

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2016)14

**Report submitted by the Swedish authorities
on measures taken to comply with
Committee of the Parties Recommendation
CP(2014)12 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

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REGERINGSKANSLIET

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Ministry of Justice

*Division for Criminal Law
SE-103 33 Stockholm
Sweden*

Ms Petya Nestorova
Executive Secretary
Council of Europe
F-67075 Strasbourg Cedex

Dear Ms Nestorova,

I hereby submit the report with information on the measures taken by Sweden to comply with the Recommendation CP(2014)12 of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, as requested by the Committee of the Parties in the said recommendation.

We look forward to the continuing dialogue and cooperation.

Yours sincerely,

Magdalena Wikstrand Danelius
Deputy Director
Contact person for GRETA



Ministry of Justice Sweden

Division for Criminal Law

**Report on measures taken to comply with Committee of the Parties
Recommendation CP(2014)12 on the implementation of the Council of
Europe Convention on Action against Trafficking in Human Beings**

Definition of “trafficking in human beings”

1. GRETA invites the Swedish authorities to include abduction as one of the means for committing trafficking in human beings.

The provision on THB is subsidiary to the offence of kidnapping (Chapter 4, Section 1 Penal Code): A person who seizes and carries off or confines a child or some other person with intent to injure him or her in body or health or to force him or her into service, or to practice extortion, shall be sentenced for kidnapping to imprisonment for a fixed period of at least four and at most eighteen years, or for life. If the crime is of a less serious nature, imprisonment for at most six years shall be imposed.

If the conditions for application of the offence kidnapping are fulfilled, that provision shall be applied since a more severe scale of penalties is then provided. However, the fact that abduction is not explicitly stated as one of the means for THB does not exclude that in other cases where a person is abducted, this can be considered as an action by improper means within the meaning of the THB provision.

2. GRETA invites the Swedish authorities to explicitly include slavery and practices similar to slavery and servitude in the forms of exploitation resulting from human trafficking.

The reference to "exploited for ... other activity in a situation of distress for the victim" is to be interpreted broadly and the wording includes inter alia slavery, practices similar to slavery and servitude. Other examples of such activities in situations of distress can be that a person is induced to work under particularly difficult conditions at a very low wage, or to beg or steal. The term "distress" is used here to refer to the fact that the victim finds himself or herself in a truly difficult situation that is not temporary or transient.

3. GRETA considers that stating explicitly the irrelevance of the consent of a victim of trafficking to the intended exploitation could improve the implementation of the anti-trafficking provisions.

In addition to what have been previously stated, it shall be underlined that the criminal provision on THB requires only *a purpose to exploit*, and consequently the consent of the victim to exploitation is irrelevant. Furthermore, as a rule when it comes to serious crimes as for example THB, consent of the victim does not exclude liability for the act with regard to the injury, violation or danger that it involves (Penal Code Chapter 24 Section 7).

Regarding an improved implementation, see below regarding proposal 24.

Comprehensive approach and co-ordination

4. GRETA urges the Swedish authorities to take further steps to ensure that national action to combat THB is comprehensive, by paying increased attention to human trafficking for the purpose of labour exploitation as well as trafficking for forced begging and forced criminality, including trafficking within Sweden and re-trafficking from other EU member states. This should involve the adoption without further delay of an action plan addressing THB for all types of exploitation.

Trafficking in human beings is a very complex phenomenon having an impact on many parts of and actors in society at all levels, including for instance migration, law enforcement, equal opportunities, social services, health and civil society. There is a challenge to co-ordinate and co-operate beyond the mandate of each actor and this applies at national as well as at EU and international levels. A particular Swedish challenge is the administrative structure which is decentralised; there are 290 municipalities (responsible for social services), 21 counties (responsible for health services) and national level (government agencies such as the Police and the Migration Agency). In addition, actors outside the public

domain play important roles, albeit the situation differs across the country.

For this reason, the County Administrative Board in Stockholm has been commissioned to foster, at a national level, co-ordination and co-operation among actors working to combat all forms of trafficking and prostitution in Sweden. The Board has for the purposes of the commissions appointed a National Coordinator. This was one of the steps in the 2008 Action plan for combating prostitution and human trafficking for sexual purposes. In 2013, the government broadened its mandate to include trafficking for all types of exploitation. In 2009 the National Task Force against Prostitution and THB (NMT) was established at the County Administrative Board in Stockholm. NMT works in cooperation with the most experienced governmental services and involve other actors as appropriate. (See further remarks under proposal 5 below.)

Within its current mission the Board has in 2016 presented its work with developing a National Referral Mechanism (NRM) aiming to improve referral as well as increase the protection and assistance of victims of THB for all types of exploitation. Sweden has conducted the NRM-process in cooperation with International Centre for Migration Policy Development (ICMPD), The Platform Swedish Civil Society against Trafficking and the members of the National Task Force against Prostitution and Trafficking (NMT): The Prosecution Authority, Police Authority, Migration Agency, County Coordinators and Social services. The Ministry of Justice and Ministry of Social Affairs have been involved in the process as well. The Referral Mechanism is now translated into a manual for how to deal with cases of trafficking. (See further remarks under proposal 5 below.)

One of the commissions to the County Board in Stockholm, re-affirmed by the Government on 18 February 2016, explicitly points to the need to develop and enhance coordination efforts against other forms of exploitation in trafficking than sexual, and includes specifically labour exploitation. Following the commission, the National Coordinator is undertaking a series of initiatives to curb trafficking for the purpose of labour exploitation. This includes inter alia:

- Establishment of a specific network within the National Task Force against Prostitution and THB (NMT). This network, NMT Forced Labour, will work with a view to strengthen this particular field of cooperation;

- Active participation in the project TRACE organised by the Council of the Baltic Sea States (CBSS) and involving cooperation also with Belgium and the UK;
- Development of multidisciplinary labour inspections with the Working Environment Agency, the Police and the Tax Authority.

The knowledge concerning unaccompanied children who disappear need to be strengthened in Sweden. In January 2016 the government instructed the county administrative boards to conduct a national survey of unaccompanied minors who disappear, to analyze and propose measures to prevent disappearances and to disseminate the results and methods to the authorities, municipalities, county councils and other stakeholders. The assignment is coordinated by the County Administrative Board of Stockholm.

The County Administrative Board in Stockholm also initiated a network in June 2015 including, among others, the Swedish Migration Agency, the Police, the Association of Municipalities in the Stockholm region, Save the Children, the City of Stockholm and the municipality of Sigtuna. The collaboration aims to develop a model to prevent disappearances of unaccompanied children in the county and provide a plan for how the parties can act together when children disappear. A survey was carried out in autumn 2015 to identify factors that increase the risk of disappearances and in January 2016 The County Administrative Board of Stockholm presented a current status analysis on unaccompanied children who disappear.

All county administrative boards in Sweden are mandated to work against THB for sexual purposes and prostitution. In this work measures aimed at reducing demand should be prioritized. The responsible actors in the county administrative boards meet in networks at least three times a year. The networks are important to channel information and knowledge between them and the County Administrative Board of Stockholm in the work against trafficking in human beings and prostitution.

The Platform Swedish Civil Society against Trafficking (NGO) has, with funds from the County Administrative Board in Stockholm, produced a pilot for a national support program for THB victims. In 2016, the Platform will certify service providers and ensure quality of interventions using jointly developed routines and structured assessment templates for support needs, etc. (See further remarks under proposal 15 below.)

The government has commissioned The National board of Health and Welfare to allocate development funds (109 000 000 SEK) to municipalities, civil society, county councils and county administrative boards in order to increase knowledge and quality of work in the area of domestic violence and men's violence against women. Since 2016 the funding also includes, as a new target group, persons vulnerable for or exposed to prostitution and human trafficking.

In January 2015 a National Coordinator was appointed to provide support to the domestic bodies dealing with vulnerable EU citizens who stay temporarily in Sweden and do not have a right of residence here. His main responsibility was to facilitate cooperation between bodies in Sweden and facilitate contacts between NGO's in Sweden and in home countries etc. He presented his report in February 2016 where he addressed the need for continued coordination of measures at regional level with regard to vulnerable EU citizens.

The Government has therefore decided on 14 March 2016 to appoint the County Administrative Board of Stockholm to develop and strengthen the national coordination of all bodies dealing with vulnerable EU citizens who stay temporarily in Sweden. The County Board shall develop support and implement competence skills and also give advice on how to cooperate in an effective and uniform way. The Government has also assigned the National Board of Health and Welfare to develop support to the Social Services for their work with children to EU-citizens who risk deprivation.

On 2 December 2015, the Police reported to the Government on its commission on vulnerable EU-migrants. The reporting consists of three parts; a proposal on action to take to prevent and fight crime against vulnerable EU-migrants and crimes committed by persons within this group, a nation-wide situation picture, and a legal analysis on how to deal with illegal and unlawful establishment of camps. Among action under way and to be taken, the Police particularly highlight the following:

- Fighting trafficking in human beings shall be given priority, including by the specialised teams in the police regions Stockholm, South (Malmö) and West (Gothenburg);
- Outreach work shall be developed and more information shall be given to vulnerable EU-migrants in order increase their inclination to report crimes that they have been exposed to;
- Use shall be made of the specialised teams on hate crimes for investigations of crimes against vulnerable EU-citizens in certain cases;
- An assessment shall be made of how the Police record crimes against vulnerable EU-citizens;

- Awareness raising efforts shall be taken towards front-line officers for the purpose of ensuring a uniform approach to unlawful camps, damages of property etc.
- International cooperation against trafficking shall be developed;
- The tools and mechanisms developed within the EU policy cycle against serious and organised crime shall be applied;
- The bilateral cooperation with Bulgaria and Romania shall be further developed.

Further information about Police work, see below regarding proposal 24.

The Swedish public prosecution services have the expected goal of addressing all incoming cases. Trafficking in human beings is – for all types of exploitation – a sufficiently severe crime as to motivate prioritized police investigations. THB crimes are normally investigated by a small group of highly specialized prosecutors based in the international public prosecution offices in Stockholm, Göteborg and Malmö.

The Swedish collective agreement model is based on the regulation of wages and various working and employment conditions in agreements between the social partners (trade union organisations and employer organisations) and the management of compliance and settlement of disputes by the parties themselves. The Swedish collective agreement model means that the social partners are separate and independent (autonomous) and play an important part in monitoring the working conditions on the labour market. A wide range of other conditions apart from wages are also determined by collective agreements, such as forms of employment, period of notice, working hours, holidays, sick pay and various insurance schemes. The autonomy of the parties also means that it is the responsibility of the trade unions and the employers to ensure compliance with the rules of collective agreements. The work carried out in many countries by central government agencies (for example labour inspectorates) is in Sweden mainly carried out by the social partners and primarily by the trade union organisations .

The Swedish Work Environment Authority supervises the rules for working hours and health- and safety regulations. The regulations apply to all employed workers, regardless of their nationality.

On 1 February 2016, the Swedish government submitted its new working environment strategy to the Swedish Parliament. The new strategy includes 12 special assignments to the Swedish Work

Environment Authority, many of which are to be carried out in conjunction with other government authorities.

One assignment to the Work Environment Authority is to analyse and give proposals on how web-based information about for example labour rights, health and safety at the workplace, migration, tax and social insurance aimed at foreign workers, employers and self-employed can be co-ordinated and provided in an accessible manner. This assignment has to be carried out together with other relevant authorities, such as the Public Employment Services, the Swedish Migration Agency, the Swedish Tax Agency and others.

Another assignment is about migrant workers situation in the green sector. The Work Environment Authority has been assigned to analyse and give proposals on what measures could be taken in order to have positive effects on the working environment for migrant workers in the green sector. It can for example be accessible information on rights and obligations as well as rules and regulations concerning working environment in the green sector.

The Work Environment Authority has also been assigned, during the period 2015-2018, to strengthen their supervision and inspections of businesses that break rules on working environment in order to get competitive advantages. The authority has therefore adopted a strategy and an action plan against unfair competition, in co-operation with other relevant authorities such as the Swedish Tax Agency and the Swedish Police Authority. The Work Environment Authority should also in co-operation with the employers' and employees' organisations develop and carry out information and awareness campaigns aimed at concerned industries and companies.

At the International Labour Conference 2014, Sweden together with other Member States of the ILO, adopted the Protocol to the Forced Labour Convention no 29 and a Recommendation (no 203). The Protocol and the Recommendation supplement the Convention and complement existing international instruments by providing guidance on effective measures to eliminate all forms of forced labour. The aim is to advance prevention, protection and compensation measures as well as to intensify efforts to eliminate contemporary forms of slavery.

As a result of the adoption Sweden has the obligation to look at the possibility to ratify the Protocol. The preparatory work, such as inter service consultation between concerned Ministries, is ongoing. The

Government has on several occasions underlined the importance to combat any form of labour exploitation.

An action plan against trafficking, exploitation and sexual abuse of children, 2014-2015, was launched by the Government with several explicit activities aimed to improve the protection of children in contexts in which children can be particularly vulnerable. The measures were expected to lead to:

- Increasing the knowledge among government agencies, professionals, the general public and children themselves on children's vulnerability to trafficking, exploitation and abuse,
- Enhancing the efficiency of the work of governments and other relevant stakeholders to protect children from these violations,
- Improving the Swedish authorities' contribution to international cooperation for the protection of children from trafficking, exploitation and sexual abuse.

The activities have continuously been reviewed and an update of the action plan for the period 2016-2018 was decided on 22 June 2016. The new Action Plan includes a set of measures to improve the protection of children against trafficking, exploitation and sexual abuse.

5. GRETA considers that the Swedish authorities should strengthen co-ordination between governmental bodies, municipal bodies and NGOs engaged in anti-trafficking action, and to ensure that NGOs are involved in the planning, co-ordination and implementation of national policy, in particular any future action plan on combating THB. The conclusion of formal Memoranda of Understanding between public bodies and competent NGOs should be encouraged.

Regarding coordination, see also proposal 4 above.

The key coordination mechanism is the now well-established National Task Force against Prostitution and Trafficking (NMT) at the County Administrative Board of Stockholm. NMT works in cooperation with the most experienced governmental services and involve other actors as appropriate. NMT functions as a strategic resource with the purpose of improving communication and knowledge between governmental services, thereby strengthening operational cooperation against trafficking. An important part of the work of NMT is to produce relevant material and to provide trainings for various target groups, including counties, municipalities, and governmental services. NMT, and the support that it can provide, is especially important in counties and municipalities where there is limited experience in dealing with

prostitution and trafficking. In this aspect the NMT telephone hotline is an important factor in being a possible first contact for frontline actors and making the expertise of the National Coordinators team, and their possibilities to assist, available.

In 2014 The County Administrative Board of Stockholm initiated a process in order to set up a Swedish National Referral Mechanism (NRM), and finalized the work in April 2016. The National Task Force against Prostitution and Trafficking (NMT) will be important to roll out the key elements of the Referral Mechanism.

Sweden has conducted the NRM-process in cooperation with International Centre for Migration Policy Development (ICMPD), The Platform Swedish Civil Society against Trafficking and the members of the NMT: The Prosecution Authority, Policy Authority, Migration Agency, County Coordinators and Social services. The Ministry of Justice and Ministry of Social Affairs have been involved in the process as well. The Swedish NRM is a manual, clearly stating the responsibilities of each authority regarding the referral of victims of THB. It also states the National Coordinators function as a national focal point and first point of contact for operative support in direct cases of THB. The manual is divided into 5 steps, aimed to help professionals and NGOs in their contacts with presumed victims of THB: Identification, Initial support and protection, Long-term support and social inclusion, Return and Criminal proceedings. The NRM-manual is operative in its form and consists of approximately 50 pages. It is based on Swedish legislation and on operative experiences from authorities identifying victims. (See also remarks under proposal 14 below.)

The Platform Swedish Civil Society against Trafficking (NGO), today consists of around 20 member organizations, and several more associated partners. They work to improve the coordination of actions for victims of THB, and work together to fight THB in all forms. The Platform has had an active role in the work with developing the NRM and has offered their services and network in the dissemination and training procedures ahead. In 2015, the Platform, with funds from the County Administrative Board, has produced a pilot for a national support program for THB victims. (See more under proposal 15 below.)

The government has in 2015 arranged meetings with representatives from NGO:s to discuss work on the rights of the child. To secure a more systematic dialogue the government decided, on 16 April 2016, to form a Child Rights Delegation. The discussions during 2016 have focused on how to strengthen the work against violence against children.

6. GRETA considers that these developments should be accompanied by the provision of adequate human and financial resources to the National Task Force against Prostitution and Trafficking and to the National Co-ordinator, so as to enable them to effectively carry out their new expanded mandate. In this context, GRETA invites the Swedish authorities to give a more explicit national role to the office of the National Co-ordinator, which is currently placed within the County Administrative Board of Stockholm.

The work of the County Administrative Board of Stockholm in its role as national co-ordinator of the work against Prostitution and THB was in 2014 evaluated by the Swedish Agency for Public Management. The report showed positive results, and concluded that the County Administrative Board of Stockholm have in large part achieved the goals in their national cooperation mission. Foremost cooperation between actors working with THB and prostitution on an operational level has been greatly improved and they have created platforms for cooperation, developed method support and worked with education and training for different actors.

The present commission of the National Task Force and National Co-ordinator runs until the end of 2016 and considerations are being given on how to best organise future coordination efforts. As basis for further considerations, the Swedish Agency for Public Management is at present conducting a horizontal evaluation of a series of commissions to county administrative boards.

Through its role as national co-ordinator different assignments has been given the County Administrative Board of Stockholm by the government. This also provides for broader financial resources. For example in the Action plan against trafficking, exploitation and sexual abuse of children, 2014-2015, they were given the task of coordinating and disseminating knowledge and methods in the fight against child trafficking and exploitation of children. Another example is the assignment from 2016 to develop and strengthen the national coordination of all bodies dealing with vulnerable EU citizens who stay temporarily in Sweden.

7. GRETA invites the Swedish authorities to establish the National Rapporteur as a de jure independent post with a mandate to monitor the anti-trafficking activities of state institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report) as well

as to provide the National Rapporteur with adequate resources to carry out this mandate.

A National Rapporteur was first established in Sweden in 1998 following inter alia the strong interest to properly address trafficking and the recommendations of the Hague Ministerial Declaration of April 1997. The policy choice made was to establish the National Rapporteur at the level of the National Police. An important factor for this choice was the fact it would provide access to the best possible flow of information and would include also access to classified information and intelligence.

In January 2010, the then National Police Board renewed the decision to uphold the function of a National Rapporteur after agreement between the State Secretary of the Ministry of Justice and the National Police Commissioner. The function is currently upheld by one of the leading experts in Sweden and is not limited in time. Within the new Swedish Police Authority with seven regional police services, the function of a National Rapporteur is upheld by the same expert, but is organised within the Stockholm Regional Police. This will allow for a close contact with operative realities as well as proximity to other relevant agencies and actors. It also allows for international cooperation and a regular dialogue at policy level.

The instructions given to the National Rapporteur explicitly require that an assessment is carried out, flaws and loopholes identified and proposals to remedy them are put forward. This means that, even if not a de-jure independent body, the National Rapporteur is by way of formal decision instructed to provide the information required to properly assess the situation and need for further action. The National Rapporteur therefore has the necessary independence and is able to carry out their functions effectively and free from any undue pressure.

Training of relevant professionals

8. GRETA urges the Swedish authorities to take further steps to provide regular training on THB for all types of exploitation to all relevant professionals (in particular, judges, prosecutors, police, Migration Board staff, social workers, labour inspectors, lawyers, Trade Unions officials, NGOs contracted as service providers). Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals, which enable them to identify victims of trafficking for all forms of exploitation and assist and protect them, to facilitate compensation for victims and to secure convictions of traffickers involved in all forms of THB.

The County Administrative Board of Stockholm has a mandate to provide training for various target groups, including NGO:s as well as to the other county administrative boards in Sweden. In March 2015 a national conference on THB and sexual exploitation was organized for all professionals working with THB issues. The conference was organized in collaboration with the county administrative board's network in Sweden. The aim is to make this a yearly event, and in October 2016 there will be a conference on THB and prostitution, with a focus on demand. The board will also carry out local trainings on the national referral mechanism for professionals who have the mandate to work against THB.

The Swedish Judicial Training Academy provides no specific training directed towards issues on human trafficking. However, the Academy organizes annual criminal law seminars on relevant topics. The topic for a seminar in December 2014 was organized crime, including human trafficking. Within the 13-days training program on the craft of judging (the role of a judge), general issues on fair trial, the treatment of victims etc., including behaviour of vulnerable persons, are covered. Also a two-day training on issues related to children in legal proceedings is available for judges.

Explicit training efforts in the Swedish Prosecution Authority regarding trafficking in human beings was conducted in 2008-2010. In addition, the Authority provides an e-education that is available to all staff. The e-education is primarily addressed to the prosecutors in the general public prosecution offices and aims to provide a basic knowledge of trafficking in human beings in order to identify these crimes in their work. The handling of cases regarding trafficking in human beings should normally be investigated by highly specialised prosecutors at the international public prosecution offices.

As regards the Police, training is a continuous element in the work to prevent, investigate and, indeed, meet the victims of trafficking. The Police are implementing a series of trainings, including with a focus to identify victims of trafficking and meet them in a way consistent with an approach based on human rights. Trainings include for instance:

- Training following the decision of 30 October 2015 to reinforce police action against trafficking;
- A Commission to Uppsala University to provide an academic course to police officers on all aspects related to trafficking;
- Ensuring that all employees of the Police that participates in fighting trafficking have gone through the interactive training on Intrapolis, and

- Specific trainings to local and regional police officers by the National Bureau of Investigations and the National Coordinator.

The Swedish Migration Agency's Introductory Education Programme for new employees has been developed during 2015. The education programme includes trafficking in human beings within the course Equal treatment. Over 20 training sessions have taken place within various sections. In addition, many of the contact persons for THB, as well as other employees, have participated in regional seminars arranged by some of the county administrative boards in Sweden. Due to the great demand for staff training, the Migration Agency and the County Administrative Board of Stockholm have prepared a Web-based training programme that will be produced during 2016.

In 2015, the Swedish Migration Agency organized two pilot conferences together with the counties of Jämtland and Östergötland and the County Administrative Board of Stockholm. The theme was "Unaccompanied children, returnees and trafficking". The participants included residential staff, social workers, legal guardians, school staff and staff from the Swedish Migration Agency.

The Migration Agency also recently published a web based information material on THB for legal guardians to unaccompanied children.

The Crime Victim Compensation and Support Authority was a partner in an international project, Briseis, during 2013 to 2015. APAV, a Portuguese NGO, coordinated the project. The project was financed by the EU Commission and focused on trafficking for forced labour. The project has led to several different activities. One was to develop a manual on trafficking for forced labour and how professionals can identify the victims. The manual was presented in a seminar in spring 2015. The Swedish Rapporteur on trafficking and the project leader from The Crime Victim Compensation and Support Authority gave lectures on THB in Sweden, how the Swedish Police investigate these cases, how the victims can be identified and how to treat the victims in a good way. Representatives from The Swedish Police, The Migration Agency, The Swedish Work Environment Authority, The County Administrative Board in Stockholm and Victim Support Sweden participated. Another activity was to translate an ILO-handbook aimed at the business sector from English to Swedish. The handbook explains what THB is, how it can affect companies and what companies can do to fight the THB-problem in their supply chains. The handbook was presented at meetings with representatives from Swedish employer organizations and trade unions.

The National Board of Health and Welfare has since 1998 followed and reported on the extent and development in regards to prostitution. In 2013 the Board was missioned to continue reporting on the development of prostitution and to gather knowledge on the need for support for persons who sell and buy sexual services as well as to develop training material to give support to social workers and health staff that come in contact with children, young people and adults who have experience of sex for payment.

In 2015 The Council of the Baltic Sea States (CBSS) in collaboration with the Swedish Governmental offices organised training on human trafficking for embassy staff in Stockholm. About 60 persons from 40 different embassies participated.

In February 2016 CBSS Task Force against Trafficking in Human Beings (CBSS TF-THB) in cooperation with the project partners organized a workshop “Policy Implications of Future Trends in Human Trafficking” in Stockholm. The workshop addressed the following three topics:

- New and emerging forms of trafficking in human beings (e.g. forced criminality, forced begging, forced and sham marriages),
- Migrant crisis and its impact on human trafficking situation and
- Innovative tools and approaches to prevent trafficking in human beings.

Data collection and research

9. GRETA considers that, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, the Swedish authorities should further develop a comprehensive and coherent statistical system on trafficking in human beings by compiling reliable statistical information from all main actors, including prosecutors, courts, the Crime Victim Compensation and Support Authority and NGOs, providing assistance to victims of THB, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination, etc.). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

The National Council for Crime Prevention, (Brå), provides the overall, official crimes statistics. Brå has chosen to use regular statistics of crimes when reporting to national mechanisms and not to do case studies. The aim of using regular and well controlled statistics is to be able to

guarantee enough standardisation over time, quality, transparency etc. Official crime statistics on reported trafficking in human beings includes six subcategories; trafficking for sexual exploitation, trafficking for the purposes of forced labour, begging, organ trading or war service and trafficking for other purposes. The statistics on reported offences are also divided by the victim being a child or adult. Data on suspected persons is moreover divided by age and gender. Data on convicted persons is divided by age, gender and type of sanction.

However, according to the Swedish view it can be concluded that trafficking and the many ways in which it manifests itself makes it particularly difficult to measure, weigh and assess. It is clear that statistical information solely relating to the trafficking offence does not provide a full picture of the phenomenon. Additional information is required in order to enable an aggregated and profound assessment. In Sweden, information on related criminality such as procuring, purchases of sexual services and other types of crime that may be related to trafficking and exploitation are therefore also part of the analysis at national level.

Furthermore, criminal intelligence is continuously collected and within the multidisciplinary National Task Force under the County Administrative Board in Stockholm, exchange of information, including on trends as experienced by all relevant actors, is exchanged. Specific studies relating to trafficking going beyond the phenomenon from the perspective of criminal law are carried out to complement the understanding of the phenomenon. For instance, the County Administrative Board presented a report on the extent of prostitution in the spring of 2015.

Together with a regular collection of data and information, the annual report of the National Rapporteur represents a condensation of this flow of information. Over the past few years a specific template has been developed in order to present a statistical overview of the situation in Sweden as regards trafficking. The template allows for disaggregation and includes information on victims, their country of origin, age and sex. The template also presents information on for instance temporary residence permits and returns. For the year 2014, a presentation of information collected by the Platform Swedish Civil Society against Trafficking was included for the first time. It was underlined that this was done in cooperation and in full independence of the Platform with a view to provide the most comprehensive overview possible.

The Swedish Police Authority decision from the 30th of October 2015 to reinforce its capacity to combat trafficking in human beings, also included a measure to improve data collection and statistics on trafficking and related crime. This is to be done in close cooperation with the Crime Prevention Council (official crime statistics), the National Coordinator and the Platform Swedish Civil Society against Trafficking aiming inter alia to provide statistics comparable with other EU Member States and providing a basis for developing relevant responses.

The Swedish Migration Agency keeps statistics on granted temporary residence permits according to the Aliens Act, Chapter 5 Section 15. Furthermore, the Migration Agency keeps statistics on the number of internal reports on suspected THB-cases. The internal reports relates to cases where sections within the Agency have taken measures in accordance with the Migration Agency's Handbook. The internal reports are compiled and twice a year sent to NOA (the Swedish Police) and the County Administrative Board of Stockholm. The number of internal reports on THB increased significantly during 2015 compared to 2014. The Migration Agency states that the most likely explanation for the rise is increased competence among the staff to identify suspected victims of THB.

The number of migrants and asylum seekers has increased to unprecedented levels in 2015, among them a large number of unaccompanied minors. During the year, over 35 000 unaccompanied minors applied for asylum in Sweden. In comparison, 7000 unaccompanied children arrived in 2014. There are risks that the migrants, asylum seekers and unaccompanied minors may be exposed to exploitation in various forms during their travel to or within Sweden. It remains to be seen if such a potential development will show in the number of reports, criminal investigations etc.

10. GRETA considers that the Swedish authorities should conduct and support research on trafficking-related issues as an important source of information for future policy measures. Areas where research is particularly needed at present to shed more light on the extent and nature of the problem include trafficking for non-sexual types of exploitation, trafficking in children and among vulnerable groups, such as the Roma, and trafficking within Sweden.

In 2015, the Swedish Government assigned the County Administrative Board of Stockholm to map – at a national level – children who have been or are suspected to be the victims of THB (Rapport 2015:30,

Människohandel med barn, Nationell kartläggning 2012-2015). The report was published in December 2015 and presented important information about how cases of suspected trafficking in children are handled by the authorities and in criminal investigations. The report identified 210 children that the Swedish social and migration authorities and NGO's had come into contact with where suspicions arose that the child was/had been/risked being subjected to trafficking. The report identified factors such as the children's background, residence status, the type of trafficking suspected, reasons for the suspicions and responses taken by the authorities. Several areas of child protection and legal responses that require strengthening were described and recommendations were made e.g. to increase the use of reflection periods and safe placements, to examine preliminary investigations that have been discontinued and strengthen the capacity and resources to investigate suspicions of trafficking. As a consequence of the results of the report, the County Administrative Board Stockholm, were assigned by the government to systematically review reported cases of suspected trafficking with children. A number of cases will be analysed in order to describe different cases and try to identify good examples where the child has been given sufficient support in all stages of the legal process and to identify the parts where protection can be further strengthened.

The County Administrative Board of Stockholm published in 2014 a report on Vulnerable EU citizens in Sweden – situation picture from a THB perspective (Rapport 2014:10). Through surveys to key-actors and interviews they gave a nation-wide situation picture of the number of vulnerable EU citizens in risk of being exposed to THB, for example for begging or in berry-picking.

As earlier mentioned in proposal 4, the Police reported, on 2 December 2015, to the Government on its commission on EU-migrants. The reporting consists of three parts, including a nation-wide situation picture and also a proposal on action to take to prevent and fight crime against vulnerable EU-migrants and crimes committed by persons within this group.

In January 2015 a National Coordinator was appointed to provide support to the domestic bodies dealing with EU citizens who stay temporarily in Sweden and do not have a right of residence here. He presented his report in February 2016 where he addressed the need for continued coordination of measures at regional level with regard to vulnerable EU citizens. The Government therefore decided in March 2016 to appoint the County Administrative Board of Stockholm to develop and strengthen the national coordination of all bodies dealing

with vulnerable EU citizens who stay temporarily in Sweden. (See more under proposal 4 above)

During 2014-2015 The Crime Victims Compensation and Support Authority has allocated approximately 120 000 Euro to a research project on trafficking-related issues: The Many Faces of Trafficking in Human Beings: A Crime Victim Approach to the Variations of Human Trafficking. Project leader is Märta C. Johansson, Örebro University. The project has three aims. To investigate the Swedish legislation on THB and its impact on the court decisions and to analyse these verdicts in the light of Sweden's international commitments, to investigate if Sweden fulfils these international commitments and to find good examples from other countries on how to prevent THB and how to protect the victims. The project is yet ongoing.

The County Administrative Board was commissioned to map the development and gather knowledge concerning the extent of prostitution in Sweden 2014. The board presented its results in March 2015.

The National Board Health and Welfare have a task to regularly examine development in prostitution and on this basis to collect data on what kind of support and assistance people who are selling and buying sexual services themselves look for (see further under proposal 8). The Board has further been commissioned to develop a model on how to monitor the extent of prostitution and the development over time. The board will present its work in June 2016.

International co-operation.

11. GRETA invites the Swedish authorities to continue developing international co-operation with a view to preventing THB, assisting victims of trafficking and prosecuting offenders, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin and transit.

THB is a criminal offence in most countries in the world, yet the phenomenon continuous to increase. Therefore the Government in May 2016 has appointed a Swedish Ambassador with a special task to work against human trafficking on an international level. Hereby Sweden increases its efforts to fight the exploitation of human beings, especially women, children and poor people, around the world. A gender and children's right perspective should be paramount. Overall objectives are

to increase awareness on the vulnerable situation of women and girls in particular and to help disseminate knowledge on effective methods to combat THB both on a national and international arena.

Internal EU trafficking in human beings remains the most significant among the reports to the Police and among the investigations carried out. There are also cases connected with third countries, including West Africa and Western Balkans. The clearest trend in 2015 was concerned with reports on trafficking in human beings for the purpose of begging. The number of reports increased again as for the previous years.

The County Administrative Board of Stockholm runs, in cooperation with The International Organization for Migration, IOM, the safe return program which is a coordinated program to ensure safe return for victims of THB.

From a Swedish point of view and besides bilateral cooperation in specific investigations, the most important platform for international police cooperation is taking place within the context of the Europol SOCTA/COSI/Empact policy cycle. Trafficking is one out of nine priorities set to fight organised crime. Sweden is actively participating in the work to implement the Operative Action Plan.

The Swedish public prosecution services take active part in international cooperation, in particular within Eurojust, but also in other relevant fora. Swedish Prosecutors have wide-ranging possibilities to engage in international cooperation. The public prosecution services are also tasked with ensuring an effective international cooperation. Understanding and engaging in judicial cross-border cooperation is part of the general training for prosecutors.

Sweden has implemented Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The purpose of the Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. The Directive covers all victims of crime. A new section has been inserted in the Public Notice on Preliminary Investigations (1947:948) (FUK). The police authority is obliged to receive a notification of offenses committed in another Member State of the European Union, if the injured party is resident in Sweden and have been unable to report the crime in the Member State where it has been committed or has refrained from reporting the crime and the crime is gross under its national law. If there are no grounds to open an investigation in Sweden, the notification shall, as soon as

possible, be submitted to the competent authority of the Member State where the offense was committed (FUK 33 §).

The Nordic Council of Ministers (NCM) is implementing a program against human trafficking for 2015-2018. There is an ongoing cooperation between the Council of the Baltic Sea States (CBSS) and the NCM on the STROM II project (STROM – strengthening the Role of Municipalities in the work against trafficking in human beings) which includes testing the guidelines for municipalities on THB. The County Administrative Board of Stockholm will take part in this project.

The Children's Unit at the CBSS Secretariat supports the Expert Group for Cooperation on Children at Risk (EGCC), a platform for regional cooperation on issues relevant to support children at risk. The Expert Group consists of senior officials from the CBSS Member States and together the group shares national developments and discusses ways to address gaps in services, expertise and capacity. Activities and programmes are carried out together with national authorities and international and national organisations. Within the project "Protect Children on the move" a two days workshop was organized in Riga in February 2016 with the aim to raise awareness on how to deal with cases when children are at risk of exploitation and trafficking while migrating. 35 professionals from different countries participated (social care workers, police officers, prosecutors, judges, immigration offices and border guards).

The County Administrative Board of Stockholm and the Council of the Baltic Sea States the Task Force against Trafficking in Human Beings participate in a project in 2016 called "Addressing trafficking for labour exploitation in Sweden (ATES)". The main aim of the project is to support relevant national authorities in combating trafficking for labour exploitation in Sweden.

Specific tasks of the project are to:

- To stimulate dialogue and foster experience between the authorities in Sweden, Finland, Belgium and United Kingdom to prevent trafficking for labour exploitation.
- To increase the capacity and look into the current mandate of national authorities to counteract trafficking for labour exploitation in Sweden.

The key national actors that participate in the project are representatives of the National Task Force against Prostitution and Trafficking in Sweden (NMT), County Administrative Board of Stockholm, Tax Authority and Swedish Work Environment Authority. There will also be a possible involvement of trade unions.

The Swedish Migration Agency has an ongoing project to enable safe return to Morocco for unaccompanied minors with rejected asylum applications.

The Swedish Crime Victim and Support Authority has participated in the EU financed project Brieis. The coordinator and the partners in Project Briseis were to some degree chosen because of the countries' status as countries of origin, destination and transit concerning THB. The coordinating country Portugal can be seen as a country of both origin and transition. Sweden and United Kingdom can be recognized as countries of destination and finally Romania as a country of origin. The mixture of countries in the project was an important factor leading to the successful activities in the project. The participating organizations were non-governmental and public bodies.

Sweden has under the period 2015 and early 2016 signed bilateral agreements with both Romania and Bulgaria in the area of social welfare aiming to strengthen our cooperation in the field of social policy. The cooperation includes exchange of knowledge, experiences and good practices. The cooperation focuses on children's rights, gender equality and social security, including the rights of older persons and persons with disabilities. An important part of the agreements is to promote collaboration between CSOs and local organizations in Sweden and in Romania and Bulgaria, working with both CSOs and the private sector to achieve long term solutions for poverty reduction and social inclusion.

Through various international agreements Sweden has efficient tools to combat transnational organized crime like human trafficking. Sweden has also through national legislation made it possible to co-operate with other states without the existence of an agreement, for example in matters regarding extradition and mutual legal assistance. Sweden believes that this system is effective in order to enable as vast mutual legal co-operation as possible.

Measures to raise awareness

12. GRETA welcomes the initiatives of the Swedish authorities to alert the general public and key stakeholders to the risks of THB for sexual exploitation and considers that the authorities should strengthen their awareness-raising efforts as regards THB for the purposes of all types of exploitation and not just sexual exploitation.

Through the Action plan against trafficking, exploitation and sexual abuse of children, 2014-2015, the government has given the County

Administrative Board of Stockholm the task of coordinating and disseminating knowledge and methods to municipalities, county councils, county boards and authorities in the fight against child trafficking and exploitation of children. The mission included promoting increased collaboration with hotels, taxis and restaurants, and international exchange as well as a national information campaign to the general public on the sexual exploitation of children in connection with tourism and travel. The campaign was driven under the name “Travel Courage”, encouraging the Swedish travellers abroad to report observations indicating possible child abuse. It was the result of cooperation between the County Administrative Board, the Police and World Childhood Foundation. Through the Action Plan against trafficking, exploitation and sexual abuse of children, 2016-2018, the assignment is continuing. It will also include information to the public about the vulnerability of children to various types of exploitation, including new threats for children living in institutions, connected to voluntourism.

In order to prevent exploitation on the labour market access to information about the labour market plays an important part. The Swedish Institute, for example, provides the website ”Work in Sweden”, a guide about working in Sweden: <http://work.sweden.se/>. The site includes information on planning a move to Sweden and on different practicalities, such as registration with different authorities, social benefits etc.

The Swedish Work Environment Authority has an assignment to inform persons coming to work in Sweden on a temporary basis about working conditions and terms of employment. They also provide information about working environment in a number of languages aimed at specific sectors with a large concentration of labour migrants, such as construction and restaurant services, www.safeatwork.se. The authority also provides information leaflets in different languages with for example information for foreign berry pickers and rules about working in the forestry industry.

The Swedish Work Environment Authority has also been assigned to analyse and give proposals on how web-based information about for example labour rights, health and safety at the workplace, migration, tax and social insurance aimed at foreign workers, employers and self-employed can be co-ordinated and provided in an accessible manner. This assignment has to be carried out together with other relevant authorities, such as the Public Employment Services, the Swedish Migration Agency, the Swedish Tax Agency and others.

The trade unions and the employers are responsible to ensure compliance with the rules of collective agreements and to monitor the working conditions on the Swedish labour market. One example from the trade unions awareness raising efforts is the Swedish Municipal Workers' Union that provides information in different languages aimed at persons with a temporary work in Sweden, mainly within the green sector (agriculture, horticulture etc.)

The Swedish Crime Victim and Support Authority has participated in the EU financed project Briseis. One example of activity in Project Briseis was developing a website on THB for forced labour. The website contains information on legislation concerning THB in Sweden, how to identify victims, where victims can get support, how to report a crime and statistics. The Crime Victim Compensation and Support Authority has promoted the website and the other materials produced in the project through the authority's own website and newsletters.

Measures to discourage demand

13. GRETA considers that the Swedish authorities should make further efforts to discourage demand for the services of trafficked persons for all types of exploitation, in partnership with the private sector and civil society, including trade unions and employers. In this context, GRETA invites the Swedish authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

As previously stated it is prohibited to buy sexual services in Sweden. The Swedish experience is that the ban on buying sex has proved to act as a deterrent to sex purchasers and is an important instrument in preventing and combating prostitution and human trafficking for sexual purposes.

The inquiry chair in the evaluation of the ban on buying sex conducted in 2008-2010 has a commission from the Ministry of Justice to spread information on the Swedish experiences of the ban, inter alia as a way of reducing demand.

The 2014 Anti-trafficking Inquiry has been assigned with the task to evaluate the effect of the raise of the maximum penalty for purchase of a sexual service that was implemented in 2011 (from six months imprisonment to one year). The purpose of the amendment was to make

possible a more nuanced assessment of the penal value in serious cases of purchase of sexual services, such as when the person selling sex is a victim of trafficking in human beings. The assignment was, in this part, reported 16 June 2016. The Inquiry has proposed changes in the scales of penalties. (See more about the Inquiry under proposal 24 below)

In the mandate for 2016 for the County Administrative Board of Stockholm, as well as in the mandate in all the other county administrative boards in Sweden, measures to prevent the demand of sexual services and to spread information and raise awareness on the prohibition on purchases of sexual services are included.

One part of the Swedish Police Authority decision from the 30th of October 2015, to reinforce its capacity to combat trafficking in human beings, was to address the whole trafficking chain from buyers of sex to pimps and traffickers and explicitly state that crimes committed when someone is buying a service from a victim of trafficking for forced labour shall be investigated.

The use of other services than sexual of victims of THB may, depending on the circumstances, be sentenced according to different provisions in the Penal Code and other legislation. For example the crime usury can be applied. That is when a person in connection with a contract or other legal transaction takes advantage of someone's distress, innocence or thoughtlessness or dependent relationship to him, in order to obtain a benefit which is clearly disproportionate to the consideration afforded or for which no consideration should be provided. Also crimes concerning unlawful coercion, extortion and fraud can be applied. In addition, the Aliens Act (Chapter 20, Section 5) provides that a person who intentionally or through negligence has an alien in his or her employment in spite of lack of the prescribed work permit shall be sentenced to a fine or, in aggravating circumstances, to imprisonment for not more than one year.

The 2014 Anti-trafficking Inquiry is also assigned to review how the criminal legislation protects vulnerable persons from being exploited in for example forced labour, begging or for other economic profit. The assignment will, in this part, be reported by October 2016.

The Government decided in July 2015 to assign an inquiry on labour migration to survey the extent of abuse and exploitation of labour migrants in Sweden and propose measures to counteract such exploitation. The assignment will be reported by September 2016.

Identification of victims of trafficking in human beings

14. GRETA urges the Swedish authorities to set up a formalised national referral mechanism defining clear procedures and roles of all frontline actors who may come into contact with victims of trafficking. In this context, the Swedish authorities should:

- strengthen the multi-agency involvement in the decision-making process leading to the identification of victims of trafficking, by giving a formal role in the identification process to frontline actors such as NGOs, labour inspectors, social workers and officials dealing with irregular migrants and asylum seekers;*
- provide all frontline staff with operational indicators, guidance and toolkits for the identification of victims of trafficking subjected to different forms of exploitation and train them to use those identification tools;*
- ensure that the police, social services, labour inspectors and other relevant actors adopt a more proactive approach and increase their outreach work to identify potential victims of trafficking, in particular as regards forms of exploitation other than sexual (labour exploitation, forced begging, forced criminality, etc.);*
- ensure that the identification of victims of THB is not made conditional on their cooperation in the investigation and criminal proceedings or the initiation of criminal proceedings;*
- improve the identification of victims of trafficking among irregular migrants and asylum seekers, including through training of immigration police officers;*
- address the problem of unaccompanied minors going missing, by providing suitable safe accommodation and adequately trained supervisors or foster parents, and ensure the timely identification of victims of trafficking among such children.*

The national coordination at the County Administrative Board has in the beginning of 2016 finalised a very important project on guidelines for the identification and referral of trafficked persons in Sweden. The guidelines have been developed in the course of the project Development of a Transnational Referral Mechanism for Sweden (SE-TRM) - Targeted support to County Administrative Board of Stockholm. The project was funded by Country Administrative Board of Stockholm (CABS) and implemented by the International Centre for Migration Policy Development (ICMPD) in 2014 and 2015.

The general objective of the SE-TRM project is to strengthen the links and cooperation between the anti-trafficking stakeholders in Sweden by way of developing a national referral mechanism (NRM) and a transnational referral mechanism model (SE-TRM) to facilitate and

provide necessary support to potential victims of human trafficking as well as to operationalise the existing legislative and administrative procedures. The document is based on the Guidelines for the Development of a Transnational Referral Mechanism for Trafficked Persons, developed in the course of the ICMPD implemented Programme to Support the Development of Transnational Referral Mechanism for Trafficked Persons in South Eastern Europe.

The Guidelines were jointly developed and validated by the anti-trafficking stakeholders in Sweden, who were actively participating in the project implementation. In coordination with the National coordinators team, each institution nominated representative(s) that participated in drafting of the Guidelines. ICMPD facilitated the process during the whole project implementation. The Guidelines have now been translated into a manual on how to address a situation in which there are suspicions of trafficking.

The NRM-manual is operative in its form and consists of approximately 50 pages. It is based on Swedish legislation and on operative experiences from authorities identifying victims. The Swedish NRM is a manual, clearly stating the responsibilities of each authority regarding the referral of victims of THB. It also states the National Coordinators function as a national focal point and first point of contact for operative support in direct cases of THB. The manual is divided into 5 steps, aimed to help professionals and NGOs after they have identified a presumed victim of THB:

- 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 Swedish Police Authority is developing a manual on working methods against trafficking and in particular methods to obtain quality information in investigations on trafficking in children.

According to Swedish legislation, as soon as there is reason to believe that an offence subject to public prosecution, such as THB, has been committed, the police or prosecution authority must initiate a criminal case. The prosecutor must initiate the prosecution *ex officio*, regardless of the existence of a victim's complaint or if the victim is unknown.

The publication "Could this be THB?" was updated in 2015 by Unicef Sweden in collaboration with The County Administrative Board of

Stockholm. The publication provides guidance to frontline actors when they come in contact with children or young people and is a useful tool for identifying victims of trafficking in human beings.

Through the Action plan against trafficking, exploitation and sexual abuse of children, 2016-2018, the National Board of Health and Welfare is commissioned to develop a knowledge support to the social services and health care professionals to conduct interviews with children. Difficult conversations and interviews often occur in cases with children who may have been sexually abused or victims of trafficking. The aim is to increase detection of these cases and to increase the interview skills of social services and health workers in such conversations.

As mentioned above, the Swedish Crime Victim and Support Authority has participated in the EU financed project Brieis. One activity during the project was to develop a manual on how to identify victims of THB for forced labour. Labour inspectors, police officers, social workers and professionals at the Migration Agency, in the health care and in NGO:s can benefit of the manual.

The work done by The Swedish Work Environment Authority on providing information aimed at specific sectors with a large concentration of labour migrants is also a step towards a more proactive approach to identify victims of THB. (See more about this in the remarks under proposal 12 above).

In the Action plan against trafficking, exploitation and sexual abuse of children, 2014-2015 (further information above in proposal 4), the government commissioned the Migration Agency to report on measures taken to identify cases in which children are exposed or vulnerable to human trafficking.

Since 2014, the Swedish Migration Agency has a National Coordinator for the work against THB and a working party which includes Agency officials with special child competence and special competence in work permits. The working party shall continuously develop the Agency's work on these issues. Contact persons that specialize in human trafficking issues are placed in over 90 sections throughout the country. Standards and routines were improved during 2015 to focus on identifying children at risk and how to handle cases. Educational efforts were made to increase the competence of the staff, including the staff abroad. A study visit to the Netherlands was also made to learn more about methods of identifying children at risk.

The Swedish Migration Agency also engaged in a number of networks and cooperations that focus on child victims of THB and participated in a number of meetings on the subject.

The Swedish Migration Agency introduced new routines in 2015 regarding labour migration and trafficking. According to these routines, an interview is standard procedure when someone applies for an extended work permit and there are suspicions of human trafficking. The purpose is to be better equipped for the identification of victims of human trafficking.

The social services in the municipalities are subjected to a huge pressure due to the current refugee situation in Sweden, including the large increase of unaccompanied children seeking asylum in Sweden. Several municipalities have drawn attention to the need to be able to get support from the national level on various issues. The government therefore in January 2016 gave the National Board of Health and Welfare an assignment to set up a response function with the task of answering questions from and provide support to the social services in the municipalities related to the current refugee situation.

The Government has also given the National Board of Health and Welfare a major assignment in January 2016 due to the increased number of unaccompanied children. The National Board of Health and Welfare shall, among other things, make a thorough analysis of the consequences for the social services. The National Board of Health and Welfare shall also improve the support to social services regarding unaccompanied children, develop a customized training material for foster homes, and examine the need for support to staff at residential care homes and supported accommodations. The authority shall also pay particular attention to unaccompanied girls' vulnerability and provide a picture of the need for and the availability of interpreters and other needs in social services. The authority shall report regularly to the Government.

Moreover, through the Action plan against trafficking, exploitation and sexual abuse of children, 2016-2018, the Swedish ombudsman for Children is commissioned to conduct interviews with unaccompanied children who have disappeared and then returned. The aim is to increase the knowledge of why children disappear, in order to provide relevant authorities with knowledge for taking appropriate measures to enhance the protection of these children.

On 1 August 2014, new rules entered into force in Sweden aimed at addressing misuses of the labour migration system by untrustworthy

employers and to prevent workers from countries outside of the EU/EEA area from being exploited. These changes means, inter alia, increased powers for the Swedish Migration Agency to conduct follow-up checks and revoke permits if the conditions of the work permit (e.g. the requirements concerning the terms of employment) are no longer met or if the employment does not begin within four months. Also, an obligation carrying a penal sanction to provide written information, at the request of the Swedish Migration Agency, about terms of employment has been introduced for employers of workers who have been granted a work permit.

With respect to labour migration, an inquiry was appointed by the Government in 2015 with the assignment to survey the extent of abuse and exploitation of labour migrants in Sweden and propose measures to counteract such exploitation.

Swedish Customs deals with smuggling of goods, not persons. However at the Öresund bridge and at the ferry port of Helsingborg, Swedish customs officers performing customs controls have come across suspected cases of trafficking in human beings. All these cases have been handed over to the police. Also the Swedish Coast Guard may come in contact with victims of THB in their daily work (for example when controlling a ship or through control of ships in port of call) and they pay attention to all suspicious activity. If there is suspicion of THB, the case is handed over to the police.

Assistance to victims

15. GRETA urges the Swedish authorities to strengthen their efforts to provide assistance to victims of trafficking, and in particular to:

- ensure that, in practice, access to assistance for victims of THB is not made conditional on their co-operation in the investigation and criminal proceedings;*
- provide safe and suitable accommodation to victims of trafficking for all types of exploitation, depending on their needs;*
- ensure that suitable accommodation is provided to male victims of trafficking and that they have effective access to the assistance measures provided for in law;*
- ensure that all children victims of trafficking benefit from the assistance measures provided for under the Convention, including appropriate accommodation, specialised support services and access to education.*

16. In addition, GRETA considers that the Swedish authorities should introduce a set of common quality standards for assistance provided to

victims of trafficking by all service providers and ensure an effective supervision of their observance in all municipalities.

According to the Act on Social Services the social services has a responsibility to provide assistance for persons in need. Persons who are victims of human trafficking are offered general support by the social services according to regulations in the Social Services Act on the municipality's responsibility for providing support and assistance to people in need.

This is a general support; all persons who stay in a municipality have the right to apply for economic or other aid and then an individual assessment of the applicant's needs is made. The social welfare committee is obliged to provide assistance if the need cannot be provided elsewhere. Support may include sheltered housing, aid in contact with other agencies, financial assistance, interpretation and psychosocial support. This support is independent of whether the person is granted a period of reflection and of co-operation with law enforcement authorities.

Furthermore, according to Chapter 5, Section 11, Paragraph 1 of the Social Services Act, "the social welfare committee should take steps to ensure that persons subjected to criminal acts and their next-of-kin are supported and helped". The provision covers all victims of crime, regardless of age or gender.

To further strengthen the rights of the child the government is considering to make the UN Convention on the Rights of the Child into law. An Inquiry has been instructed to propose a law on the incorporation of the Convention. The report was submitted to the Government on the 11th of March 2016 and is now being processed within the Governmental Offices.

Children without a residence permit have the same right to access education in comprehensive school and upper secondary school as children residing legally in Sweden. Their school attendance is not compulsory and it is up to every family concerned to decide if they will let the child use this right to access education. The National Agency for Education has published support material for schools on how to form the education for children without a residence permit in the best possible way.

As mentioned above regarding proposal 5, The Platform Swedish Civil Society against Trafficking has, with funds from the County

Administrative Board, produced a pilot for a national support program for THB victims. In 2016, the platform is to certify service providers and ensure quality of interventions using jointly developed routines and structured assessment templates for support needs, etc. The support is complementary to the support the Social Services provide and should be individually tailored and improve better life conditions for the victims. The national support program will, after identification and before reporting to the police, provide for their accommodation for up to 30 days, see to specific needs during the criminal investigation if those are not covered by the state, for instance removal of tattoos from former "owners" of the victim of trafficking, and an integration program up to 90 days after the trial if they wish and have the opportunity to stay in Sweden, rather than return to the home country.

The National Coordinator and his team at the County Administrative Board in Stockholm have developed rehabilitation programs for victims of trafficking for sexual purposes and prostitution. As mentioned under proposal 11 above, the coordination team also runs a safe return project to develop measures to make trafficking victims' return to their home countries safe, efficient and adequately organised so as to avoid the risk of re-trafficking.

The access to specialized accommodation for male victims of crime, including trafficking, is scarce and unevenly spread over the country. In order to strengthen gender equality efforts targeting men and boys, including questions relating to masculinity, the government and The Swedish Association of Local Authorities and Regions (SALAR) have entered a cooperative agreement including approx. 11 000 000 SEK.

As mentioned above (under proposals 4 and 14), guidelines comprising a Swedish National Referral Mechanism (NRM) were jointly developed and validated by the anti-trafficking stakeholders in Sweden, who were actively participating in the project implementation. Together with the national coordination, each institution nominated representative(s) that participated in drafting of the Guidelines. The NRM from 2016 is clearly stating the responsibilities of each authority regarding the referral of victims of THB, also to increase the protection and assistance.

Recovery and reflection period

17. GRETA urges the Swedish authorities to ensure that a recovery and reflection period is provided to all persons in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking. It should be made clear that the granting of the recovery and

reflection period is not subject to co-operation with the law enforcement authorities in criminal proceedings.

18. Further, GRETA considers that victims of THB should be allowed to apply for the recovery and reflection period in person or through the social services and NGOs that have detected them. All victims of trafficking should be systematically informed of the possibility of benefitting from a recovery and reflection period and should be effectively granted such a period.

A 30-day residence permit, that may be prolonged, may be granted a person of evidence (victim or witness) for the purpose of recovery and reflection (Chapter 5 Section 15 of the Aliens Act (2005:716)). The victim shall be informed by the person (a police officer or a public prosecutor) leading the criminal investigation of for example trafficking of this possibility and an application is made by the person in charge of the preliminary investigation. The purpose of the recovery and reflection period is for the victim to recover and consider whether he or she wants to cooperate and participate in the criminal investigation. This period is not conditional to co-operation with the law-enforcement authorities or participation in a criminal investigation. The 30-days residence permit for recovery and reflection may be prolonged and a residence permit of at least 6 months may be granted if the person (for example after the reflection period) is willing to cooperate with the law enforcement authorities and renounces further contacts with the suspects in the criminal investigation involving the person.

The application of permits residence for recovery and reflection, as for temporary residence during an investigation, can only be made by the prosecutor or responsible police officer. Other organizations, NGO:s etc usually inform presumptive victims of these possibilities and also channel contacts and forward applications for action to the responsible prosecutor or police officer. There is also available information materials, such as leaflets, booklets, web-pages etc directed to the social authorities, NGO:s, migration authorities as to the victims themselves that describe these possibilities. No formalities, signatures etc are needed. Thus there is no need for direct contact between the victim and the prosecutor at that stage.

The National Referral Mechanism (NRM) also provides clear guidance on the 30-days residence permit and stresses the importance of early information to persons suspected to be victims of trafficking in human beings about the possibilities to be granted such a recovery and reflection period.

There are no initiatives to amend the legislation so that a victim, or Social Services or an NGO, will be able to apply for temporary residence permit under Chapter 5, Section 15. This regulation has its origin in EU-law and no proposals for amendments have been submitted within the EU.

A victim may always apply individually for a residence permit and have the application examined in an asylum case, see proposal 19. Also, as mentioned above, general support is independent of whether the person is granted a period of reflection and of co-operation with law enforcement authorities.

Residence permits

19. GRETA considers that the Swedish authorities should ensure that victims of trafficking, regardless of the form of exploitation, can fully benefit in practice from the right, provided under Swedish law, to obtain a renewable residence permit when a victim is unable to co-operate with the authorities. Further, GRETA considers that the Swedish authorities should take steps to raise awareness of this possibility among relevant professionals and victims.

About residence permit for recovery and reflection period and its renewal, see under proposal 17 above and the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden (GRETA[2014]11).

According to the Swedish Aliens Act, the examination of whether a person upon application should be granted a residence permit includes establishing identity, considering the grounds for permits, assessing the applicant's right to reside or sojourn in the country and assessing circumstances that should lead to a removal from Sweden (refusal of entry or expulsion order). This includes meetings and interviews with Migration Agency officials. Other provisions and regulations that apply to foreign nationals fall outside the Aliens Act, e.g. the social legislation about the right to social benefits. The absence of a permit is not an obstacle to receive support in a distressing situation.

As described in the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Sweden (GRETA[2014]11), Chapter 3 d, victims of THB could be granted residence permits according to Chapter 5 Section 6 of

the Swedish Aliens Act (2005:716) on the grounds of exceptionally distressing circumstances.

Sweden is still experiencing tangible impacts of the unprecedented refugee flows with more than 160 000 asylum applicants in 2015, of which about 35 000 were unaccompanied minors. Sweden takes a serious responsibility for those fleeing from war and conflict. However, the situation became unsustainable during the last months of 2015. At the moment Sweden host over 180 000 asylum seekers and the capacity of the reception system has been stretched. Health care and social services are still overburdened. Authorities and municipalities have warned that important social functions cannot adjust to the current situation. It is of the greatest importance that the reception of asylum seekers and newcomers remains dignified. Among the measures to create a respite, the Swedish Parliament has recently decided on a new temporary legislation limiting the possibilities of obtaining a residence permit.

The new legislation is to enter into force on 20 July 2016. A temporary act valid for three years will be applied when an application for residence permit is being decided on during the time the act is in force. Swedish legislation will for these three years be brought into line with the minimum requirements in international conventions and EU law.

The temporary act will not be applied when the application of a child or an adult who is a member of the child's family has been registered on 24 November 2015 or earlier, provided that the child is still under the age of 18. Instead the previous, non-temporary legislation will apply.

The provision according to which a residence permit may be granted because of exceptionally or, regarding children, particularly distressing circumstances will not be applied during the time the temporary act is valid. It will be replaced by a provision according to which a residence permit may be granted only if it would be contrary to international commitments not to grant a residence permit. Such a permit will be valid for two years and may be renewed for one year.

In this context, it should be pointed out that in the travaux préparatoires (in Sweden regarded as a source of law) on the new legislation, the Council of Europe Convention on Action against trafficking in human beings is mentioned as an example of conventions with commitments that may constitute a ground for residence permit. (See e.g. the Government's Bill with proposal for the new legislation prop. 2015/16:174, page 52 and 78).

Furthermore, according to the temporary law, a permanent residence permit may be granted when a temporary permit expires if the alien can support himself or herself through employment or business. If he or she is employed the salary, insurance and working conditions must be the same as the conditions according to collective agreements within the industry.

When there is reason to grant a residence permit because of an impediment to enforcement of a refusal-of-entry or an expulsion order, this permit shall only be temporary. It shall be valid for one year and may be renewed for one year at a time.

Compensation and legal redress

20. GRETA considers that the Swedish authorities should strengthen their efforts to facilitate and guarantee access to compensation for all victims of trafficking, in particular by:

- Ensuring that victims of trafficking are systematically informed, in a language that they can understand, of the right to seek compensation and the procedures to be followed;*
- Enabling victims of trafficking to exercise their right to compensation from the perpetrator or from the state, by ensuring their effective access to legal aid and by allowing them to stay in the country for the duration of the proceedings.*

The Swedish Police and the prosecutors are obliged to give victims information on how to claim damages from the perpetrator and how to apply for criminal injuries compensation. The Swedish Courts do not give special advice on compensation and legal redress to individuals.

As mentioned above regarding proposal 11 Sweden has implemented Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime. The purpose of the Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. The Directive covers all victims of crime. In order to fulfil the requirements in the Directive already existing sections has been amended or new sections have been inserted in the Public Notice on Preliminary Investigations (1947:948) (FUK) in 2015. The injured party shall as soon as possible get information that the prosecutor under certain circumstances can represent him or her in claiming criminal injuries compensation, and about the possibilities to get compensation through the Criminal Injuries Compensation Act. If relevant, information shall also be given on the rules regarding the right to a

counsel for an injured party and the right to obtain a restraining order.

The injured party shall get information on

- the protective measures available,
- opportunities for alternative accommodation,
- the authorities, organizations and others who can provide care,
- the possibility of mediation,
- the contacts needed to obtain information about their case,
- the proceedings of the case and what role he or she will have in it,
- the right to interpretation and translation,
- the right to compensation for costs associated with the suspension of hearings and meetings,
- where the injured party can turn with complaints concerning the investigation of the case, and
- that he or she upon request can get information on the investigation of the case from the police, the prosecutor or the court, if it can be done without detriment to the investigation. (FUK 13 a §)

The Swedish Crime Victim Compensation and Support authority handles applications on criminal injuries compensation. The authority has information on ways to claim damages and how to apply for criminal injuries compensation in 15 languages on the authority's website and in brochures. On the website jagvillveta.se the authority has developed information suited for children and teenagers. The website contains information on for example damages and criminal injuries compensation. Some of the information is translated to nine languages.

As of 1 July 2014 there is a new Criminal Injuries Compensation Act in force in Sweden. The time-limit for applying for criminal injuries compensation, in person or through an authorised representative, has under the new act been extended from two to three years. Contrary to what is suggested by the wording of paragraph 176 in the Swedish GRETA report, there is no requirement for a judgment of the court to get access to criminal injuries compensation. The crime must have been reported to the police. If the offender is unknown, there must have been an inquiry, such as a preliminary investigation, which confirms that a person has been subjected to a criminal act. If the suspect has been identified, a conviction or a summary imposition of a fine is required in principle. It should also be added that (under the old as well as the new act) there is a possibility for the Swedish Crime Victim Compensation and Support Authority to compensate a victim for expenses for legal aid with the application for compensation, if there are special circumstances with regard to the applicants financial situation and other factors. As for who can claim compensation, for what and for crimes committed where, see paragraph 176 in the GRETA report.

A residence permit of at least 6 months may be granted if the person (for example after the reflection period) is willing to cooperate with the law enforcement authorities and if it is needed to complete the criminal proceedings. If the duration of the proceedings is prolonged, so can the residence permit. (See further remarks above regarding proposal 17-19).

Repatriation and return of victims

21. GRETA considers that the Swedish authorities should take further steps to ensure compliance with non-refoulement obligations (as per Article 40(4) of the Convention). GRETA also considers that steps should be taken to strengthen co-operation with countries of origin of victims of trafficking in order to ensure safe and preferably voluntary return as well as effective reintegration of victims. The return of victims of THB from different municipalities should be carried out in a co-ordinated manner that ensures compliance with the State's obligations.

The County Administrative Board of Stockholm runs, in cooperation with The International Organization for Migration, IOM, the safe return program which is a coordinated program to ensure safe return for victims of THB. It aims to create conditions for the victims to leave exploitation, minimize the risk that they again fall in trade in return, to reduce human suffering and increase the feeling of safety and security.

The National Referral Mechanism-guidelines (NRM) aims to improve referral as well as increase the protection and assistance of victims of THB. It also includes clear guidance on voluntary return.

The Swedish Migration Agency has participated in the County Administrative Board's project on return of persons that has been victims of THB and prostitution. The Swedish Migration Agency has an ongoing project to enable safe return for unaccompanied minors with rejected asylum applications (not particularly aimed at victims of THB).

Substantive criminal law

22. GRETA considers that the Swedish authorities should ensure that all the aggravating circumstances included in the Convention are appropriately taken into account.

Aggravating circumstances are taken into account by prosecutors and judges. When assessing the penal value of any crime, consideration shall

be given to the damage, wrong or danger caused by the criminal act. It shall also be considered whether the criminal act has implicated a serious offense towards the life, health or security of another person (Chapter 29, section 1 paragraph 2 of the Penal Code). All relevant circumstances shall thus be regarded when establishing the penal value of a crime.

Nevertheless, there are some aggravating circumstances, mentioned in Chapter 29, section 2 of the Penal Code, which may be given special attention when assessing the penal value of a crime. The situations mentioned in the Article 24 of the Convention are covered by this list of circumstances.

If a case has involved endangering of a victims life this may be considered under paragraph 2, according to which special consideration shall be given to the fact that the defendant has shown great ruthlessness. If a trafficking offence involves a child there are also other paragraphs that may be applicable. For example, according to paragraph 3, special consideration shall be given to the fact that the defendant has taken advantage of another person's vulnerable situation or that person's special difficulty to protect himself. Also paragraph 8 can be given special attention when assessing the penal value of a crime committed against a child; if the offense was likely to harm the security and confidence of a child in its relationship to a closely related person. Under paragraph 4 it is possible to consider if the defendant has taken advantage of his/her own position or misused a special confidence. This last mentioned provision is applicable in a situation when a trafficking offence has been committed by a public official in the performance of his/her duties. If a trafficking offence is committed within the framework of a criminal organisation this may be considered an aggravating circumstance according to paragraph 6 in the mentioned provision, which particularly covers such situations. Having said this, it should be underlined that the list of circumstances in Chapter 29, section 2 of the Penal Code is not meant to be exhaustive; all relevant circumstances may be regarded as aggravating. That means, whether or not a single circumstance mentioned in Article 24 is covered by the list, it may be seen as aggravating according to the legislation. If, in a particular case, one or several aggravating circumstances are applicable, this shall be considered within the scale of punishment of the trafficking offence.

Non-punishment of victims of trafficking in human beings

23. GRETA urges the Swedish authorities to strengthen their efforts to ensure that victims of trafficking are not punished for offences related to

THB, including immigration-related offences, in compliance with the non-punishment clause contained in Article 26 of the Convention. The authorities should consider issuing guidance to public prosecutors, advising them of the steps to be taken when prosecuting suspects who might be victims of trafficking.

As previously reported there are a number of grounds which can be invoked with regards to non-punishment of victims.

Moreover, it should be underlined that THB crimes are handled by a small group of specialized prosecutors, well aware of the victim's plight and also employed with almost discretionary powers of deciding whether or not pursue an investigation and to order an indictment. Offences committed under coercion, severe pressure and constraint do not constitute actual breaches of law in Swedish criminal law. Other offences, committed by victims outside their role as victims may have to be prosecuted. NB: prostitution and begging do not constitute offences by themselves.

The work that is being done with regards to an improved identification of victims of THB is also important to ensure the principle of non-punishment of victims, see proposal 14.

Investigation, prosecution and procedural law

24. GRETA urges the Swedish authorities to take steps to identify gaps in the investigation procedure and the presentation to cases in courts, inter alia, with a view to ensuring that human trafficking offences for all types of exploitation are effectively investigated and prosecuted, leading to proportionate and dissuasive sanctions.

In September 2014 the Government appointed an inquiry, the 2014 Anti-Trafficking Inquiry, tasked with inter alia evaluating the application of the penal provision on trafficking in human beings and examining whether the purpose of the legislative amendment in 2010 has been achieved, and also with scrutinising how law enforcement authorities investigate and otherwise handle human trafficking matters. The inquiry shall consider measures to strengthen the quality and effectiveness of such investigations and to increase prosecution of human trafficking cases. The inquiry will also evaluate the scales of penalties on THB and procuring. The aim is to ensure a strong criminal law protection against human trafficking. The assignment will be reported by October 2016.

On 1 January 2015, the 21 regional police services in Sweden were merged into one single Swedish Police Authority. This reorganisation will provide new opportunities to develop and maintain a strong police response against trafficking. As earlier mentioned The Swedish Police Authority has the 30th of October 2015 decided to reinforce its capacity to combat trafficking in human beings, and provide for a set of measures, including:

- (re-) Establishing specialised groups in the three urban police regions (Stockholm Gothenburg and Malmö) with the ability to combat all forms of trafficking and related criminality;
- Ensuring the ability to combat all forms of trafficking and related criminality in the remaining four police regions with full support of all units at the National Operative Department;
- Continuously following and collating nation-wide situation pictures on trafficking and related criminality, including follow-up on prostitution in order to inter alia improve the opportunities to intervene when the prostitution is organised;
- Addressing the whole trafficking chain from buyers of sex to pimps and traffickers; crimes committed when someone is buying a service from a victim of trafficking for forced labour shall be investigated;
- Improving the skills of investigation leaders and investigators in order to produce high quality investigations and increasing prosecutions and convictions and
- Carrying out an evaluation of all closed investigations in 2015 in order to assess whether all investigative measures were taken.

The Swedish Prosecution Authority published in May 2015 a report concerning a review of all trafficking cases from the years 2012 and 2013. The objective was to highlight any deficiencies, ensuring consistency in the handling of these cases and to identify success factors for increasing the prosecution. Two important results from this review was that a formal request for an injured party council could be filed more often and that cases of trafficking in human beings in a greater extent should be handled by specialized prosecutors at the international public prosecution offices. As a result of the report the Authority has introduced an e-education that is available to all staff (as described under proposal 8). The e-education is primarily addressed to the prosecutors in the general public prosecution offices and aims to provide a basic knowledge of trafficking in human beings in order to identify these crimes in their work. The handling of cases regarding trafficking in human beings should normally be investigated by highly specialised prosecutors at the international public prosecution offices.

As earlier mentioned regarding proposal 10, the Swedish Government assigned the County Administrative Board Stockholm to map – at a national level – children who have been or are suspected to be the victims of THB (Rapport 2015:30, Människohandel med barn, Nationell kartläggning 2012-2015). The report was published in December 2015.

Protection of victims and witnesses

25. GRETA considers that the Swedish authorities should strengthen the training provided to judges, prosecutors and other relevant professionals on the issue of THB and the relevant criminal law provisions with a view to ensuring practical application of these provisions so that victims of trafficking, including children, subjected to different types of exploitation, are adequately informed, protected and assisted during the pre-trial and court proceedings.

The court regularly appoints a legal counsel to assist, protect and bring action for damages on the victim's behalf in THB cases.

The Swedish Judicial Training Academy provides a 13-days training program on the craft of judging (the role of a judge) where general issues on fair trial, the treatment of victims etc., including behaviour of exposed people are covered. Also a two-day training on issues related to children in legal proceedings is available for judges.

As described under proposal 20 above, already existing sections has been amended or new sections has been inserted in the Public Notice on Preliminary Investigations (1947:948) (FUK) in order to fulfil the requirements in the Directive 2012/29/EU. The purpose of the Directive is to ensure that victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. Since November 2015 it is also an obligation for the police to make an individual protection assessment to determine if the victim needs special safeguards during the investigation and trial. It is also regulated that injured parties under the ages of 18 is always considered to have a need of particular protection. (FUK 13 f §)

If an injured party is assessed to be in need of special protection measures as described above, and if the investigation is not discouraged or the police or prosecutor's work is not made substantially more difficult,

1. the questioning of the injured party shall be held in rooms provided for this purpose,

2. repeated questioning by the injured party shall be held by the same interrogator, and
3. questioning of an injured party concerning offenses such as human trafficking shall be held by a person of a certain sex if the victim requests it. (FUK 5 b §)

The Police Authority has on the 30th of October 2015 decided to improve the coordination within the National Operative Department in order to better support and protect crime victims and "evidence persons" as well as further enhancement of coordination with other relevant actors, including the national coordination at the County Administrative Board of Stockholm and a dialogue with civil society.

Aside from the fact that many victims of THB can have the right to receive legal support from a counsel for an injured party, the victims can also be supported by different NGO:s, such as Victim Support and the Women Shelters, before, during and after the court proceedings. The NGO:s can also inform the victims on issues relating to the preliminary investigations, the court proceedings and how to claim and receive compensation.

Reference is also made to the remarks above regarding proposal 8.