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**“The Criminal Trial in Cases
concerning Human Trafficking - Can
we have a succesful and fair trial?”**

The Criminal Provision on Human Trafficking

- **The Swedish provision – the Criminal Code chapter 4 sec. 1 a**
- **The international documents, inter alia the UN Convention against Transnational Organized Crime (CTOC) and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, sepecially Women and Children (“Trafficking Protocol ON THE Palermo Protocol”)**

Human Trafficking –Different forms

- **For the purpose of sexual abuse**
- **For the purpose of forced labor**
- **For the purpose of organ trade**
- **For other purposes, for example in order to commit economic offences**
- **The Danish Case, "Operation Wasp's Nest"**

The Criminal Trial in Cases concerning Human Trafficking

- **How can we carry through a successful and fair trial?**
- **Formal requirements – the international Human Rights, especially the European Convention on Human Rights article 6**
 - **a fair trial according to art. 6 (1)**
 - **the presumption of innocence (art. 6 (2))**
 - **the minimum guarantees to be granted (art. 6 (3))**

The “substantial” requirements

- **Human trafficking *is* a serious crime**
- **The importance of maintaining the general trust for the Criminal Justice System**
- **The three key parties: the public prosecutor, the accused person and the injured party (the victim)**
- **The three parties have different positions and different expectations**

Positions and expectations

- **The public prosecutor: the representative of the society, on official business, impartial and objective, has the burden of proof**
- **The accused person: the right to silence, has a certain hope of acquittance or a lenient judgement**
- **The injured person: a subjective interest of an enough severe punishment**

Requirements for a successful and fair trial

- **The criminal provision to be used must be plain and clear**
- **The prerequisites, formulated in the criminal provision, must be such, that it is possible to prove them in an ordinary criminal trial**
- **Sufficient and enough solid proof**
- **Real opportunities for the key parties to an active participation in the proceedings**

Problems, when the trial concerns human trafficking

- **The criminal provision is not plain and clear – difficult to interpret and apply in practice**
- **It is difficult to gather sufficient and enough solid proof**
- **It is difficult especially for the injured person to participate in the criminal proceedings in an active and positive way**
- **The victim might be far from “the ideal victim”**