

Reflections based on Swedish court proceedings in relation to child trafficking & transnational child protection

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Trafficked children in Sweden

Challenges:

- Police complaints focusing on correct crime
- Investigations leading to prosecution
- The court proceedings
- Return of children to safe place whether after court proceedings or not

Filed complaints - TIHB

For sexual exploitation	2009	2010	2011	2012	2013	2011-13
Children under 18 yrs old	9	7	10	9	11	30
Adults	22	25	25	12	29	

Other purposes		2009	2010	2011	2012	2013	2011-13
Children under 18	For:	7	22	20	13	10	43
	- forced labour					5	
	- begging					4	
	- organ trade					1	
Adults	For:	21	30	43	35	32	
	- forced labour					26	
	- begging					5	
	- organ trade					1	

Total no of filed complaints 2013	82	Children 2011-13	73
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Police complaint identifies correct crime

- The complaints of TIHB primarily concern foreign children
 - No prosecutions for national trafficking of children
 - Treated as procurement instead (lower sentence)
 - Seemingly less market interest in children for commercial sexual exploitation (unless closed groups?)
- Sometimes still convictions for petty crimes the child is induced to commit
 - 17-year old girl recently convicted for theft; later the women in charge of the girls were convicted of TIHB in another state

Investigation leads to prosecution

- 74 complaints conc. children (2011-2013) have led to two prosecutions
 - Neither led to convictions
 - 176 complaints reg. adults led to 5 prosecutions (4 convictions)
- Present study by the Swedish Prosecution Authority (Utveckingscentrum, Gbg) analysing complaints and the police/prosecutor-led investigation
 - Not specialised investigators
 - Not smooth procedures betw ordinary & int'l prosecutors
 - Courts require high threshold of control/power relationship reg. adults; 'influence' reg. children

The court proceedings

- Problematic application of the crime of TIHB
 - Requirement of exploitation rather than evidence of **purpose** of exploitation
 - Still requiring prosecutors to prove a certain amount of influence over the child (tho less than pre-2010 'control')
 - Affects prosecutors' inclination to prosecute
- Evaluating the child's testimony
 - Changing stories; inconsistencies; lack of detail & spontaneity; (possibility of compensation?)
- Age determination not problematic
- Difficulties approaching child marriage and theft in certain groups – does this fulfil a TIHB purpose?

Return of child to safe place whether after court proceedings or not

- 73 complaints of suspected child trafficking (2011-13)
- Follow-up of safe returns?
 - County Administrative Board (CAB) & IOM
 - A number of children disappear (many unaccompanied children)
 - CAB Report 2012:27: 334 children betw 2009-2011 unaccounted for
- Provisional protective measures possible, but non-urgent measures when the child is non-Swedish?
 - EU Council regulation No 2201/2003 art. 20(2) applicable?
 - Art. 13 – requirement as to "established" when the parentage is unclear?
 - Or 2005 COE Trafficking Conv. (art. 16[7]), the OP to the CRC on Sale of Children, 1963 VCCR and MLATs?
 - Securing HR/non-ref. & equivalent protection doctrine if risk to child