

Re-thinking Inter-Institutional Cooperation

THB cases in Sweden

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Trafficking in human beings in Sweden

- Introduced in the Swedish Penal Code in 2002, amended 2004 and 2010
- Basis: The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Dec 2000), supplementing the United Nations Convention against Transnational Organized Crime
- Most common features: Sexual exploitation, labour exploitation, begging.



Major stakeholders in the criminal investigation of THB cases

- Small specialized units at the Swedish police working mainly with THB crimes.
- Foreign authorities from the victims' or suspects' country of origin
- The investigations are headed by Senior Public Prosecutors at the three International Public Prosecution Offices in Sweden.
- Social services discover THB crimes and give shelter and support to victims.
- The Migration Board discovers THB crimes and provides temporary resident's permits and rudimentary financial support on request from the prosecutors
- NMT National Task Force against Prostitution and Trafficking
- NGO:s

Co-operation between stakeholders at a national level



National Task Force against Prostitution and Trafficking (NMT). Headed by the County Administrative Board in Stockholm.

- Participants: Representatives from the County Administrative Board in Stockholm, the Swedish Police Authority, local police units, the Swedish Prosecution Authority, the Migration Board and the Social Services in Stockholm, Gothenburg and Malmö.
- Meetings four times a year.

Co-operation between stakeholders at a local level

- Cooperative advisory committees with participants from all stakeholders.
- Meetings four times a year at the County Administrative Board in each region.
- Purpose: trying to facilitate cooperation in THB cases on a local level.

Investigating THB cases in Sweden



1. The victim contacts the police, seeking for help

or

2. The police becomes aware of a THB situation, through the Social Services, the Migration Board, internet surveillance or observations by civilians or information received from foreign authorities

Case 1: The victim contacts the police

FIRST MEASURES

- The physical security of the victim must be ascertained.
- Shelter provided by the Social Services or NGO
- The prosecutor demands a temporary resident permit or a permit for a 30-days reflection period from the Migration Board.
- On demand from the prosecutor, the district court appoints a lawyer paid for by the state for the victim.
- The police tries to get a full statement from the victim.



Case 2: The crime is detected by the police

FIRST MEASURES



- Secret surveillance
- Internet surveillance
- Telephone tapping (needs decision by the district court)
- Arresting sex buyers, interrogations and coercive measures
- Contact with country of origin on police level

THE MORAL DILEMMA

The need to gather enough evidence concerning the crime and therefore not interfere too early

against



the moral difficulty to passively watch a situation of oppression and exploitation.



SPEED IS NECESSARY – information from abroad

- Information from abroad – but how?
- Different kinds of information:
 - Police to police
 - Liaison officers
 - Europol?
 - Letters rogatory
 - EIO



SECONDARY MEASURES

- The arrest of the suspects, followed by temporary detention, the suspects kept incommunicado
- The court decides on the detention, scrutinizes on a regular basis (every 14th day)
- House searches
- Collecting bank accounts, money transfers
- Searching mobile phones, computers
- Hearing witnesses
- Often need for international legal assistance (rogatory letters or EIO)
- Interrogating sex buyers, who can be subject to coercive measures in order to collect evidence



International investigation

- EIO or MLA proceedings
- Police to police cooperation
- Practical possibilities vs best possible measures



Problems in cooperation

- Time limits set by the courts for detention
- Languages
- Correct addressee
- What can be attained by whom



The court proceedings in THB cases

- Oral procedure – all statements necessary for the process have to be made and presented before the court.
- The victim can be present in person but also possible with video conference, or hearing of evidence in advance.
- Court proceedings are public, but the interview with the victim can be held in camera.
- The defendants can be placed in another room during the interview with the victim.



The victim during the court proceedings

- On demand from the prosecutor/the police and the victim's lawyer, the court organizes the proceedings in a way that the security of the victim is not endangered.
- The victim's lawyer is present during the whole process, filing the victim's demand for financial compensation from the defendants.
- The victim's identity and situation can be kept confidential to the public, even after verdict.

Long court procedures – is it worth it?

- No possibility of shortened processes or plea bargains between prosecution and defence.
- All evidence obtained during the investigation must be presented for the court (victim's and defendants's statements, hearing of witnesses and any other kind of evidence).
- Special feature of THB proceedings in Sweden – they often include attached cases against the sex buyers.



Few cases ... or?

- 2009-2012 there was 19 indictments for THB crimes and 7 final verdicts (comprising 49 and 14 individuals respectively)
- In 2012 in Sweden only 48 victims were identified as such. Countries of origin were Lithuania, Nigeria, Romania, Russia, Serbia and Thailand.
- 35 traffickers were convicted, mainly from the same countries.



Few cases ... or?

- In 2013 only two persons were convicted of THB crimes in Sweden.
- 2008-2013 there was 175 complaints regarding THB for sexual purposes and 230 for other purposes registered by the Swedish police
- Undetected crimes or low degree of criminality ?



The difficulties of proving THB cases in Sweden

- % during ... Why such low figures?
- Actions seldom criminal in themselves – e.g. renting a house, crossing a border
- Absence of *reliable* victims or witnesses
- Difficult to ascertain and prove beyond reasonable doubt intentions and awareness



The difficulties of THB cases in Sweden

- The victims' difficulties to describe their situation in a coherent way.
- The courts require – regardless the Swedish statutes and the underlying conventions – that the prosecutor must prove the suppression of the victim's free will.



The old world and the new world

- Gemeinschaft and Gesellschaft
- Law and society
- Tradition or contract
- Collective or individuals



The difficulties of THB cases in Sweden

- Time limits for keeping offenders in custody
- Difficulties in access to information from foreign countries within that time limit



The difficulties of THB cases in Sweden

- Remedy
- European NMT?
- More networks – specialized officers within the Europol?



THANK YOU FOR YOUR ATTENTION

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