anti-trafficking task force, with members from the Helsinki police and the National Bureau of Investigation, the purpose of which is to investigate major trafficking cases. In addition, the Finnish government supported educational efforts by providing annual training for persons involved in the work against human trafficking such as prosecutors, police, and immigration officers. Furthermore, the prosecutor’s office of Southern Finland established a parallel anti-trafficking unit with 10 specialised prosecutors and adopted a plan to create a detailed database for all trafficking related cases.⁸⁹

⁸⁶ Solberg, Interview, 2021-09-27.

⁸⁷ Jenu, Nordic Workshop on Human Trafficking, 2021-11-18.

⁸⁸ US State Department, p. 237.

⁸⁹ US State Department, p. 237.

”I see a big shift in Finland where there’s a lot more joint efforts between agencies’ and especially I see a priority of countermeasure and resources in the fight against labour exploitation with the Finnish Police Authority where now all police districts and offices must report their results in respect of trafficking to the National Police Board, even if this is not yet fully perfected.” (Pia Marttila, Victim Support Finland)

The Norwegian A-Krim Centres

As a response to the complex nature of labour criminality, the Norwegian Labour Inspection Authority, the Labour and Welfare Service, the Tax Administration and the Police cooperate extensively and systematically on a national, regional and local level against labour criminality. As a result of this collaboration, seven A-Krim centres were established in 2015 in order to co-locate the agencies working against labour criminality and to create a working community between the officials. The collaborative nature of the eight centres is a way to build down barriers for investigations, support and learning. The activities are managed and planned jointly, but each official acts on the basis of the role and powers of their respective authority.⁹⁰

”For an NGO as the Salvation Army it is very helpful to have one place where we can refer cases and individuals for the authorities to investigate. The concept is valuable and needed, however, the centres are facing issues due to sharing confidential information regarding, something that is slowing down, and sometimes hindering the effectiveness of the centres.” (Petra Kjellén Brooke, Norwegian Salvation Army)

”I really like the concept of the A-Krim centres in Norway because of its model of daily collaboration, overcoming many practical challenges as well as confidentiality aspects between the agencies. In Sweden, within the RMS, the operational planning would need a structure which is possible to follow up and monitors on an organisational level after implementation to be able to measure what we do and if it gives effect.” (Magdalena Lennmarken, Swedish Work Environment Authority)

Research and Policy Institute

The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) is an independent research and policy institute under the Finnish Ministry of Justice.⁹¹ HEUNI has conducted several studies in the area of labour exploitation and is regularly bringing up the importance of a victim rights approach. They have put forward concrete proposals to streamline efforts against labour exploitation. HEUNI’s proposal is very much about government collaboration with the development of structures and proactive methods. It also emphasises the establishment of specialised units for human trafficking within the police, risk modeling-based tools for collecting intelligence, inspections in risk sectors and that all work needs to be crime victim-oriented and take place in collaboration with NGOs for additional support.⁹²

”Typically, the success of labour trafficking cases relies largely on the testimony of the victims. Special attention must be paid to how the victim is approached in order to encourage them to disclose their experiences and to protect them from the perpetrators. No matter what day and time it is, the first concern of the police when identifying a victim of human trafficking must be to ensure that the victim is safe.” (Anniina Jokinen, senior program officer at the European Institute for Crime Prevention and Control)

⁹⁰ Norwegian Ministries, pp. 1, 5.

⁹¹ The European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) is a European regional institute in the UN network for crime prevention and law enforcement activities.

⁹² Jokinen, pp. 1, 3.

The Salvation Army’s Recommendations to Sweden

As final statements of this report The Salvation Army would like to recommend the Swedish Government to gear up the combat of labour exploitation with a first priority to update the Swedish National Action Plan (from 2018) to better include all forms of human trafficking. The Salvation Army would recommend to do this with inspiration from the Finnish set-up; with strategic objectives and clear goals with specific assignments, budget and deadlines. Furthermore, we would like to see a mainstreamed multidisciplinary approach throughout the whole procedure as well as a clear responsibility from a National Coordination Office in the realisation of it.

“We must have a much better and mainstreamed victim rights-based approach in accordance with the international commitments that Sweden has adopted. The responsible agencies can’t pass this completely unnoticed.” (Madeleine Sundell, Salvation Army)

The next Swedish Action plan on all forms of human trafficking should include the following;

- The categorisation and definition of labour exploitation.
 - An independent monitoring mechanism to be able to oversee the human rights obligations and the agencies’ fulfilment and or shortcomings.
 - Give the Swedish Work Environment Authority the mandate to supervise working condition and salaries.
 - Give the Gender Equality Authority the assignment to (1) allocate funds for a sustainable national support system to ensure access to adequate protection assistance and opportunity (including safe houses) for recovery to all victims, regardless of age, gender or form of exploitation, (2) implement a national hotline, staffed 24/7, every week all year round, where the general public and vulnerable people can turn for help, with information to foreign workers about their rights on the Swedish labour market.
- Make the Public Prosecutor’s Office’s national unit against international organised crime the exclusive prosecutor in all cases regarding crimes against human trafficking and human exploitation.
 - Allowing additional government agencies to apply for the residence permits for victims of human trafficking and the possibility to prolong the period up to 90 days.
 - Provide new confidentiality legislation to enable effective information sharing between public agencies when combatting human trafficking crimes.
 - Amend immigration laws to the effect that exploited workers can report these crimes to the police without fear of deportation.
 - The Sweden’s Manual in case of suspicion of human trafficking must be implemented in practice, with a better focus labour exploitation and a stronger child perspective.
 - Clarify human exploitation law such that they can be adequately applied and include an amendment in relevant legislation to ensure children are always considered victims under the human trafficking legislation.

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Appendix 1: List of Interviewees

Finland:

Marttila, Pia, Coordinating Senior Advisor, Assistance to Victims of Human Trafficking, Victim Support Finland (Fi. *Rikosuhripäivystys*), 2021-10-01

Roth, Venla, National Coordinator on Trafficking in Human Beings, Finnish Ministry of Justice (Fi. *Oikeusministeriö*), 2021-09-28

Norway:

Austad, Jan, Specialist Director, Norwegian Ministry of Justice and Public Security (No. *Justis- og beredskapsdepartementet*), 2021-10-07

Kjellén Brooke, Petra, Professional Consultant Anti-Human Trafficking, Norwegian Salvation Army (No. *Frelsesarmeen*), 2021-09-21

Solberg, Leif Tore, Manager, Safe House Filemon, Norwegian Salvation Army (No. *Frelsesarmeen*), 2021-09-27

Sweden:

Lenmarken, Magdalena, Work Environment Inspector, Swedish Work Environment Authority (Sw. *Arbetsmiljöverket*), 2021-09-22

Paulsson, Mats, Senior Adviser, Swedish Gender Equality Agency (SGEA) (Sw. *Jämställdhetsmyndigheten*), 2021-09-17

Anonymous employee, National Operations Division (NOA), Swedish Police Authority (Sw. *Polismyndigheten*), 2021-10-21

Appendix 2: Interview Guide

Questions:

1. How do you view your mission and mandate today in relation to labour exploitation – do you think that today it is clear enough to prevent and combat labour exploitation?
2. Do you see a clear national governance with respect to these issues? Have you been adequately funded and is there enough allocated resources and funding?
3. How are the rights of vulnerable/labour exploitation victims reinforced/upheld and is the child perspective specifically observed?
4. What are the main challenges in the work against labour exploitation?
5. How do you view the cooperation and, for example, the exchange of information between authorities and/or NGOs in the prevention and fight against labour exploitation?
6. How are statistics on suspected labour exploitation kept? Do you keep your own statistics, or do you follow other statistics?
7. Can you go in and act on individual cases and are there follow-ups/ accident reports when failures in commitments have occurred?
8. What would you say is the reason for the low numbers in prosecutions and convictions for crimes against labour exploitation? (why is a majority of preliminary investigations terminated)
9. Can you give practical examples of successful best-practice or efforts in the work against labour exploitation? Do you have any concrete suggestions for improvements to solve existing challenges?

Appendix 3: Relevant International Frameworks, Documents and Conventions

UN Convention and Protocol:

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (A/RES/55/25) (2000)
- United Nations Global Plan of Action to Combat Trafficking in Persons (A/RES/64/293) (2010)
- Political Declaration on the Implementation of the Global Plan of Action to Combat Trafficking in Persons (2017) (A/RES/72/1)

UNSC Resolutions:

- UNSC Resolutions on Trafficking in Persons in Conflict Situations 2331 (2016) , 2388 (2017) and 2493 (2019 S/RES/2493)
- UNODC Global Report on Trafficking in Persons (2020)
- Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (2020)
- Model Legislative Provisions against Trafficking in Persons (2020)
- Female Victims of Trafficking for Sexual Exploitation as Defendants (2021)
- UNODC Toolkit for Mainstreaming Human Rights and Gender Equality into Criminal Justice Intervention to Address Trafficking in Persons and Smuggling of Migrants (2021)
- UN Sustainable Development Goal targets 5.2, 8.7, and 16.2 (SDGs)

ILO Conventions:

- <http://www.ilo.org/sapfl/Informationresources/ILOPublications/Byregion/Global/lang=en/index.htm>
- <http://www.ilo.org/dyn/normlex/en/f?p=NORM-LEXPUB:1:0>
- -C29 Forced Labour Convention (1930)
- -Po29 Protocol of 2014 and Recommendation R203, supplementing the Forced Labour Convention (1930)
- -C105 Abolition of Forced Labour Convention (1957)
- -C182 Worst Forms of Child Labour Convention (1999)
- -C189 Domestic Workers Convention, and its Recommendation R201 (2011)
- ILO training package on inspection of labour conditions on board fishing vessels (2020)



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