



Is there any criminal law protection for exploited migrant workers in Sweden? Logics of criminal law and the labour migration regime

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Abstract

The exploitation of migrant workers is widespread in the Nordic countries in labour intensive sectors. This article investigates whether there is any criminal law protection in practice for exploited migrant workers in Sweden. On the basis of descriptive statistics regarding the outcomes of criminal investigations on human trafficking for forced labour and on human exploitation for forced labour and work under unreasonable conditions, we show that migrant workers enjoy very limited protection in the current practice of criminal law viewed in terms of prosecutions and convictions. Using this as a point of departure we also ask how we might understand the (low) level of criminal law protection for exploited migrant workers. We contextualise the statistics on the basis of an analysis of composite cases based on police investigations and of interviews with police officers and prosecutors. Inspired by an institutional logics perspective, the paper discusses how two separate logics, namely the logics of criminal law and of the labour migration regime, can together provide an understanding of the (low) level of criminal law protection for exploited migrant workers.

Keywords

exploitation, migrant workers, human trafficking, human exploitation, criminal investigations

Introduction

The exploitation of migrant workers is widespread in the Nordic countries in labour intensive sectors such as construction, services, logistics and transport, and horticulture and agriculture (e.g. Ollus, 2016; Ollus & Jokinen, 2013; Spanger & Hvalkof, 2020; Woolfson et al., 2012). Migrant workers in labour intensive industries are especially vulnerable to labour exploitation as a result of their marginalised position: they often do not speak the language of their host country, may be unaware of their rights and of where to seek help, may be dependent on and/or indebted to their employer and thus the potential perpetrator of the exploitation, and may lack viable alternatives (Ollus, 2016; van Meeteren & Hiah, 2020). The fact that undocumented migrants are ‘deportable’ creates an exceedingly

precarious situation (De Genova, 2004; Sager & Öberg, 2017; Selberg, 2016). When we refer to migrant labour exploitation in this article, we are referring to exploitation at the bottom end of the labour market (Lewis et al., 2014). Racialised, migrant, and gendered workers endure a form of ‘super-exploitation’, which ‘involves a reduction or suppression of wages to the point where it falls below the value of the worker’s labour power’ (Latimer, 2021, p. 2552) and also higher rates of physically and psychologically damaging labour conditions (Walia, 2010). Conceptualised as a continuum, labour exploitation ranges from serious, criminalised practices, such as trafficking, to less severe forms of exploitation and violations of labour law (Andrees, 2008; Ollus, 2016; Skrivankova, 2010).

As regards the Nordic countries, with the exception of Finland there are very few convictions overall for trafficking for forced labour or other forms of labour exploitation (Schoultz et al., 2023). One reason for this may be that most anti-trafficking efforts have been focused on women who are trafficked into prostitution, and have thus neglected the identification of victims of labour exploitation (Skilbrei, 2012; Smiragina-Ingelström, 2020; Spanger, 2023; Åström, 2014).

Low conviction rates for human trafficking in general, and for forced labour and other forms of labour exploitation in particular, are an international phenomenon (Doyle et al., 2019; Farrell et al., 2014; Matos et al., 2019; Matte Guilmain & Hanley, 2021; McDonald, 2014; Weatherburn, 2020). For example, Farrell et al. (2014) analysed 140 police investigations relating to human trafficking in the U.S. and showed that most cases included the necessary legal elements for human trafficking, but that charges were only brought for human trafficking offences in a few cases (17%). Previous research has identified many challenges in relation to the identification, investigation, and prosecution of human trafficking, including police officers having difficulty recognising victims (Farrell et al., 2019; Farrell et al., 2010; Farrell et al., 2014; Matos et al., 2019). Investigations of trafficking for forced labour have been recognised as even more challenging, and as being prosecuted more rarely than human trafficking for sexual exploitation (Albonetti, 2014; Barrick et al., 2014; Farrell et al., 2014; Jahnsen, 2014).

Given that labour exploitation is increasingly being recognised as a problem in the Swedish context (see Spanger et al., forthcoming), we found it important to investigate whether there is any criminal law protection in practice for exploited migrant workers in Sweden. Our use of the term ‘criminal law protection in practice’ refers to the outcome, in the form of prosecutions and convictions, produced by the practice of law by police and prosecutors during the investigative process, and finally by the courts, and is inspired by a socio-legal research tradition that distinguishes between ‘law in books’ and ‘law in action’ (Pound, 1910). On the basis of descriptive statistics regarding the outcomes of criminal investigations, we can show that very few of the cases of labour exploitation reported to the police result in a prosecution and even fewer in convictions.

Using the descriptive statistics as a point of departure, we also ask: How might we understand the (low) level of criminal law protection, in the form of prosecutions and convictions, for exploited migrant workers? We contextualise the statistics on the basis of an analysis of composite cases based on the police investigations and of interviews with police officers and prosecutors. Inspired by an institutional logics perspective, the paper discusses how two separate logics, namely the logics of criminal law and the labour migration regime, can together provide an understanding of the (low) level of criminal law protection for exploited migrant workers.

While this paper takes its point of departure in criminal law protection in practice, and in particular prosecutions and convictions, there are many other, and perhaps better,

ways for exploited migrant workers to receive redress. For example, NGOs and state bodies can provide various forms of support (see Schoultz & Smiragina-Ingelström, forthcoming), unions can negotiate with employers and ensure that outstanding salaries are paid (see Schoultz & Muhire, 2023), and police interventions and investigations may prevent continued victimisation even though the reported offences do not result in a prosecution or conviction (Bjelland, 2018). Nonetheless, we feel it is important to look more closely at criminal law protection in practice, in the form of prosecutions and convictions, since this was one of the policy objectives associated with amendments to both the human trafficking legislation and the human exploitation legislation (SOU, 2016:70, p. 23).

Human trafficking and human exploitation – legal frameworks

In 2002 Sweden introduced legislation on human trafficking for sexual exploitation, but legislation on human trafficking for other purposes, including forced labour, was first introduced in 2004 (Criminal Code 4:1a). A governmental report published in 2016, with the principal task of investigating whether there was a need for measures to ensure a strong criminal law protection against human trafficking, explicitly specified the goal of achieving more prosecutions and convictions (SOU, 2016:70, p. 23). The subsequent Government Bill amended the human trafficking legislation and also introduced a new penalty provision focused on human exploitation (Proposition, 2017/18:123). According to the bill, the human exploitation provision was introduced as a more effective means of handling the growing problem of labour exploitation (Proposition, 2017/18:123, p. 33), since the existing legal framework was deemed insufficient as a means of providing criminal law protection (Proposition, 2017/18:123, p. 36). Human exploitation is described as involving cases that do not qualify as human trafficking (Proposition, 2017/18:123, p. 41), and has been framed as ‘subsidiary’ to the human trafficking legislation (Proposition, 2017/18:123, p. 50). While the human trafficking legislation focuses on methods of recruitment, the human exploitation legislation focuses on the exploitation itself (Proposition, 2017/18:123, p. 34). These human exploitation provisions entered Swedish criminal law on July 1, 2018 and include exploitation for the purpose of forced labour and for work under manifestly unreasonable conditions, and also exploitation for the purpose of begging (Criminal Code 4:1b).

Institutional logics of criminal law and the labour migration regime

The idea of institutional logics was first introduced by Friedland and Alford in 1991, and refers to how institutional logics shape organisational and individual action (Friedland & Alford, 1991). The perspective was developed from neo-institutional theory, but included a critique of neo-institutional theory for lacking a theory of agency (Thornton et al., 2012). Institutional logics consist of organising principles, practices and symbols that influence the behaviour of individuals and organisations (Friedland & Alford, 1991; Thornton et al., 2012). Stated simply, institutional logics both enable and constrain organisational and individual action. Central institutions, also referred to as institutional orders, include capitalism, the family, the bureaucratic state, the market, religion, and professions (Friedland & Alford, 1991; Thornton et al., 2012). In this paper, we will focus on two separate institutional logics, the logics of criminal law and of the labour migration regime, and on how these may provide an understanding of the (low) level of criminal law protection for exploited migrant workers. This means that the paper focuses on understanding the consequences of institutional logics, rather than on determining institutional logics (see Ocasio et al., 2017).

The institutional logic of criminal law derives from the institutional order of the legal-bureaucratic state. Prosecutors and the police follow the logic of criminal law, which is organised around investigating suspected offences, focusing on the (single) criminal offence and the (individual/single) offender (Finstad, 2000, p. 323; Salet & Terpstra, 2022). The logic of criminal law distinguishes between ‘real crimes’ and ‘mere regulatory offences’ (Shute et al., 1993, p. 4) and is based on a binary guilty/not-guilty logic (Savelsberg, 2020, p. 322). The institutional logic of criminal law that is used to investigate and prosecute crimes stands in contrast to a social work/treatment logic that is organised around the needs of, and the goal of providing support to, the individual (Johansson, 2011). The prosecutor’s role is to prosecute cases that can lead to a conviction, which allows for the exercise of prosecutorial discretion (Albonetti, 1987; Frohmann, 1991). Police officers work within the logics of the procedures and practices of criminal law with the aim of producing successful criminal investigations and prosecutions (Salet & Terpstra, 2022), which also allows for the use of discretion when resources are limited (Bjelland, 2017). However, police officers working with human trafficking cases also value other outcomes than convictions (i.e., removing victims from exploitation (Bjelland, 2018). At the same time, the police are increasingly governed by a ‘goal management logic focused on efficiency and measurable police work [which] shifts the professional logic and hegemonic professional gaze of the police in a more evidence-oriented direction’ (Wathne, 2020, p. 15; see also Rautiainen et al., 2017), and court convictions remain the most visible measure of success (Bjelland, 2018).

The migrant labour regime is part of a capitalist logic in which there is a demand for cheap and hard-working labour (Lewis et al., 2014). One manifestation of the capitalist logic is found in the subcontracting chain/pyramid, in which large corporations are located at the top, employers and intermediaries in the middle, and migrant workers at the bottom (Likic-Brboric et al., 2013). Work has become more insecure, temporary, and flexible, which has affected the low-skilled and low-paid sectors in which many migrants work (Doellgast et al., 2017). At the same time, the migrant labour regime is also part of a restrictive migration logic. The fact that undocumented migrant workers are ‘deportable’ creates a precarious situation vis-à-vis the employer and the Swedish state (Selberg, 2016). In encounters with authorities, exploited migrant workers are more likely to be identified as offenders who are in breach of immigration laws than as victims (Doyle et al., 2019). There is an underlying binary between ‘genuine’ and ‘deserving’ victims and ‘illegal migrants’ who are considered to be to blame for their own situation (Loyens & Paraciani, 2021; Sharapov, 2017; Strauss, 2016). Precarious migration status creates even more precarious employment situations, insecure and unstable work, and a lack of regulatory protection (Fudge, 2012). Thus, neo-liberal labour markets and highly restrictive immigration regimes produce a form of ‘hyper-precarity’ (Lewis et al., 2014).

These two institutional logics, we argue, can provide an understanding of criminal law protection in practice for exploited migrant workers, viewed in the form of prosecutions and convictions. The institutional logics perspective offers a link between structure and agency, although there are likely to be other contributing factors and explanations that also affect the extent to which the reported offences examined here result in prosecutions and convictions.

Data and Methods

The article is based on a unique set of data comprising more than 200 police investigations that have been supplemented with qualitative interviews with police officers and prosecutors.

Collecting and coding police investigations

Police investigations are a valuable source when researching characteristics of the different offences reported to the police and the investigative measures taken by the police and prosecutors in these cases (see Bjelland, 2017). To access the data for the study, we first made a request to the Swedish National Council for Crime Prevention (*Brottsförebyggande rådet*, SNCCP), the authority tasked with compiling data on reported offences for Sweden's official crime statistics, for the police's case number for each reported offence in the categories 'human trafficking for forced labour' (offence code 0471) and 'human exploitation for forced labour or work under obviously unreasonable conditions' (offence code 0494), both of which relate to adults. We received case numbers relating to 308 offences reported to the police that had been filed between 2013 and 2020. The focus on this period is due to the fact that the SNCCP started compiling statistics on cases of reported human trafficking for forced labour in 2013, and the human exploitation offence was introduced in 2018. These case numbers were then sent to the Swedish Police, who provided us with the relevant criminal investigations.

When we received the police investigations, we noted that several offences had been registered under two different case numbers, and that in some cases several offences had been merged into the same investigation. Further, we excluded cases that had been registered under the wrong offence code, e.g., cases that involved human trafficking for begging or human exploitation for begging. Following this selection process, our data included a total of 237 police investigations.

These police investigations were thereafter coded in Microsoft Excel. The coding scheme was developed by first reading through the police investigations to examine their structure and discern the information they provided. This resulted in several codes that designated: the offence reported and by whom it had been reported, whether an investigation had been initiated, and whether or not charges had been filed and on what grounds, the investigative measures taken, and the evidence collected, and also broader descriptions of the circumstances of the case. When all cases had been coded, the coded data were used both to produce the descriptive statistics presented in the results section and to create composite cases with the aim of developing a better understanding of the criminal justice process and the protection it provides to exploited migrant workers.

Creating composite cases from the police investigations

The choice of police investigations as a primary data source necessitates a number of methodological and ethical considerations. Methodologically, our research has involved employing so-called composite accounts, in which several cases, accounts, or events are combined into a 'typical' case in order to present findings without resorting to 'fabricating' stories (Markham, 2012). The goal here is to create typical cases that represent both the essential elements of the data but also the richness of detail found in the raw data (Willis, 2018, 2019). In this case, we have attempted to resolve the tension between the rich data contained in thousands of pages of police investigation documentation and to present the reader with limited but representative findings from the data (Willis, 2019). The use of composite cases also has an ethical dimension, since it enables us to present our findings while at the same time protecting the identities of the individuals involved in the police investigations. In research that deals with risky, illegal, or harmful situations, the use of composite cases ensures that situations, events, or geographical locations through which individuals might be identified are obfuscated to an extent that makes them difficult to recognise and thus protects the individuals from

any potential harm or retribution. This also shifts the focus away from the individuals themselves and instead directs attention at the phenomenon being studied (Markham, 2012).

The typical cases were created using ‘skeleton’ descriptions, which involved combining the most common attributes of cases in the most frequently appearing sectors and adding details from several cases that appeared in the criminal investigation data. This was possible due to the fact that many cases contained similar features, for example in terms of how victims had been recruited, the forms of exploitation they reported, their journey on the Swedish labour market, and also the trajectory taken by the investigations. The typical cases are only based on reported offences for which the police had initiated a preliminary investigation since in most cases where no investigation had been initiated there was insufficient detail to build a case around. All of our composite cases result in a decision to discontinue the investigation without filing charges, since this is more representative of the overall outcome of the cases examined. To strengthen the degree of anonymity, the details presented in the composite cases below were taken from cases relating to different employment sectors and from investigations focused on both of the offence categories included in the data (see Willis, 2019). As an example, we based the first composite case, Arjun, on accounts from five different police investigations, which involved ten potential victims and seven suspects.

Interviews with police and prosecutors

Within the research project we have also conducted semi-structured interviews with practitioners from government agencies, trade unions, and non-governmental agencies to investigate the access to justice available to victims of labour exploitation. These interviews, 27 in total, were conducted between May 2021 and June 2022, some in person but the majority via video calls. In this paper, we focus only on the six interviews that were conducted with seven police officers¹ and prosecutors, since these provide the analysis with perspectives on the process of investigating these crimes. The interviewed police officers comprise one border police officer, two investigators focused on human trafficking and two police officers who work with human trafficking at a more strategic level. The two interviewed prosecutors were specialists in human trafficking and one of them had also worked on human exploitation cases. The interviews have been transcribed and coded in NVivo, and for this paper we draw in particular on those parts of the interviews that were coded as including information on the criminal legal system, the legislation, and on the working practices of the police and prosecutors.

Results

The results are presented in three sections: descriptive statistics for the reported offences and police investigations, the composite cases, and accounts from the interviews with police officers and prosecutors.

Descriptive statistics for the police investigations

Figure 1, which is based on statistics published by the Swedish National Council for Crime Prevention, shows that the number of human trafficking offences reported to the police varies somewhat from year to year, but that overall, the trend has been relatively stable. The number of reported human exploitation offences, on the other hand, has followed an increasing trend since the provision was first introduced in 2018.

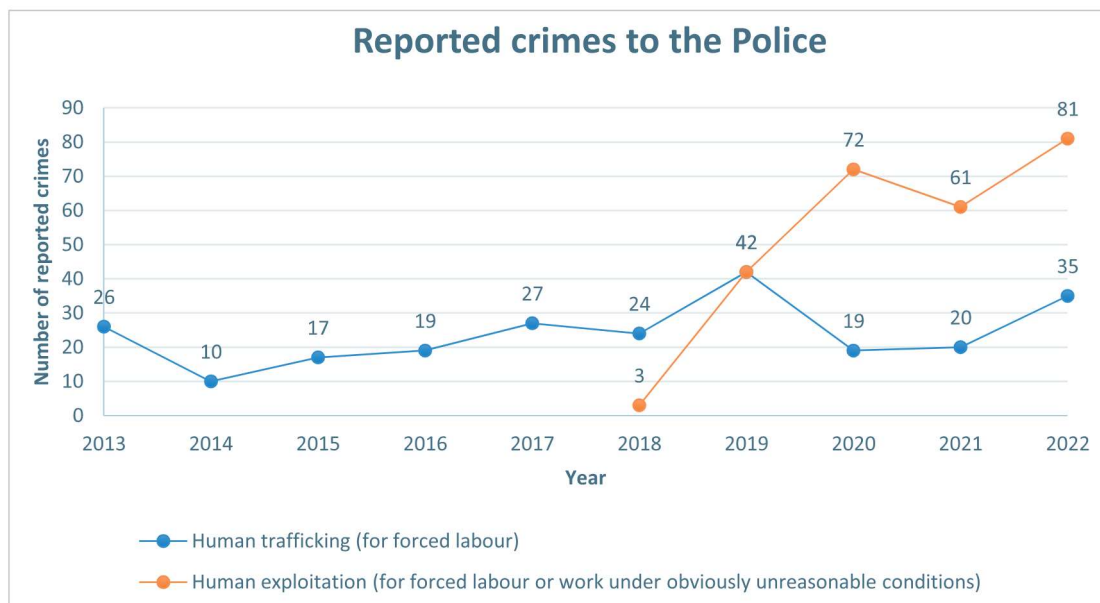


Figure 1. Number of reported offences 2012–2022 (preliminary figures for 2022). Source: Swedish National Council for Crime Prevention

Shifting our attention to the offence reports collected in the study, of the 237 offences involving human trafficking (for forced labour) and human exploitation (for forced labour or work under obviously unreasonable conditions) that were reported between 2013 and 2020, a preliminary investigation was opened in 212 cases (89%). The investigative measures usually include police interrogations with the injured parties, suspects and/or witnesses, as well as the collection of information and evidence from other authorities, banks and/or trades unions. In several cases, the police have also conducted searches of premises and undercover surveillance, and have also seized documents, mobile phones, and computers. In some cases, the suspects have been detained.

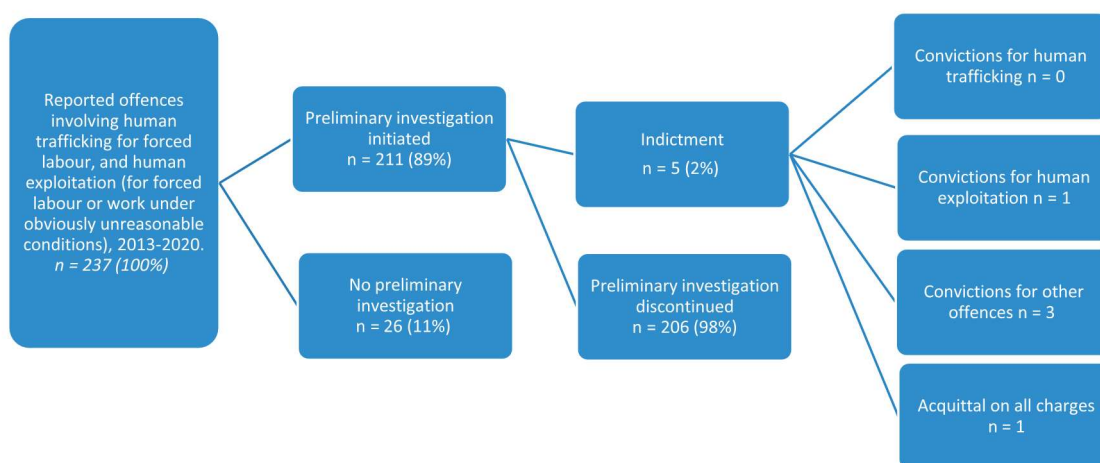


Figure 2. Outcomes for the offences reported between 2013 and 2020

As shown in Figure 2, very few of these reported offences led to an indictment – only five of the 237 reported offences, or around 2%. Instead, most of the preliminary investigations (98% of those initiated) had been discontinued without a prosecution. One of the most common reasons reported for discontinuing these investigations is: ‘The investigative measures taken have not led to any suspicion of a crime and further investigation is not expected

to change this'. On a few occasions, some additional information is provided, for example: 'It is not possible to prove that the suspect had the intent (knowledge and intentions) required for the actions to be criminal', 'It has not been possible to locate the injured party and the preliminary investigation cannot proceed without the injured party's participation' or the reported offence 'does not meet the criteria for human exploitation, probably a civil case'.

The police registry data do not reveal the actual results of prosecutions. However, since the number of indictments are so small, we have been able to match them to court judgments on human trafficking and human exploitation from the same period. Two of the indictments were merged into a single court case but we treat them separately here because they resulted in different outcomes and related to different suspects and injured parties. Of the few reported crimes that did result in prosecution, only one led to a conviction for human exploitation and there were no convictions for human trafficking. One of the acquittals for human trafficking has, however, been appealed to the Appeal Court. There are also three convictions for other offences, including violations of the Aliens Act, fraud, and unlawful threats.

We can compare these figures with Bjelland's (2017) study of human trafficking cases reported to the Norwegian police (from 2003–2013), where the proportion of both indictments (24.9%) and convictions (16%) was significantly higher. One major difference here is that the majority of the Norwegian cases involved trafficking for sexual exploitation (75%). On the other hand, when the case outcomes were analysed, the type of case (trafficking for sexual exploitation or labour exploitation) did not have any significant effect on the outcome. Bjelland (2017) was able to show that offence reports initiated by the police themselves were over 13 times as likely to lead to an indictment than criminal cases initiated on the basis of reports made by victims or third parties. She reasoned that third parties may file as many complaints as they encounter, while the police, having limited resources, may select those cases that are likely to lead to a successful prosecution. In the Swedish data, the Migration Agency initiated over 40% of the offence reports, while the police and injured parties had each initiated about 20%, and other parties such as unions, witnesses, and the social services had together initiated about 15%. If we look at the five cases that resulted in prosecution, two had been initiated by the police, one by the injured parties, and one by the social services. In other words, in the Swedish data, which include very few prosecutions, there is no clear pattern regarding a link between the likelihood of prosecution and who it was that initiated the offence report.

On the basis of these statistics for Swedish police investigations, and in particular the low proportion of prosecutions, we can conclude that despite the presence of laws on human trafficking and human exploitation ('law in books') very few are prosecuted for and convicted of these crimes ('law in action') (see Pound, 1910). We could thus argue that there is little protection provided for exploited migrant workers in the practice of criminal law. However, the fact that most reported crimes do not result in prosecution need not necessarily represent a problem or a 'gap', if the reported incidents do not in fact constitute crimes. If we compare with other crime categories in Sweden, however, the rate of prosecution is still low. For example, a report from the SNCCP compiled clearance rates for different crime categories between 2001 and 2016 and found that victim offences with interaction (such as assault, unlawful threats, and sexual offences) have an average clearance rate of around 5–20%. Victim offences without interaction (such as burglary, bicycle theft, and vandalism) have a lower clearance rate, 0.4% to 3%. The clearance rate refers here to person-based clearances (*personupplaring*) – i.e., that a suspected person has been linked to

the offence via a prosecutor deciding either to prosecute or to issue a summary sanction order or a waiver of prosecution. Reported incidents of human trafficking for forced labour and human exploitation should clearly be counted among the first category, i.e., crimes involving an interaction between the offender and the victim, and they thus have a comparatively low clearance rate, with only 2% resulting in a prosecution.²

Thus, by comparison both with Norwegian human trafficking data and other Swedish crime categories that include an interaction between victim and offender, the prosecution rate for reported human trafficking offences for forced labour and human exploitation appears to be low. We can also conclude that the government's policy objective of increasing the level of convictions has not succeeded. The low prosecution rate, as we shall see below, can be attributed to criminal law procedures and their entanglement with the migrant labour regime, which involves uncooperative victims with an insecure migration status or informal employment schemes that do not leave any technical trace evidence for investigators.

To provide a more qualitative understanding of how these cases transpire and develop, and of the difficulties experienced in investigating them, we will now move on to present our composite cases and the interview accounts provided by police officers and prosecutors.

Three composite cases

In this section we present three composite cases based on the police investigations, which in different ways represent both the situations that are reported to the police and the development of the police investigations. As was mentioned in the method section, the composite cases have been created by combining several different police investigations involving a number of victims and suspects, with the aim of presenting typical cases and at the same time protecting the identities of the individuals involved in the police investigations.

Arjun – restaurant

Arjun comes from a small city in an Asian country. After he concluded his education and spent several months looking for work without success, he encountered a friend of his family who owned a restaurant in Sweden and who offered him work.

The restaurant owner told him that in order to come to Sweden, Arjun had to pay for his and his family's travel arrangements, while the restaurant owner would take care of Arjun's work permit and visa in exchange for a fee of 11,000 US dollars. The restaurant owner also offered to arrange accommodation for Arjun and his family on top of providing employment and organising his work permit. Arjun was able to borrow half of the money required from friends and family and agreed to pay the rest by paying back some of his salary to the restaurant owner. The restaurant owner then wrote an employment offer for Arjun with a salary of 18,000 SEK per month and holiday pay, and Arjun soon received a work permit from the Swedish Migration Agency.

Upon arrival in Sweden, Arjun started working in the restaurant without a written contract. During the first year, he was obliged to pay back the whole of his salary to the employer, since the employer claimed that there were unpaid debts related to securing and providing food and accommodation for Arjun. Arjun's working hours greatly exceeded 40 hours/week, as he worked from 9 a.m. to 9 p.m. from Monday to Thursday and from 9 a.m. to 10 p.m. on Fridays and Saturdays. After one year, the employer allowed Arjun to keep 3,000 SEK of his salary for various expenses while continuing to provide food and accommodation. The employer granted Arjun neither any holiday nor holiday pay.

During the third year, Arjun encountered a neighbour in whom he confided about his working conditions, and the neighbour contacted the Swedish Migration Agency about the conditions in Arjun's work permit. The neighbour informed the Migration Agency that he had tried 'for several months' to convince Arjun to join the union, but Arjun was afraid of doing so, since he had been told by his employer that joining the union was 'disloyal'. Moreover, the employer ensured that Arjun's mail correspondence was sent to the employer's own address, and he had control over Arjun's identification documents and bank account.

After receiving letters from Arjun's neighbour, the Migration Agency filed a police report for suspected human trafficking for forced labour. The police and prosecutor then opened an investigation and conducted interrogations with the suspect, the victim, and also with other employees and witnesses at the restaurant. The authorities also conducted a financial investigation into the employer's company, collected information on bank transfers, examined time sheets, text messages, and e-mails between the employer and the employees, and took photographs of the workplace. After nine months, however, the investigation stalled, since the investigative authorities could no longer reach Arjun for further interviews to clarify and corroborate the initial stories and technical evidence. The authorities concluded that Arjun had left the country and decided to discontinue the investigation on the grounds that 'the investigation material at hand is insufficient to prove that the suspect has committed the crime'.

Arjun's case is in many ways typical for the labour migration regime: exploitative working conditions, broken promises regarding labour conditions, debt bondage and fictitious costs related to work permits, and a strong dependency on the employer, including the employer providing housing and controlling passports and bank accounts (see e.g. Ollus et al., 2013; Yea, 2015). In addition, for migrant workers, there are multiple barriers to joining a union: temporary jobs, unfamiliarity with the domestic labour market and unions, language barriers, and a fear of being dismissed for union activities (Berntsen, 2015). Arjun's case further highlights the importance of the involvement of the injured party in the criminal investigation throughout the process. However, since the labour migration regime is characterised by temporary and precarious employment, it is not surprising that migrant workers are constantly on the move.

Ivan – construction

Ivan had been recommended to seek work in Sweden by a friend. After borrowing 5,000 US dollars from family and friends, and paying a man to help him obtain a work permit for another EU country, Ivan eventually came to Sweden. He met with fellow nationals who advised him to look for jobs on a particular website and found a company that had a middleman from Ivan's country. After an initial meeting, Ivan was offered the job. Ivan would be employed primarily as a carpenter; however, he would also have other tasks at the construction site. The parties agreed to a salary of 14,000 SEK per month for 40 hours per week. In addition to this, the employer offered Ivan free accommodation, as well as complimentary meals. However, the employer claimed that arranging a Swedish work permit for Ivan would cost 4,000 SEK in administrative fees to be paid to the authorities.

Once he started working, Ivan's working hours exceeded the number agreed, as he was working up to 10 hours a day, six days a week. The accommodation, a shack at the construction site that he shared with other migrant workers, had no heating or running water, and was equipped only with a fridge and an oven. Mice were living in the sleeping area.

After working for more than a month, Ivan and the other workers had not received any remuneration, and the employer had only granted the workers allowances for meals.

The employer claimed that since the company was under financial strain due to a decline in project commissions, the salary agreements were to be altered. These circumstances left Ivan increasingly disappointed, and when he confronted the employer, the supervisor of the group of workers threatened to have Ivan's house burned down in his country of origin and to have him deported by reporting him to the authorities.

One day, the workplace became the subject of a workplace inspection by Swedish authorities. At the worksite, Ivan did not want to collaborate. During a first interrogation by the police, Ivan said that he had lost his identity documents, that he did not know his employer's surname and that he had only been working there for one day. He was transported to the Migration Agency's detention centre by the police. After a few weeks at the detention centre, Ivan opened up to one of the staff members, who reported the case as suspected human trafficking. In one of the police interviews, Ivan was confronted with the different stories he had given about his work conditions and said that he was afraid of the middle-man who was working for his employer.

The police opened a preliminary investigation and Ivan received a temporary residence permit for a six-month period since this was deemed necessary for the purposes of the preliminary investigation and since Ivan was willing to cooperate with the investigation. Ivan was also assigned an injured party counsel. The police investigation gathered financial information, such as bank statements and tax information, on the employer. Having taken only a few additional documented investigative measures, the prosecutor decided that there was no reason to continue the preliminary investigation and the case was discontinued shortly before Ivan's temporary residence permit ended.

Ivan's case also contains many elements that are characteristic of the labour migration regime: broken agreements, paying for a work permit, very little or no payment for the work carried out, and threats of violence and deportation (see e.g. Ollus et al., 2013; van Meeteren & Wiering, 2019). For victims of exploitation, fear of deportation or even arrest due to violations of migration laws discourages contacts with the police and other authorities (Doyle et al., 2019; Ollus et al., 2013), which may explain Ivan's initial responses when interrogated by the police. Previous research has also shown that during workplace inspections, exploited migrant workers risk being identified as offenders (in breach of immigration law) rather than as victims of crime, since such inspections are usually conducted by the Border Police (Schoultz & Smiragina-Ingelström, forthcoming; see also Doyle et al., 2019). In addition, as will be discussed later, the police and prosecutors find it particularly difficult to investigate suspected offences that are reported some time after they have occurred.

Lucy – cleaning and housekeeping

Lucy comes from a non-EU country and was approached by an acquaintance of her family, who promised her work as a maintenance worker in her cleaning company in Sweden, with a salary of 1,000 US dollars per month for 30 hours work per week. Before receiving a work permit however, the employer arranged and paid for Lucy's journey to Sweden on a tourist visa, and upon arrival Lucy stayed at the employer's residence.

After arriving, the employer told Lucy that the conditions of her employment would be different from what had been agreed; in addition to working for the company, she would also do domestic work in the employer's residence, such as caring for the employer's children, cooking, and cleaning. This resulted in Lucy starting her working day at 6 a.m. doing domestic work and then proceeding to do maintenance work for the company and coming back home to perform domestic work until 9 p.m. Lucy's living conditions were also not up to the standard promised, since she slept on a mattress in a room with her employer's

children, instead of having her own room. Further, during her first seven months of employment, Lucy's employer did not pay her a salary but instead stated that the free housing and meals were sufficient compensation, although the employer did give Lucy a total of 3,000 SEK during the following year as 'gifts'. The employer also initially failed to fulfil the promise of arranging a work permit and when Lucy enquired, the employer would respond that the Migration Agency was still processing the case.

As Lucy became increasingly inquisitive about her working conditions and the immigration process, her employer became increasingly hostile. The employer confiscated Lucy's travel and identification documents, verbally abused her, restricted her movements outside of the home, and also threatened to report Lucy to the authorities in case of 'disobedience'. Since the employer came from an influential and rich family in her home country, Lucy also feared for her safety and the safety of her family if she were to be deported.

Lucy's conditions of employment and her living situation with the employer left her afraid and overwhelmed to the point that she saw no other option than to flee her employer's residence and go to the police. Following an initial interview with Lucy, the police opened an investigation into human exploitation. The police authorities contacted the Migration Agency to look into the work permit application filed by the employer and requested that the tax agency conduct a financial investigation into the cleaning company and the employer's personal bank statements.

The police then conducted an interview with the employer, who denied the allegations of poor working conditions and claimed that the parties had a verbal agreement which stipulated that the salary would be paid to Lucy's mother and that the employer would provide Lucy with free accommodation and free meals. The investigative authorities came to a dead end in the investigation, since the technical evidence available to them was insufficient to corroborate the competing claims made by the victim and the suspect.

Lucy's case involves broken labour agreements, very little or no payment, dependency on her employer, including the confiscation of her passport and documents, and threats of violence and deportation, which are known to be part of the labour migration regime (see e.g. Camargo Magalhães, 2017; Ollus et al., 2013). Difficulties investigating cases where conflicting accounts on the part of the injured party and the suspect are a central aspect of the case will be discussed below in the presentation of accounts from police officers and prosecutors.

Cases that are difficult to investigate and hard to prove – accounts from police officers and prosecutors

The interview data may provide insights into why most of these cases never reach court. Four main reasons were presented by the interviewed police officers and prosecutors: the time aspect, evidence (beyond the statement of the victim), victim co-operation, and the high bar set by the courts, which all relate to the logics of criminal law and the labour migration regime.

The suspected offences often come to the attention of the police some time after the exploitation has occurred, making it difficult to investigate and collect evidence. One prosecutor expressed this in the following way:

...so the suspicion comes very late, and it's often the case that they've spoken about it for the first time when they are at the Migration Agency and have had an application for continued residence rejected, and then they present this information, and it's very difficult to corroborate after the event. We can't of course go and see exactly what has happened, how much they've worked and so on. (Prosecutor)

Given the precarious migration status faced by many migrant workers as a result of the logic of the labour migration regime, and as we have also seen in the cases of Arjun, Ivan and Lucy, contacting the authorities may not seem like an option. The victims' fear of deportation often makes them reluctant to contact law enforcement (see Doyle et al., 2019; Owens et al., 2014). For this reason, the stories of exploitation will not come to the attention of the authorities until no other options remain, as was the case with Ivan, who first spoke of his exploitation at the detention centre while waiting for deportation. At the same time, based on the institutional logic of criminal law practice, police officers and prosecutors see little potential for success in these types of cases.

In addition, the investigations have often been based on the victims' stories, with little or no supporting evidence, which has made them difficult to prosecute. According to police officers, it is difficult to obtain supporting evidence a long time after the victim has been in the situation reported. One of the police officers said: 'What evidence do we have? Well, to begin with, we have nothing, so it's her word against his, and we know how that ends.' The police officer, who worked as an investigator on human trafficking cases, continued to explain the kind of evidence that is required:

It might be the finances, but it can also be – it might be a little surveillance that actually shows that their opening times were from 6 a.m., or that they sleep there – 'our surveillance has shown that this is not just made up, it's true', so a little surveillance can help. (Police officer)

The fact that the crimes are often reported some time after they have occurred means, however, as was noted by several of the interviewees, that surveillance becomes a less effective investigative measure. At the same time, there are difficulties related to collecting financial evidence, which are in turn related to the informality of the labour migration regime:

...often, of course, it is necessary to find some form of objective corroborating evidence, for example showing what wage payments have looked like. And how much money. Because otherwise it's one person's word against the other's, and then we have the problem that it can look very messy when it comes to wage payments. It may all have been in cash, for example. (Prosecutor)

Cash payments, which constitute another aspect of the insecurity and informality of the labour migration regime, are harder or impossible to trace in the context of investigations (Jokinen et al., 2011). Another form of supporting evidence may be other victims or witnesses (see also Farrell et al., 2014). Here we find another issue experienced by police officers and prosecutors, however, that is also related to the logic of the labour migration regime – that of getting victims to participate in an investigation:

In some cases, if you're lucky, you may have several injured parties who have worked at the same restaurant, for example, or the same beauty salon, and they corroborate each other, which helps. But it's not always the case that they – that there are others who are willing to do that, because they're also scared of course. (Prosecutor)

Previous research has shown that the cooperation of the victim was the main predictor of a prosecution or conviction (Matos et al., 2019), and our own interviewees emphasised that a successful investigation requires cooperation for a long period of time (see also Bjelland, 2017). However, this does not correspond well with the way the informal labour market works in practice, where you constantly have to be willing to move to work or

risk deportation.³ In Arjun's case, his absence was the stated reason for discontinuing the investigation. One of the interviewed prosecutors explained the importance of the injured party's cooperation:

To be able to continue the investigation and for it to result in a prosecution, we need to be able to interview this person, and it can happen that, ... we need to be able to hold interviews at different times throughout the investigation in order to check information and confirm things, and it's very difficult to do that if the person has left the country, and of course that's also the case when you reach a court indictment and a court hearing. (Prosecutor)

The quote illustrates the clash between the logic of criminal law (what is required for a prosecution) and the logic of the labour migration regime (what is required in an informal and insecure labour market).

In addition, the interviewed police officers and prosecutors described having the impression that cases involving human trafficking for forced labour and human exploitation for forced labour or work under obviously unreasonable conditions are difficult to win in court, which may further lead to an unwillingness to prosecute based on the logic of criminal law (see Frohmann, 1991). One of the prosecutors reflected on the human exploitation legislation in the following way:

And there they've set the bar very high. It really has to be extremely unreasonable conditions, and you can see that the courts, they demand a very great deal so that they can see that this really did involve completely unacceptable exploitation. So my feeling is that we have a situation today, where we have cases where we think, 'Well, these are unreasonable conditions to be working under', if you look at the wages and working hours and the number of working days and so on. But it's not really, it's like not really serious enough to meet the requirements. (Prosecutor)

The institutional logics of criminal law, in which prosecutions should only be brought in cases that can lead to conviction (Albonetti, 1987), may be interpreted as the organising principles and practices that produce the low rate of indictments. The same prosecutor made a comparison with sexual exploitation and concluded that:

That form of crime is much easier to investigate. Partly, it involves procurement, which is in itself illegal of course, in contrast to legal businesses. So that in itself gives us an advantage. Then I also think, and this is my own interpretation a bit, and my own view from these years, but the courts don't require as much to establish that there is an exploitation of women in prostitution. It's like enough that the pimp has made a bit of profit.... and that's how it is as a rule. (Prosecutor)

This comparison with the investigation of sexual exploitation was a recurrent topic in the interviews. Police officers highlighted that it was more difficult to investigate a legitimate business that is utilising forced labour, or in other ways exploiting workers, than it is to investigate brothels that are in themselves illegal. The criminal law logic that distinguishes between crimes and regulatory offences (Shute et al., 1993) may serve to shape understandings of labour exploitation as being "only" a salary dispute' (Yea, 2015, p. 1090).

Discussion

Based on reported crimes on human trafficking for forced labour and on human exploitation for forced labour and work under unreasonable conditions, this article indicates a low

level of criminal law protection in practice for exploited migrant workers. In contrast to the political intentions (see Proposition, 2017/18:123), the law on human exploitation up until now has not acted as an alternative to the trafficking legislation to obtain convictions. In comparison with cases of human trafficking for sexual exploitation that often enable prosecution for less complex and less severe crime than trafficking (such as pimping or aggravated pandering) to secure a conviction (Farrell et al., 2014; Matos et al., 2019; Åström, 2014), similar practice does not occur in the police investigation on human trafficking for forced labour in Sweden.

The theoretical point of departure was that institutional logics shape organisational and individual action (Friedland & Alford, 1991). We would argue that the fact that there is not much criminal law protection for exploited migrant workers in practice in terms of prosecutions and convictions is understandable on the basis of two different logics of action: the logic of criminal law and that of the labour migration regime. The composite cases derived from criminal investigations illustrate how logics of the labour migration regime (precarious and temporary employment, undeclared work, dependency on the employer, a fear of the authorities and unions, fear of deportation etc.) make the investigation of potential crimes difficult. In combination with the reasons presented by the interviewed police officers and prosecutors for why these cases are particularly difficult to investigate and prosecute (the time aspect, lack of evidence, victim co-operation, and the high bar set by the courts) we find that the logics of criminal law and the labour migration regime both contribute to the low level of prosecutions. In line with a criminal law logic, cases that do not meet 'the evidential threshold for charge and prosecution' are closed (Weatherburn, 2020, p. 53). The logic of estimating the potential for conviction at trial, taking into consideration how evidence, victims and witnesses will be perceived by the court, i.e., the 'convictability' or 'downstream' orientation (Farrell et al., 2014; Frohmann, 1991, p. 224) results in few indictments. In other words, low conviction rates will lead to fewer subsequent prosecutions. Migrant workers whose experiences are not considered *exploited enough* (see Yea, 2015) or where the Swedish police and prosecutors do not see enough potential for conviction in court, are closed. The organising binaries – indictment or no indictment, crime or no crime, victim or not a victim etc. – can be understood as 'the selective construction of reality that follows the institutional logic of criminal law' (Savelsberg & Brehm, 2015, p. 568), detached from lived realities (see Skilbrei, 2010). The lived reality within the labour migration regime is often that of *hyper-precarity*, where migrants are caught in between a neo-liberal labour market and a highly restrictive immigration regime (Lewis et al., 2014). Thus, the structural dimensions of the labour migration regime clash with the logic of criminal law and the way its primary focus is directed at the single criminal offence, as seen above in the composite cases and interviews with law enforcement officials. Using similar lines of thought, others have argued that the factors that make migrant workers vulnerable to exploitation (e.g., irregular migration status and being willing to take work below labour market standards) also make them less credible as victims in criminal cases (Farrell et al., 2014). Thus, viewed from these points of departure it is logical that reported incidents of labour exploitation seldom meet the criteria for criminal charges. On the other hand, examining the question of whether the investigations that are discontinued should or could have led to prosecution would have required another (juridical) form of analysis.

Finally, this study has two obvious limitations. First, since the data consist of such a small number of indictments the study is not able to provide statistical evidence on what makes certain police investigations successful. Second, the paper only focuses on criminal law

protection, which is just one form of potential redress for exploited migrant workers and not necessarily the most effective from an access to justice point of view (Matte Guilmain & Hanley, 2021). Thus, even if there is not much criminal law protection for exploited migrant workers, there are, at least to some extent, other forms of legal remedy that are sought and used by exploited migrant workers. For example, some Swedish unions have been successful in gaining economic compensation for exploited migrant workers in the Swedish labour market (see Schoultz & Muhire, 2023). The potential found in labour law protection should, however, not be a reason to give up the thought of criminal law protection in practice. Our neighbouring country, Finland, could provide an example for developing a better criminal law protection for migrant workers (see Jokinen, forthcoming). At the same time, the indictment of an offender, and even a conviction, will not necessarily provide justice for an exploited migrant worker (see Sjödin, 2021), but the ‘law in action’ would at least come closer to the ‘law in books’.

Declaration

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Conflicts of interest

The authors declare that they have no conflict of interest.

Notes

1. Two of the police officers were interviewed together.
2. None of the reported crimes examined resulted in a summary sanction order or waiver of prosecution.
3. Persons with no residence permit should however be offered a six-month residence permit if this is necessary for a preliminary investigation or main court hearing to be carried out, if the victim is willing to cooperate with the authorities and has broken all ties with the persons who are suspected of the offences (Aliens Act, 5:15).

References

- Albonetti, C. A. (1987). Prosecutorial discretion: The effects of uncertainty. *Law & Society Review*, 21(2), 291–313. <https://doi.org/10.2307/3053523>
- Albonetti, C. A. (2014). Changes in federal sentencing for forced labor trafficking and for sex trafficking: A ten year assessment. *Crime, Law and Social Change*, 61, 179–204. <https://doi.org/10.1007/s10611-013-9507-1>
- Andrees, B. (2008). *How people are trapped in, live through and come out*. ILO Geneva, Switzerland.
- Barrick, K., Lattimore, P. K., Pitts, W. J., & Zhang, S. X. (2014). When farmworkers and advocates see trafficking but law enforcement does not: challenges in identifying labor trafficking in North Carolina. *Crime, Law and Social Change*, 61(2), 205–214. <https://doi.org/10.1007/s10611-013-9509-z>
- Berntsen, L. (2015). Stepping up to strike: a union mobilization case study of Polish migrant workers in the Netherlands. *Transfer: European Review of Labour and Research*, 21(4), 399–412. <https://doi.org/10.1177/1024258914567427>
- Bjelland, H. F. (2017). Identifying human trafficking in Norway: A register-based study of cases, outcomes and police practices. *European Journal of Criminology*, 14(5), 522–542. <https://doi.org/10.1177/1477370816677619>
- Bjelland, H. F. (2018). Conceptions of success: understandings of successful policing of human trafficking. *Policing: A Journal of Policy and Practice*, 14(3), 712–725. <https://doi.org/10.1093/police/pay073>
- Camargo Magalhães, B. (2017). Mind the protection (policy) gap: Trafficking and labor exploitation in migrant domestic work in Belgium. *Journal of Immigrant & Refugee Studies*, 15(2), 122–139. <https://doi.org/10.1080/15562948.2017.1305472>

- De Genova, N. (2004). The legal production of Mexican/migrant “illegality”. *Latino studies*, 2(2), 160–185. <https://doi.org/10.1057/palgrave.lst.8600085>
- Doellgast, V. L., Lillie, N., & Pulignano, V. (2017). *Reconstructing solidarity: labour unions, precarious work, and the politics of institutional change in Europe*. Oxford University Press.
- Doyle, D. M., Murphy, C., Murphy, M., Coppari, P. R., & Wechsler, R. J. (2019). ‘I felt like she owns me’: Exploitation and uncertainty in the lives of labour trafficking victims in Ireland. *British Journal of Criminology*, 59(1), 231–251. <https://doi.org/10.1093/bjc/azy025>
- Farrell, A., Dank, M., de Vries, I., Kafafian, M., Hughes, A., & Lockwood, S. (2019). Failing victims? Challenges of the police response to human trafficking. *Criminology & Public Policy*, 18(3), 649–673. <https://doi.org/10.1111/1745-9133.12456>
- Farrell, A., McDevitt, J., & Fahy, S. (2010). Where are all the victims? Understanding the determinants of official identification of human trafficking incidents. *Criminology & Public Policy*, 9(2), 201–233. <https://doi.org/10.1111/j.1745-9133.2010.00621.x>
- Farrell, A., Owens, C., & McDevitt, J. (2014). New laws but few cases: Understanding the challenges to the investigation and prosecution of human trafficking cases. *Crime, Law and Social Change*, 61(2), 139–168. <https://doi.org/10.1007/s10611-013-9442-1>
- Finstad, L. (2000). *Politiblikket*. Pax.
- Friedland, R., & Alford, R. R. (1991). Bringing society back in: Symbols, practices, and institutional contradictions. In W. W. Powell & P. J. DiMaggio (Eds.), *The new institutionalism in organizational analysis* (pp. 232–263). University of Chicago Press.
- Frohmann, L. (1991). Discrediting victims’ allegations of sexual assault: Prosecutorial accounts of case rejections. *Social Problems*, 38(2), 213–226.
- Fudge, J. (2012). Precarious migrant status and precarious employment: The paradox of international rights for migrant workers. *Comparative Labor Law and Policy Journal*, 34, 95. <https://doi.org/10.2139/ssrn.1958360>
- Jahnsen, S. Ø. (2014). *Innestengt eller utestengt? Norsk prostitusjonspolitikk og kampen mot menneskehandel*. The University of Bergen.
- Johansson, S. (2011). *Rätt, makt och institutionell förändring: en kritisk analys av myndigheters samverkan i Barnahus*. Lund University.
- Jokinen, A., Ollus, N., & Viuhko, M. (2011). Work on any terms: Trafficking for forced labour and exploitation of migrant workers in Finland. *Trafficking for Forced Labour and Labour Exploitation in Finland, Poland and Estonia*. HEUNI Report Series, 68, 31–164.
- Latimer, A. (2021). Super-Exploitation, the race to the bottom, and the missing international. In I. Ness & Z. Cope (Eds.), *The Palgrave Encyclopedia of Imperialism and Anti-Imperialism* (pp. 2546–2561). Springer International Publishing. https://doi.org/10.1007/978-3-030-29901-9_273
- Lewis, H., Dwyer, P., Hodgkinson, S., & Waite, L. (2014). Hyper-precarious lives: Migrants, work and forced labour in the Global North. *Progress in Human Geography*, 39(5), 580–600. <https://doi.org/10.1177/0309132514548303>
- Likic-Brboric, B., Slavnic, Z., & Woolfson, C. (2013). Labour migration and informalisation: East meets West. *International Journal of Sociology & Social Policy*, 33(11/12), 677–692. <https://doi.org/10.1108/IJSSP-10-2012-0087>
- Loyens, K., & Paraciani, R. (2021). Who is the (“Ideal”) victim of labor exploitation? Two qualitative vignette studies on labor inspectors’ discretion. *The Sociological Quarterly*, 64 (1), 27–45. <https://doi.org/10.1080/00380253.2021.1974321>
- Markham, A. (2012). Fabrication as ethical practice. *Information, Communication & Society*, 15(3), 334–353. <https://doi.org/10.1080/1369118X.2011.641993>
- Matos, M., Gonçalves, M., & Maia, Â. (2019). Understanding the criminal justice process in human trafficking cases in Portugal: factors associated with successful prosecutions. *Crime, Law and Social Change*, 72(5), 501–525. <https://doi.org/10.1007/s10611-019-09834-9>

- Matte Guilmain, L., & Hanley, J. (2021). Creative recourse in cases of forced labour: Using human trafficking, human rights and labour law to protect migrant workers. *International Migration*, 59(2), 126–139. <https://doi.org/10.1111/imig.12743>
- McDonald, W. F. (2014). Explaining the under-performance of the anti-human-trafficking campaign: Experience from the United States and Europe. *Crime, Law and Social Change*, 61(2), 125–138. <https://doi.org/10.1007/s10611-013-9511-5>
- van Meeteren, M., & Hiah, J. (2020). Self-identification of victimization of labor trafficking. In J. Winterdyk, Jones, J. (Ed.), *The Palgrave international handbook of human trafficking* (pp. 1605–1618). Palgrave Macmillan.
- van Meeteren, M., & Wiering, E. (2019). Labour trafficking in Chinese restaurants in the Netherlands and the role of Dutch immigration policies. A qualitative analysis of investigative case files. *Crime, Law and Social Change*, 72(1), 107–124. <https://doi.org/10.1007/s10611-019-09853-6>
- Ocasio, W., Thornton, P. H., & Lounsbury, M. (2017). Advances to the Institutional Logics Perspective. In C. O. Royston Greenwood, Thomas B. Lawrence & Renate E. Meyer (Eds.), *The Sage handbook of organizational institutionalism* (pp. 509–531). SAGE Publications Ltd. <https://doi.org/10.4135/9781526415066>
- Ollus, N. (2016). *From forced flexibility to forced labour: The exploitation of migrant workers in Finland*. HEUNI.
- Ollus, N., & Jokinen, A. (2013). “We’ve got people lined up behind the door”: Placing the trafficking and exploitation of migrant workers in context in restaurant and cleaning sectors in Finland. In N. Ollus, A. Jokinen, & M. Joutsen (Eds.), *Exploitation of migrant workers in Finland, Sweden, Estonia and Lithuania: Uncovering the links between recruitment, irregular employment practices and labour trafficking*. HEUNI Reports 75. (pp. 31–170). HEUNI.
- Ollus, N., Jokinen, A., & Joutsen, M. (2013). *Exploitation of migrant workers in Finland, Sweden, Estonia and Lithuania: uncovering the links between recruitment, irregular employment practices and labour trafficking*. HEUNI.
- Owens, C., Dank, M., Breaux, J., Bañuelos, I., Farrell, A., Pfeffer, R., Bright, K., Heitsmith, R., & McDevitt, J. (2014). *Understanding the organization, operation, and victimization process of labor trafficking in the United States*. Urban Institute.
- Pound, R. (1910). Law in books and law in action. *American Law Review*, (44), 12–36.
- Proposition. (2017/18:123). *Det straffrättsliga skyddet mot människohandel och människoexploatering*. Riksdagens tryckeriexpedition.
- Rautiainen, A., Urquía-Grande, E., & Muñoz-Colomina, C. (2017). Institutional logics in police performance indicator development: A comparative case study of Spain and Finland. *European Accounting Review*, 26(2), 165–191. <https://doi.org/10.1080/09638180.2015.1120412>
- Sager, M., & Öberg, K. (2017). Articulations of deportability: Changing migration policies in Sweden 2015/2016. *Refugee Review*, 3, 2–14.
- Salet, R., & Terpstra, J. (2022). Conflicting institutional logics in the control of crime and disorder: The double strategy of administrative and criminal law. *Criminology & Criminal Justice, OnlineFirst*, 17488958221112061. <https://doi.org/10.1177/17488958221112061>
- Savelsberg, J. J. (2020). The representational power of international criminal courts. In M. K. Morten Bergsmo, K. Lohne and C. B. Mahony (Eds.), *Power in international criminal justice: Towards a sociology of international justice* (pp. 281–323). Torkel Opsahl Academic EPublisher.
- Savelsberg, J. J., & Brehm, H. N. (2015). Representing human rights violations in Darfur: Global justice, national distinctions. *American Journal of Sociology*, 121(2), 564–603. <https://doi.org/10.1086/682403>
- Schoultz, I. & Muhire, H. (2023). Mobilizing the rights of migrant workers: Swedish trade unions’ engagement with law and the courts. *Nordic Journal of Human Rights*. <https://doi.org/10.1080/18918131.2023.2250678>

- Schoultz, I., & Smiragina-Ingelström, P. (forthcoming). Access to justice and social rights for victims of trafficking and labour exploitation in Sweden. In S. Piihgard Porner Nielsen & O. Hammerslev (Eds.), *European Welfare Rights in Practice: Regulation, Professionals, and Citizens*. Palgrave Macmillan.
- Schoultz, I., Spanger, M., Jokinen, A., Økland Jahnsen, S., Muhire, H., & Pekkarinen, A.-G. (2023). Constructions of migrant victims of labor exploitation in Nordic court cases. *International Review of Victimology*. <https://doi.org/10.1177/02697580231174912>
- Selberg, N. (2016). Exkluderade ur nationen, inkluderade i arbetsrätten? Irreguljära migrantarbetare ur rättslig synvinkel. In *Irreguljär migration i Sverige: rättigheter, vardagserfarenheter, motstånd och statliga kategoriseringar* (pp. 241–274). Daidalos.
- Sharapov, K. (2017). ‘Traffickers and their victims’: Anti-trafficking policy in the United Kingdom. *Critical Sociology*, 43(1), 91–111. <https://doi.org/10.1177/0896920515598562>
- Shute, S., Gardner, J., & Horder, J. (1993). Introduction: The logic of criminal law. In S. Shute, J. Gardner, & J. Horder (Eds.), *Action and Value in Criminal Law* (pp. 1–20). Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780198258063.003.0001>
- Sjödin, E. (2021). Criminalisation as a response to low wages and labour market exploitation in Sweden. *European Labour Law Journal*, 12(4), 529–546. <https://doi.org/10.1177/20319525211038015>
- Skilbrei, M.-L. (2010). Taking trafficking to court. *Women & Criminal Justice*, 20(1–2), 40–56. <https://doi.org/10.1080/08974451003641438>
- Skilbrei, M.-L. (2012). Moving beyond assumptions? The framing of anti-trafficking efforts in Norway. In *Transnational Migration, Gender and Rights*. Emerald Group Publishing Limited.
- Skrivankova, K. (2010). Between decent work and forced labour: examining the continuum of exploitation. *York: Joseph Rowntree Foundation*.
- Smiragina-Ingelström, P. (2020). *Human trafficking of men: A gendered perspective on victimhood*. Sydney eScholarship. <https://hdl.handle.net/2123/24671>
- SOU. (2016:70). *Ett starkt straffrättsligt skydd mot människohandel och annat utnyttjande av utsatta personer : slutbetänkande*. Wolters Kluwer. <http://www.regeringen.se/rattsdokument/statens-offentliga-utredningar/2016/10/sou-201670>
- Spanger, M. (2023). From female migrant sex workers to migrant workers: When the Danish labor market encounters the policy field of anti-trafficking. *Social Politics: International Studies in Gender, State & Society*, 30(2), 374–396. <https://doi.org/10.1093/sp/jxac042>
- Spanger, M., & Hvalkof, S. D. (2020). *Migranternas mobilitet: Mellem kriminalisering, menneskehandel og udnyttelse på det danske arbejdsmarked*. Aalborg Universitetsforlag.
- Strauss, K. (2016). Sorting victims from workers: Forced labour, trafficking, and the process of jurisdiction. *Progress in Human Geography*, 41(2), 140–158. <https://doi.org/10.1177/0309132516629002>
- Thornton, P.H., Ocasio, W., & Lounsbury, M. (2012). *The institutional logics perspective: A new approach to culture, structure and process*. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199601936.001.0001>
- Walia, H. (2010). Transient servitude: Migrant labour in Canada and the apartheid of citizenship. *Race & Class*, 52(1), 71–84. <https://doi.org/10.1177/0306396810371766>
- Wathne, C. T. (2020). New public management and the police profession at play. *Criminal Justice Ethics*, 39(1), 1–22. <https://doi.org/10.1080/0731129X.2020.1746106>
- Weatherburn, A. (2020). Improving prosecutions of human trafficking for labour exploitation: Lessons learned from two European jurisdictions (England and Wales and Belgium). *Journal of Human Trafficking, Enslavement Conflict-Related Sexual Violence*, 1(1), 49–64. <https://doi.org/10.7590/266644720X15989693725694>
- Willis, R. (2018). How Members of Parliament understand and respond to climate change. *The Sociological Review*, 66(3), 475–491. <https://doi.org/10.1177/0038026117731658>

- Willis, R. (2019). The use of composite narratives to present interview findings. *Qualitative Research*, 19(4), 471–480. <https://doi.org/10.1177/1468794118787711>
- Woolfson, C., Olsson, P. H., & Thörnqvist, C. (2012). Forced labour and migrant berry pickers in Sweden. *International Journal of Comparative Labour Law & Industrial*, 28(2), 147–167. <https://doi.org/10.54648/ijcl2012011>
- Yea, S. (2015). Trafficked enough? Missing bodies, migrant labour exploitation, and the classification of trafficking victims in Singapore. *Antipode*, 47(4), 1080–1100. <https://doi.org/10.1111/anti.12144>
- Åström, K. (2014). *Rättsliga åtgärder mot människohandel: Att skydda offer eller möta hot*. [Doctoral thesis Umeå University]. Uppsala: Iustus Förlag. <http://urn.kb.se/resolve?urn=urn:nbn:se:umu:diva-87076>