

Human Trafficking - A Holistic Approach

Dominika Borg Jansson, LL.D, Uppsala University

Findings from a project on human trafficking (2013-2015) supported by funds
from the Swedish Crime Victim Compensation and Support Authority

Narrow focus on THB as a problem for criminal law. Conviction of perpetrators forms top priority.

Difficulty with obtaining convictions, victims are "blamed" for this development.

THB should be approached from a holistic perspective, where criminal law plays an important but not only part. This presentation focuses on the following areas of law:

- Migration law
- Labor law
- Human rights

THB AND MIGRATION LAW - Why is the victim reluctant to testify?

- Revenge from "links" of the trafficking chain in the country of origin
- Re-trafficking
- Stigmatization
- This amounts to torture and degrading treatment (if the receiving state is not willing or able to guarantee the victim's safety)
- Principle of non-refoulement should therefore apply

THB and labor law - Why is the victim reluctant to testify?

- EU-nationals
- Roma minority
- Asylum seekers (human smugglers, debts)
- Undocumented migrants (it is a crime to work without a permit, risk of deportation)

One possible solution:

A specific provision on forced labor

Victims should not be punished

THB and human rights - Why is the victim reluctant to testify?

- Right to a reflection period and temporary residence permits (unconditional)
- Adequate living conditions
- Assistance
- Damages
- Increased cooperation with countries of origin
 - 1) To facilitate safe returns
 - 2) To protect victims from re-trafficking, revenge and stigmatization

Conclusions

We should improve the situation of the victims. Added bonus: victims' participation in trials and, thus, the number of convictions.

Migration law

- THB should not only be viewed but also practically handled as a form of torture and degrading treatment
- Protection should be offered to victims

Labor law

- EU-nationals (predominantly of Roma minority)
- Asylum seekers and undocumented migrants
- Provision on forced labor
- Victims should not be punished

Human rights

- Temporary residence permits and reflection period (unconditional)
- Adequate housing
- Assistance
- Financial compensation (damages)
- Safe return
- Assistance in countries of origin (after return)
- (Curb supply and demand)

**Thank you for
your attention!**