

Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings



CP(2017)20

**Report submitted by the Finnish authorities
on measures taken to comply with
Committee of the Parties Recommendation
CP(2015)1 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

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Recommendation CP(2015)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland

Reply by the Government of Finland

Definition of "trafficking in human beings"

1. GRETA considers that stating explicitly in legislation the irrelevance of the consent of a victim of trafficking to the intended exploitation can improve the implementation of the anti-trafficking provisions.

As mentioned of paragraph 52 in the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland ("the implementation report"), the irrelevance of consent has been mentioned in the reasoning of the Government's proposal. It has not only been mentioned once, but actually twice. Also the Government's proposal 34/2004 related to the criminalization of trafficking offences mentioned this. The status of the Government's proposals as a source of law is very strong in Finland. The reasoning behind the provision is used to provide guidance as to how the provision in question should be applied in a specific case. This guidance is closely followed in legal praxis, including courts dealing with criminal cases.

As also mentioned in paragraph 52 of the implementation report, according to a criminal law principle a victim of a serious offence cannot give his or her consent in a sense that the consent would make the offence unpunishable. The status of the criminal law principles is also noteworthy, although not as strong as the status of the reasoning in the Government's proposal. In this respect, Finland is not exceptional nor does it to a great extent differ from other countries. Amending the legislation is necessary in situations where it is evident that the provision is not applied in line with the reasoning of the Government's proposal and criminal law principles.

When international instruments are to be implemented, the goal is to find solutions which are consistent and in line with the criminal law regime as a whole and at the same time take into account the boundaries the instrument in question imposes. There is some flexibility in the implementation when the article also allows other measures than legislative ones. This is the situation regarding Article 4, subparagraph b of the Convention as well. Finland does not have such provisions concerning other serious offences either. Therefore, it is also a question of consistency.

There is no indication that trafficking provisions would be applied in a way not in line with Article 4, subparagraph b of the Convention. There is not that kind of information in the implementation report either. After the drafting of the 2014 Government's proposal or the adoption of the implementation report the question of consent has not been a topic of debate in Finland, not in the light of legal praxis or otherwise.

The non-governmental organizations consulted consider that including the irrelevance of the consent of a victim in the legislation would help in the identification of victims and in the successful investigation and prosecution of perpetrators.

2. GRETA welcomes the adoption of amendments to the Criminal Code aimed at making the distinction between THB and pimping clearer and stresses that it would similarly be useful to

make clearer the distinction between THB for the purpose of labour exploitation and extortionate work discrimination.

Trafficking offence's relation to extortionate work discrimination and the definition of forced labour were reviewed a couple of years ago while adopting the amendments concerning the distinction between pimping and trafficking offences.

The conclusion of the Government's proposal 103/2014 was that the provisions concerning trafficking in human beings and extortionate work discrimination differ clearly from each other. This conclusion was not questioned when the Government's proposal was discussed in the Parliament.

The Government pointed out in the proposal 103/2014 that the first sentences concerning labour trafficking cases had been announced in 2012. When also taking into account the sentences announced thereafter, the Government concluded that the courts have readiness and ability to apply the definition of forced labour based on the current legislation. It was stated in the Government's proposal that when a legal praxis was just taking shape there were no reasons to rush with the legislative changes.

The aspects presented in the Government's proposal 103/2014 are still accurate. However, the situation has to be followed in the same way as Finland did with pimping offences and trafficking offences related to sexual exploitation. Legislative changes are well-founded when there are reasons to believe that the distinction between offences is not clear enough in a way which reflects negatively on the legal praxis. With the view of the available information, the situation is not such at the moment.

The non-governmental organizations consulted point out that there have been no further legislative developments aimed to make clearer the distinction between extortionate work discrimination and trafficking in human beings for the purpose of labour exploitation. The right to receive services from the Finnish National Assistance System for Victims of Human trafficking (hereafter the Assistance System) is restricted to victims of human trafficking.

Comprehensive approach and co-ordination

3. GRETA urges the Finnish authorities to adopt as a matter of priority a new or updated action plan and/or strategy against THB, in which priorities, objectives, concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated. The action plan/strategy should be accompanied by a mechanism for monitoring its implementation.

The Government Action Plan against Human Trafficking 2016–2017 was adopted by the Ministerial Working Group on Internal Security and Administration of Justice on 4 October 2016. The Action Plan was published in a high-profile seminar of the Government anti-trafficking network on 18 October 2016 in Helsinki. The Action Plan includes nine measures concerning different anti-trafficking areas. These measures are divided into 24 concrete actions. Every action includes references to the responsible stakeholders. The Government has allocated financial resources of approximately 500 000 euros to the implementation of various new projects that relate to the implementation of the Action Plan. The link to the Action Plan: <http://urn.fi/URN:ISBN:978-952-324-134-3>

The Government has allocated from the Internal Security Fund 280 000 euros for two projects: 1) A project for developing the outreach work of victims that started 2016 and is carried out by the NGO "Pro-tukipiste". 2) A project on the assistance for victims and cooperation between the authorities and other actors which is planned to start during the year 2017. The Centre for Social Welfare and Health Organisations (STEA under the Ministry of Social Affairs and Health) has granted 125 000 euros for a new project called "Caring for Trafficked Persons in Finland" (HOIKU) organized by the International Organization for Migration (IOM) that aims at developing the competences related to health care and social care provided for the victims of trafficking.

In addition, 100 000 euros were allocated from the Government Plan for Analysis, Assessment and Research for a research project on the application of the legislation on the assistance for the victims of trafficking. This research project is carried out by the National Rapporteur. The national coordination structure for action against trafficking in human beings is responsible for monitoring the implementation of the Action Plan. The Secretariat Coordinating Government Action against Human Trafficking plays a central role in this work.

The non-governmental organizations consulted state that the new Action Plan does not clearly define priorities, concrete activities or responsible stakeholders, nor does it state allocated budgetary resources.

4. GRETA also considers that the Finnish authorities should take additional steps to ensure that national action to combat THB is comprehensive, and in particular to:

- further involve NGOs and other members of the civil society in the development and implementation of anti-trafficking measures, including the elaboration of a future national action plan or strategy as well as the evaluation of anti-trafficking efforts; the conclusion of formal Memoranda of Understanding between public bodies and competent NGOs should be encouraged;
- strengthen co-ordination between the national and municipal authorities and NGOs active in the field of action against THB, as well as co-ordination between relevant stakeholders at municipal level;
- formalise co-ordination among different actors in the anti-trafficking area in the identification and referral of victims for assistance;
- pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking and ensuring that the best interests of the child are fully taken into account;
- strengthen action to combat THB for the purpose of sexual exploitation including identification;
- pay increased attention to emerging forms of trafficking in Finland (such as forced begging and forced criminality) and internal trafficking.

The Government Action Plan against Human Trafficking 2016-2017 was drafted in broad co-operation with the relevant NGOs and other members of the civil society. This co-operation was carried out in the framework of the network led by the National Anti-Trafficking Coordinator in close dialogue among others the anti-trafficking civil society platform. The different projects related to the Action Plan also directly involve organizations such as PRO-tukipiste and IOM as an example. The civil society will also be closely connected to the work to follow up the implementation of the Action Plan. Related to this activity the NGOs will be part of the process to plan the future forms of co-operation in the framework of the coordination structure for action against trafficking in human beings.

The HOIKU project that among others develops the competences related to health care and social care provided for trafficking victims is very important in strengthening the co-ordination between the national and municipal levels because the main responsibility for providing health care and social care has been given to the local actors. The National Anti-trafficking Coordinator has also regularly been present in various local anti-trafficking meetings organized by the NGO "Victim Support Finland (RIKU)". Concerning the formalization of the co-operation it must be mentioned that according to the measure 2, action 2.1 the current Finnish national referral mechanism (NRM) for victims of human trafficking is documented and the information provided in the NRM will be updated as soon as there are further developments.

The measure 9 of the Action Plan deals with children's circumstances, their best interests and rights during anti-trafficking activities. The child victims of human trafficking and the children of adult victims are in a particularly vulnerable position. The best interests of the child must be the primary concern during all activities involving children. The collaboration between the Finnish Police and child welfare authorities is a prime example of a key activity in this respect. The Government anti-trafficking network includes various key authorities, including a representative of the Ombudsman for Children, and organizations involved in taking practical steps in child protection. It is crucial that the Ombudsman for Children and other expert bodies continue to liaise closely when planning anti-trafficking activities.

The Government anti-trafficking coordination promotes the prevention of child trafficking, the recognition, assistance and protection of child victims, the apprehension of child traffickers, and the investigation and prosecution of the related crimes. According to the action 9.1, the authorities work in close collaboration with non-governmental organizations in preventing child trafficking and enhancing awareness thereof. According to the action 9.2, non-governmental organizations are facilitated to participate in internationally funded projects through measures such as the active distribution of information on such projects and, if necessary, the provision of expert assistance on issues of substance. According to the action 9.3, one of the focus areas in enhancing the effectiveness of outreach work with victims of human trafficking and improving the identification of and assistance for such victims (of the measure 2 of the Action Plan) will involve taking account of children's circumstances, best interests and rights.

Regarding strengthening action to combat THB for the purpose of sexual exploitation including identification, several initiatives by the Government must be mentioned. Firstly, there is the project undertaken and based on the funding of the Internal Security Fund by Pro-tukipiste. This project has targeted among others the outreach work in the field of sexual exploitation. Also the HOIKU project which focuses on the fields of health care and social care is very important in this respect.

Further assistance financed by the Government directly relating to the official identification of victims will be developed based on the funding from the Internal Security Fund. In addition, the work documenting the current NRM will be very important for further development of the policies against THB for the purpose of sexual exploitation. This theme was indeed widely discussed in a workshop related to the NRM project organized by the Anti-Trafficking Coordinator in January 2017.

The emerging forms of human trafficking are followed by the relevant stakeholders such as the coordination structure for action against trafficking, the assistance system and the police. The

NRM process and drafting of the next Action Plan are also actively used to accommodate the actions to the developments in human trafficking.

The Finnish National Assistance System for Victims of Human Trafficking (Assistance System) is a state actor tasked with assisting victims and potential victims of human trafficking within the Finnish borders, with formally identifying certain victims, and with issuing reflection and recovery periods. The functions of the Assistance System are regulated by the Act on the Reception of Persons Applying for International Protection (The Reception Act 746/2011), which was reformed in 2015 and came into force on 1 July 2015. Since the beginning of January 2017 the Assistance System is part of the Finnish Immigration Service, but maintains its status as an independent decision-maker in the field of victim assistance.

The Assistance System works in cooperation with national and municipal authorities as well as with NGOs on a daily basis. The Assistance System coordinates the activities of actors involved in assisting victims of THB, and ensures that all possible aspects of the victim's situation (e.g. security, possible investigations, victim's ability to function, the best interests of the child) are properly taken into account. For example, the Assistance System regularly participates in network meetings between different actors and service providers relevant to a victim's case. The Assistance System and the municipalities cooperate with each other in assisting victims of THB who have a municipality of residence in Finland. In such cases the Assistance System provides service guidance and practical guidance to ensure that the victims have access to those services which they are entitled to.

The state maintained Reception Centre for Asylum Seekers in Joutseno is responsible for assisting those victims of trafficking in human beings who do not have a municipality of residence in Finland and it coordinates the national wide Assistance System supported by the Ministry of the Interior. The Finnish National Rapporteur on Trafficking in Human Beings monitors the implementation of the Assistance System run by the Joutseno Reception Centre. Victims can also be recognized by a municipal authority, or they can be referred to the municipal authority by the local police or an NGO. However, the Assistance System does not recognize a victim unless he or she is officially referred as a client thereto. In 2016, the City of Helsinki provided assistance to 8 victims of trafficking. The Assistance System has been operational for several years now. During the past years there has been relatively little dialogue between the national and local levels on how to develop the Assistance System further.

The resources and staff allocated to the implementation of the Assistance System are quite limited. As the number of negative asylum-seeker decisions is increasing, the number of undocumented migrants is increasing in Finland as well. To this effect, Helsinki recently established a cross-departmental working group to discuss the phenomenon of undocumented migrants and to look for possible solutions. It is foreseen that the work related to the assistance to (potential) victims of trafficking will increase in the near future (assistance needed in the care system, investigations, court hearings, juridical and medical investigations etc.) also in Helsinki.

The Assistance System has lent its expertise to a project executed by the IOM Helsinki, which aims at drafting guidelines for municipal health care and social work professionals on identifying potential victims of THB and on providing service guidance for the victim. The Assistance System also actively participates in and contributes to regional cooperation network meetings organized by Rikosuhripäivystys (Victim Support Finland). Meetings are held regularly in different parts of Finland, bringing together local NGO actors, local municipality workers, police

and other possible actors active in the field of action against THB. Furthermore, the Assistance System's info line operates 24/7 and provides information and guidance on THB related matters.

The best interests of the child are paid special attention in the asylum process. As the amount of asylum seekers increased in 2015, the number of unaccompanied minors seeking asylum also increased substantially. In the asylum process children who have faced or face possible exploitation are given special attention, and their needs are for example being considered in relation to housing. Case workers have been given training in human trafficking, the best interests of the child and the specific needs of unaccompanied minors in the asylum process.

During the spring 2017, the case workers handling asylum cases received combined training on cases of minor applicants as well as victims of human trafficking. The aim of this training was to improve the case workers' ability to identify exploitation and human trafficking and increase knowledge on the different processes related to them. The Asylum Unit of the Finnish Immigration Service made a report on the number of minors gone missing in order to map the phenomenon. In 2017, special emphasis has been placed on considering the best interests of the child in the asylum process. Consequently, the case worker training focused on interviewing children and decision-making has been increased in the Asylum Unit of the Finnish Immigration Service.

In the asylum interview, sexual exploitation experienced by asylum seekers is paid attention to specifically when it comes to identifying it as a basis for claim for international protection. The interviewers are trained in identifying victims of different forms of human trafficking. When applying the Reception Act, special attention must be given to the best interests of the child and to factors concerning the child's development and health, if the victim of THB is less than 18 years old (section 5 of the Act). Under-aged, unaccompanied victims, regardless of nationality or residence status, are housed and cared for by child welfare authorities, except where the child is an unaccompanied asylum-seeker. In the latter case, the victim is housed and cared for by reception facilities designed for children, and the child welfare authorities are involved where necessary. These facilities are similar to the ones operated by the child welfare authorities, and they operate in accordance with the requirements of the Child Welfare Act. The Assistance System ensures that all involved parties are aware of the special nature of human trafficking and its implications to the child's well-being. The Assistance System cooperates with the police in cases where the victim's safety might be at risk.

A legislative amendment concerning the Reception Act, which came into force on 1 July 2015, formalized cooperation between the Assistance System and child welfare authorities. The same legislative amendment formalized the status of the assisted victims' children as full customers of the Assistance System, though in practice assistance has always been granted to under-aged children accompanied by a guardian, who is a victim of THB. The Assistance System closely monitors the well-being of customer's children, and special attention is dedicated to the best interests of the child when drafting individualized assistance plans for these families. Sections concerning emerging forms of trafficking as well as internal trafficking are always included in speeches and training programmes given by the Assistance System. Information on the aforementioned topics is also included in bi-annual reports published by the Assistance System.

The Association of Finnish Local and Regional Authorities (ALFRA) issued in August 2016 instructions (circular letter) to all its member organizations regarding identification of victims of human trafficking and services provided to victims of human trafficking. All Finnish

municipalities are Members of the ALFRA and the purpose of the said instructions was to ensure that local authorities are aware of their responsibilities towards victims of human trafficking in Finland.

The ALFRA takes part in the steering group for the national appeal Yhteisvastuu. The proceeds from the appeal will in 2017 be directed to four organizations working with victims of human trafficking. One of the goals is to develop low-threshold services in order to help the victims of human trafficking. Another goal is to strengthen the cooperation between the NGOs and the Finnish authorities.

The ALFRA also participates in the HOIKU project run by IOM Finland, which aims at producing guidelines relating to the services provided to the victims of human trafficking in Finland. The ALFRA points out that it is important to guarantee new structures when the Finnish social and health care reform is proceeding. The instructions issued by the ALFRA also relate to GRETA's proposals 14 and 15.

5. Further, GRETA invites the Finnish authorities to provide for an independent evaluation of the implementation of the National Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking.

The national coordination structure for action against trafficking in human beings is responsible for monitoring the implementation of the Action Plan. The Secretariat Coordinating Government Action against Human Trafficking plays the main role in this work. As in the preparation of the Action Plan, e.g. NGOs have also been actively involved in this process. The Secretariat regularly consults experts such as the National Rapporteur on Trafficking in Human Beings. The Non-Discrimination Ombudsman, who is Finland's National Rapporteur on Trafficking in Human Beings, prepares a regularly submitted report on human trafficking issues. The first report was issued for 2010, and the following ones for 2011 to 2014.

The Non-Discrimination Ombudsman submits a report on human trafficking and the related phenomena to the Government each year and to the Parliament at four-year intervals. In this framework, eventual modifications of policies may also be addressed. The reports given to the Parliament regularly include recommendations to develop the relevant anti-trafficking policies.

The non-governmental organizations consulted point out in their joint statement that the functioning of the National Coordinator for Action against Trafficking in Human Beings appointed for creating a mechanism for multi-sectoral coordination is still unclear and there is no shared understanding about how it should function. The co-operation between NGOs and authorities has not been formalized either although the NGOs have been included in the different national working groups and networks against trafficking in human beings.

Training of relevant professionals

6. GRETA notes the efforts made in Finland to train different professionals on issues related to human trafficking and considers that the Finnish authorities should take further steps to provide specialised and continuous training to professionals who may come into contact with victims of THB, in particular police officers, prosecutors, judges, labour inspectors, municipal officials, health professionals, social workers and teachers, to enable them to identify victims of trafficking, assist and protect victims including as regards the facilitation of compensation, and traffickers.

The Government Action Plan against Human Trafficking 2016–2017 includes the measure 6 which enhances the effectiveness of training related to action against trafficking in human beings and increases awareness. According to the Action Plan, the focus areas and target groups of the training must be adapted to meet the requirements in a situation in question. It is essential — in cooperation with the Finnish Immigration Service, the Assistance System and other key expert parties — to enhance the efficiency of training on human trafficking provided for employees of reception centers. This could be done by selecting target groups such as social workers and public health nurses who are working on these cases. According to this measure of the Action Plan, various authorities ensure that the training sessions they organize pay due attention to sector-specific characteristics. Advanced and individual training are provided, where necessary, for those persons who have been allocated human trafficking-related tasks beyond the scope of their normal duties.

The National Police Board has established a network of experts within the police for the prevention of human trafficking offences. The network includes a senior police officer and a person responsible for training his or her peers in migration affairs in each police unit. The aim of the network is to develop police units' special expertise in the prevention of human trafficking offences and the provision of assistance to victims. According to the measure 5, action 5.2, of the Action Plan, national and regional training for police officers is enhanced as part of their basic and supplementary training, particularly in identifying and investigating human trafficking related to sexual exploitation.

Additionally, the Finnish Police actively participate in training different professionals and the Finnish Police University College is frequently involved in different projects offering among others multi-agency training.

The Office of the Prosecutor General is regularly giving training for prosecutors. The next training session will take place in the beginning of the year 2018. The training will be tailored to prosecutors who already have a basic knowledge on phenomena of trafficking in human beings and experience in investigating and prosecuting cases. The aim is to tackle tangible challenges and problems faced by officers investigating and charging THB-cases. Some police officers and judges have also attended these training sessions.

All case workers in the Asylum Unit of the Finnish Immigration Service are trained concerning the phenomenon of the human trafficking and its different forms. All new case workers receive basic training which is complemented by an advanced training at a later stage. Case workers have the possibility to enter into contact with the Asylum Unit's human trafficking expert on a low threshold, when they suspect that an asylum seeker is a victim of THB. The results of the training have been noted in the amount of referrals made by the asylum unit to the Assistance System as well as in the increased number of inquiries made by the case workers to the unit's human trafficking expert.

Training in the field of THB has also been given in the other units of the Finnish Immigration Service when needed. Handling residence permit applications by the victims of human trafficking is centralized to a worker specialized in the field, who will also be contacted when there is a suspicion of THB. The Assistance System works in cooperation with the Finnish Border Guard in training its personnel in identifying potential victims, on the rights specific to such victims, and on referring potential victims of THB to the Assistance System. The Assistance System regularly provides speakers to the bi-annual training sessions dedicated to the

commanding officers and trainers of district police departments, organized by the Finnish National Bureau of Investigations.

In cooperation with the Finnish Immigration Service's Reception Unit and HAPKE 3 project, the Assistance System has participated in training reception center staff on identifying, referring and providing assistance to victims and potential victims of THB, with a special focus on especially vulnerable groups. Staff from all the Finnish reception centers have been invited to these training events. Reception center staff is among the key actors identifying and referring potential victims of THB to the Assistance System. As an outcome, an increase in referrals by reception centers has taken place since 2016.

In addition, the Assistance System has, on its own or in cooperation with another anti-THB actor, provided one-time training to the following: designated representatives for unaccompanied minors, some local police stations, members of the tax authority, public legal aid offices and prosecutors, municipality social workers and health care professionals. The Assistance System will carry out an EU-funded project IHME (Increasing capacity to work against trafficking in human beings in Finland) during September 2017 - May 2019. The project aims to train police and border guard officers in Finland to better understand the human trafficking phenomenon, to identify the victims of trafficking, and to refer, protect and assist the victims. The project will also aim to increase the capacity of the police and border guard officers to investigate human trafficking related crimes and to conduct sufficient preliminary investigations on suspected human trafficking cases. The project consist of hands-on training given at each police and border guard department in Finland, and of designing and creating complete training modules in cooperation with the Police University College and the Border and Coast Guard Academy.

A project "Caring for Trafficked Persons in Finland" (HOIKU) was launched in May 2017 with the aim of developing guidance and training for health care and social workers and professionals of different root level organizations on identifying victims of trafficking and assisting them. The project is coordinated by IOM Finland and funded by the Funding Centre for Social Welfare and Health Organisations (STEA). The STEA is a stand-alone state-aid authority operating in connection with the Ministry of Social Affairs and Health, and it is responsible for the preparation, payment, monitoring, and impact evaluation of funds granted to social and health organizations from Veikkaus Oy gaming income. Implementation will be done as a part of the social and health care reform, concentrating on the regions where problems exist.

IOM Finland will develop training material (based on IOM's "Caring for Trafficked Persons" training material and adjusting it to the local context) and organize training events for health care and social work professionals in different parts of Finland. The aim is to encourage medical and nursing schools and training institutions of social work to use the material and include counter-trafficking training in their regular curricula. IOM Finland has implemented lectures and training seminars to a wide range of actors, including embassy personnel in countries of origin and in Finland, students of professional health care and social work and passenger ferry staff. Since 2014, IOM has trained close to 400 persons in counter-trafficking.

With the 2015 asylum-seeker influx, there are new interlocutors, such as new municipalities and private companies, who run reception centres - also in the Helsinki area. It is the responsibility of the State authority to raise awareness and ensure that the interlocutors with aid workers have basic knowledge on how to recognize and assist the victims of trafficking. The objective of

the City of Helsinki social services is that particularly those dealing with the reception of asylum-seekers and refugees are systematically trained to be able to identify victims of trafficking.

Improving teachers' competences in fundamental and human rights education is emphasized in the National Action Plan on Fundamental and Human Rights 2017–2019. The Ministry of Education and Culture commissioned independent rapporteurs in 2013 to examine how democracy and human rights objectives are implemented, and their findings were processed in the initial teacher education and training. The conclusion of the report was that human rights, democracy and participation should be made more visible and better incorporated into the education of teachers. Based on the recommendations of this survey, a network of experts was created in 2016 as a pilot, funded by the Ministry of Education and Culture and coordinated by the University of Jyväskylä, with an aim to strengthen the teachers' competences in fundamental and human rights education. The network covers all teacher education institutions in Finland. The pilot has been evaluated and the results published in the summer 2017.

Additionally, it can be noted that issues related to human rights and democracy are also emphasized in the Government funded professional development of teachers. Finnish teachers have the right to attend the in-service training programmes offered and tailored for their needs for free.

Data collection and research

7. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA urges the Finnish authorities to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). The existence of a comprehensive data collection system can assist the preparation, monitoring and evaluating of anti-trafficking policies and would also facilitate the work of the National Rapporteur. Data collection should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

According to the relevant national legislation, the National Rapporteur monitors human trafficking situation in Finland in compliance with relevant international obligations as well as the effectiveness of national legislation. The Assistance System regularly publishes reports of its activities including data on the relevant general findings based on the cases it has studied in the framework of assistance activities. The Finnish Police also provide information - including the relevant crime statistics - on human trafficking in co-operation with European partners. As human trafficking is a cross-border phenomenon, accordingly questions related to the data collection need to be discussed in the framework of relevant international co-operation. An example of this kind of co-operation is the data collection in the framework of the OSCE's anti-trafficking coordination.

The Assistance System collects and maintains statistics on its customers. Data is collected, stored and disseminated in accordance with, and within the limitations of, relevant legislation (Personal Data Act, Act on the Openness of Government Activities, Reception Act).

In principle, the Joutseno Reception Centre is responsible for collecting data from the Finnish authorities on the implementation of the Assistance System. In addition, the Non-Discrimination Ombudsman monitors the implementation of the international and national legislation on

trafficking in human beings in Finland. The Non-Discrimination Ombudsman's Office in Finland, and the National Rapporteur on Trafficking in Human Beings in particular, is currently preparing a comprehensive study on the Assistance System in Finland. In fact, the National Rapporteur has requested local authorities to collect information on the situation at the local level. Local authorities, including the City of Helsinki, were asked to provide, inter alia, information on the victim cases 2014 - 2016, purchased services, reimbursed costs etc. The report will be published in 2018.

The AIPA-data collection system has been developed in the way that it will include data from the lower courts to the highest court of justice. When AIPA will be taken in use, it should also include additional information and definitions given by the police. AIPA will give better opportunities for data search, and THB labellings should follow during the whole process (investigation-prosecution-court) and the data on court sentences would be better available.

Funded by the Nordic Council of Ministers, IOM Finland implemented a project to open a dialogue with, as well as to offer training to, passenger ferries (end 2015-2017) in the Baltic Sea region. The project included a research project conducted by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI). The research report is available at http://www.iom.fi/sites/default/files/news/HEUNI_IOM%20report.pdf

8. GRETA welcomes the attention given to research into issues related to THB and invites the Finnish authorities to continue conducting and supporting research on THB-related issues as an important source of information on the impact of current policies as well as a basis for future measures. Areas where further research is needed, in order to shed more light on the extent of the problem of THB in Finland, include internal trafficking and emerging forms of trafficking, such as for the purpose of forced begging and forced criminality.

The Prime Minister's Office has provided funding for the evaluation study focusing on the legislation on identifying and producing services for victims of THB. The study is expected to be published in the spring 2018.

The Government Action Plan against Human Trafficking 2016–2017 includes measure 8 that focuses on the development of research. In this respect, Finland produces some extensive European research on different forms of trafficking. A particular mention should be made of the high-quality research projects — conducted by the European Institute for Crime Prevention and Control (HEUNI) — whose findings can be applied to practical anti-trafficking measures. In addition to research projects, HEUNI is running various international development projects related to the detection and prevention of human trafficking.

The research activities of the European Migration Network (EMN), which operates in Finland as part of the Finnish Immigration Service, have also been of key assistance in the collection of information on trafficking. For example, the EMN may supply comparative data on the Member States of the European Union and Norway with regard to measures taken under the Action Plan. Information is supplied through the EMN in the form of an evaluation of short and longer term activities, through ad hoc surveys and research reports.

According to the Action Plan measure 8, action 8.1., the research resources on human trafficking for HEUNI and the European Migration Network are secured. In addition, 100 000 euros were allocated from the Government Plan for Analysis, Assessment and Research for a research project on the application of the legislation on the assistance for the victims of trafficking. This is a key example of research that may be used as a source of information on

the impact of current policies as well as a basis for future information e.g. through the discourse in the framework of the national coordination structure and the NRM process.

A project called Developing National Mental Health Policies for Refugees, (PALOMA) is targeting all refugees and asylum seekers residing in Finland. This project is coordinated by the National Institute for Health and Welfare (THL) and it includes partners from a range of mental health service providers. The project aims to develop a national model for the mental health treatment for refugees and people with other similar statuses, including victims of THB. It began in 2016 and will continue until the end of 2018.

International co-operation

9. GRETA welcomes the efforts made by the Finnish authorities in the area of international cooperation to combat THB and invites the authorities to continue developing international co-operation with a view to preventing THB, assisting victims of trafficking and prosecuting offenders, including through exploring further possibilities for co-operation with governmental and non-governmental actors in countries of origin.

The Government Action Plan against Human Trafficking 2016–2017 includes measure 7 that targets on the development of international anti-trafficking cooperation. Finland engages in active international cooperation related to action against trafficking in human beings. The regional cooperation is also highly active including targeted contacts with the countries of origin and transit by relevant authorities. Finland also actively participates in the European Union's actions against trafficking in human beings. Actions taken by the Council of the Baltic Sea States and by the Nordic Council of Ministers are further examples of this. A recent field trip to Southern Europe was organized by the Finnish Immigration Service. Close cooperation with national anti-trafficking actors in Nigeria is a prime example of cooperation with the countries of origin. Bilateral contacts must be targeted and take into account changes in human trafficking offences.

Active actors and a network of highly accessible partners is a prerequisite for international cooperation. In this respect, key national actors include the Finnish Ministry for Foreign Affairs and its missions abroad, the Ministry of the Interior and the Government Anti-Trafficking Coordinator alongside their extensive international cooperation networks, and the National Rapporteur on Trafficking in Human Beings with its European and global reporting networks. A good practical example is the measure 7 of the Action Plan according to which Finland actively participates in the Nordic project against human trafficking for the purposes of labour exploitation, which was launched by the Nordic Council of Ministers. The project aims include the planning of tailor-made training modules for business sectors selected on the basis of a risk assessment in order to promote the detection of human trafficking. On the basis of the above-mentioned materials, the project is also intended to organize interactive meetings with the representatives of business enterprises and labour market organizations. The Finnish Government has allocated extra national funding for the national project that forms part of the above-mentioned Nordic project. The relevant parts in the Action Plan are e.g. the measure 7, and especially action 7.3., which encourage actors involved in practical anti-trafficking work to participate in international projects.

The Assistance System has been actively engaged in the Committee of the Baltic Sea States' (CBSS) anti-trafficking work. The Director of the Assistance System is a member of the CBSS Task Force against Trafficking in Human Beings. An Assistance System officer is currently a member of the steering group in a project called "Training and finding good practices in

identification and referral of children at risk of exploitation and trafficking in children” by the Children at Risk Unit of the CBSS. The Assistance System is also a member of the Nordic Network against Trafficking in Minors, and it hosted a network meeting in Finland in September 2016. During spring 2016, the Assistance System cooperated with Unchosen, a UK NGO producing short films about human trafficking. Film makers from Unchosen were invited to Finland, where films were shown at Tampere International Film Festival. Films by Unchosen are used in different training programmes organized by the Assistance System. In March 2016 the Assistance System participated in a mission to Nigeria organized by the European Integration Network (ERIN) in cooperation with the EU. The aim of the mission was to assess the implementation of reintegration projects, the quality of services delivered by the service providers and to discuss return and reintegration with the local authorities.

In January 2017, the Assistance System participated in a fact-finding mission to Italy, organized by the Finnish Immigration Service. The aim of the mission was to find out about the current state of assistance to Nigerian victims of THB who were returned to Italy through the Dublin procedure. The delegation met with key Italian authorities, NGOs and IGOs to discuss the matter and to plan for further cooperation. It was noted that communication between the two countries should be increased when a victim of THB is being returned or deported from Finland to Italy.

The Assistance System has been active in trying to contact NGOs and authorities in receiving countries, when a victim is being returned to another EU country through Dublin II Regulation arrangements. The Assistance System has no legal mandate to operate outside Finland but, with the victim’s consent, it can try to contact anti-trafficking actors in the receiving state in an attempt to link the victim with at least some assistance on return. (This is, in cases where assisted voluntary return cannot be applied due to requirements of the Dublin system or due to customer’s denial to accept the offer of assisted voluntary return.) The Assistance System calls for the EU-wide coordination of assistance systems in order to create a solid network of contact points, through which a victim of THB can be linked to another EU country’s assistance system if returned/deported there.

Finland is represented in the Ad hoc Committee of the Council of Europe for the Rights of the Child (CAHENF) in a cross-sectoral manner through the Ministry of Social Affairs and Health, the Ministry for Foreign Affairs and the Ministry of Education and Culture. CAHENF also discusses issues related to potential THB, especially in case of unaccompanied migrant minors.

IOM Finland trained in December 2015 the staff of foreign embassies in Finland in cooperation with the Finnish Ministry for Foreign Affairs and the Council of the Baltic Sea States Task Force against Trafficking in Human Beings. The aim of the training was to provide information on counter-trafficking and its trends in Finland as well as to provide information on relevant authorities and other actors that support victims of trafficking.

The non-governmental organizations consulted note that there is very little experience of forming joint investigation teams or other kind of transnational cooperation mechanism in the criminal investigation of trafficking crimes. This means that those criminal activities that have taken place abroad are often not investigated.

10. GRETA considers that there is need for more awareness-raising measures in Finland about the risks of THB and the rights of victims, especially among migrants. GRETA considers that future actions in the area of awareness raising should be designed in the light of the

assessment of previous measures and be focused on the needs identified. The success of the efforts is linked to efficient data collection, adequate funding and regular evaluation.

The Government Action Plan against Human Trafficking 2016–2017 includes measure 7 that targets at increasing awareness on human trafficking and actions against it. As stipulated by the Action Plan, the Assistance System maintains the website www.humantrafficking.fi. A victim of trafficking cannot receive any support before the Assistance System becomes aware of him or her. Not all victims are referred to assistance — awareness of human trafficking and the identification of and assistance for victims need to be further enhanced. Accordingly, the Assistance System seeks to help raise awareness of human trafficking and of the assistance available to victims.

Through their actions, other actors, such as the National Rapporteur on Trafficking in Human Beings, are also helping to raise awareness of human trafficking. According to the Action Plan, the anti-trafficking communications should be targeted at both the general public and professional actors. Communications must be developed in collaboration with the anti-trafficking coordination structure, other experts and civil society, including labour market organizations. It is also emphasized that all development of the awareness raising activities must take account of experiences gained in other countries.

According to the Action Plan, particular attention should be paid to young people when planning and sending the communications described above. For this reason, interest groups representing the target persons must be included in the design of the materials at the earliest possible phase. Indeed, the international anti-trafficking actors, such as IOM, have gained experience of participatory approaches of this kind. Cooperation may also involve various events, such as film festivals, which attract target groups. According to the action plan, diverse use should be made of various communications channels, including the social media.

According to the Action Plan, the funding of activities aimed at enhancing training and awareness should include support available through the national programme of the Internal Security Fund and other possible external funding sources. There are different current and upcoming projects related to the Action Plan. Most of them include awareness raising functions in various forms such as audio-visual presentations aimed to groups such as professionals responsible for the outreach work of trafficking victims. The Government co-operates with other actors such as IOM and NGOs which also organize awareness raising activities for fund raising or for other purposes.

Since the autumn 2016, the Assistance System has been actively and visibly using social media to spread information about human trafficking and related issues. IOM Finland has been involved in implementing a series of public information campaigns including: "What is the price of a human being?" (2016); "Human Trafficking is not a fairy tale" (2012); and "Work that nobody wants to do" (2011). The campaigns of 2011 and 2012 were developed in cooperation with the National Rapporteur. The campaign of 2011 won an AdProfit reward for being the most influential campaign of the year in its category. The campaign of 2012 gained 72,742 reactions in social media. The campaign of 2016 was developed by high school students coached by IOM Finland and an advertising agency (on a pro bono basis). In addition to being an efficient way of training youth in counter-trafficking, the campaign, produced in cooperation with media professionals, reached over 1.2 million audience contacts.

The upcoming project IHME aims to raise general awareness on human trafficking by renewing the national anti-trafficking website, www.ihmiskauppa.fi (www.humantrafficking.fi). The site contains information on human trafficking and victim assistance in several languages, tells how to contact the Assistance System through an e-mail link or by phone, and gives guidance on how to refer a potential victim into the Assistance System.

The importance of awareness raising will become more imminent when the numbers of undocumented migrants will increase in Finland. Here, it is important to inform all asylum seekers and migrants of the possible risks in advance. Local authorities, including trade unions, have a responsibility to raise awareness and monitor trafficking of human beings, also from the extortion point of view. The ethical principles, as stated in the Helsinki City Strategy Program 2013-2016, stipulate that the City is an internationally enterprising, developing and competent operator, in terms of its global responsibility at the local level. Global responsibility is part of the comprehensive quality and development of the City's operations. In procurement operations, the City follows the basic norms of the international working life. The City actively prevents the grey economy and expects its partners to act alike.

Measures to discourage demand

11. GRETA considers that the Finnish authorities should make more efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation, in partnership with the private sector and civil society. In this context, GRETA invites the Finnish authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

The question regarding establishing as a criminal offence the use of services which are the object of labour exploitation was to some extent evaluated when the Convention was ratified by Finland. This is mentioned in the Government's proposal 122/2011, on page 53. The outcome was that no criminalization for the use of services of victims of labour related trafficking was adopted. As stated in the Government's proposal, labour related trafficking differs from sexual trafficking so that in the first-mentioned case the user of services is not necessarily directly in contact with the victim of the trafficking and because of that cannot, for instance, evaluate the working conditions of the victim in these cases. Since labour related trafficking was a new phenomenon, the door was left open for further considerations. Article 19 of the Convention does not oblige to criminalize the use of services of victims.

The view presented in 2011 is still relevant. It has to be kept in mind that at least so far in the light of the concrete cases, labour-related trafficking offences in Finland have been connected with work in restaurant kitchens. Regarding these cases it is difficult to see how for example a customer dining in the restaurant could have the knowledge that a person working in the kitchen is a victim of trafficking offence. This problematic starting point is not a matter of restaurant cases only. Criminalizations as such may have some preventive effect, but according to the Finnish criminalization principles, criminalizing something is a last resort, and it is not reasonable to draft criminal law provisions which are not applied at all or are at least applied very rarely because the acts in question are hard or even impossible to prove. However, this issue has to be taken into reconsideration if there are new grounds emerging.

Finland also actively participates in the Nordic project against human trafficking for the purposes of labour exploitation launched by the Nordic Council of Ministers as explained under recommendation no 9.

Currently, there is no THB-checklist embedded in the residence permit application process. The applicants will be interviewed at a Finnish embassy when submitting their residence permit applications. Questionnaires have been sent to the Finnish embassies by the Immigration Service. The questionnaires vary depending on the case. There are various interview forms available depending on the application ground. For example, if a person applies for a residence permit on the basis of work, the questions to be answered concern working in Finland, employer, wages, working hours, holidays, generally living in Finland. Similar issues are also used in the case of family tie applications. Interviews will be used to assess whether a person has a risk of being exploited in Finland.

Trade unions and employers in general have a role to play and to ensure that minimum standards are followed and that employees are not hired in contradiction with the collective labour agreements. It should also be ensured that internships and related jobs will not lead to misuse of labour force in Finland. In this regard, vulnerable groups are at a particular risk of becoming victims. As stated before, the City of Helsinki takes active measures to prevent the grey economy and expects its partners to act in the same way, as stipulated in the City Strategy Program.

IOM Finland is currently working together with the Ministry for the Foreign Affairs, the Ministry of the Employment and the Economy, Labour Inspectorates, the Assistance System (Joutseno reception Centre), and HELINI on an information campaign targeted to farms and berry companies using seasonal foreign labour. The purpose of the campaign is to increase awareness of the risk of labour exploitation and trafficking and to provide practical advice on prevention. Looking at the prevention from a long-term perspective, IOM Finland has made efforts to increase the youth's awareness, encourage responsible behaviour of the youth as consumers and buyers of services, as well as to support peer identification and prevention among young people. IOM has worked together with high school students in a school project developing a counter-trafficking campaign in 2016, and with the Guides and Scouts of Finland through provision of materials and expertise on counter-trafficking to Scout camps.

Economic, social and other initiatives for groups vulnerable to THB

12. GRETA notes the measures taken by the Finnish authorities vis-à-vis groups vulnerable to THB and considers that the authorities should continue to develop the aspect of prevention through social and economic empowerment measures, including by integration of the prevention of human trafficking in the policies for unaccompanied children, asylum seekers and migrant workers.

As a preventive measure, it can be noted that all children residing in Finland are entitled to education free of charge, and it is the responsibility of the local authorities to arrange education for children up to the age of 17.

Unaccompanied minors and asylum seekers, but also certain migrant workers groups (seasonal workers) are particularly vulnerable and at a great risk to become victims of trafficking. Therefore, measures that ensure effective interference of misuse must be in place. Particular monitoring should be extended to the EU mobility. The City of Helsinki actively prevents the grey economy and also expects its partners to act in the same way. Ensuring multi-professional and child-friendly approaches in suspected child abuse cases has in the recent years been the aim of the child protection and health care service development. The recent legislative developments both at international and national levels support this target.

In 2014, a new pilot project called LASTA was set up with an aim to develop a more child-friendly and integrated approach to cover the increased load of allegations of child abuse. The project piloted a way of using the existing professional networks in a more integrative and systematic way. LASTA developed and piloted a way to work as a Children's Advocacy Center, i.e. the Nordic Barnahus model, through networking, instead of through creating new physical units or centers.

To cover the increased need for multi-professional collaboration, a structured risk assessment form for the collection of information was created and tested. It was meant to be used to support the police in choosing children with higher risk and to be discussed in a structured multi-professional meeting. This was seen as a way to ensure that the best interests of the child would be approached from a variety of perspectives and could better guide decision making both in the police and in child protection. The information gathered on it aimed at supporting the police and prosecutor in making better informed decisions on the extent of the investigation. With more complicated cases, the multi-professional meeting supported a more nuanced assessment of the needs of the child for child-friendly judiciary investigations as well as for the protection and support. These experiences and tools developed at the LASTA project are now further utilized nationally in the development of services for children and families to ensure that the best interests of the child is approached from a variety of perspectives and to better address the vulnerability of children when facing a case of suspected abuse. These experiences can also be utilized to strengthen the detection of victims of THB among unaccompanied minors.

The non-governmental organizations consulted note that the recent changes in immigration policies have increased migrants' vulnerability to trafficking in human beings.

Border measures to prevent THB and measures to enable legal migration

13. GRETA considers that the Finnish authorities should continue their efforts to:

- *detect and prevent THB through border control measures;*
- *introduce a checklist to identify potential THB-related risks during the visa application system.*

The Finnish Border Guard is actively training its border control officers to identify both victims and perpetrators of THB. This training has continued for more than ten years. Identifying the victims is one of the key objectives in the crime intelligence and investigations. Special attention is paid to children regardless whether they travel in company or unaccompanied. The Immigration Liaison Officers of the Finnish Border Guard support the border control work with the third countries, when needed.

Identification of victims of trafficking in human beings

14. GRETA urges the Finnish authorities to improve identification procedures in order to ensure that all victims of trafficking are properly identified and can benefit from the assistance and protection measures provided for by the Convention, in particular by:

- *introducing a clear national identification and referral mechanism which defines the roles and responsibilities of different stakeholders and promotes a multi-agency approach to victim identification by involving NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;*

- *providing frontline staff with operational indicators, guidance, training and toolkits to be used in the identification process; these indicators should be harmonised and shared between the various stakeholders concerned and be regularly updated in order to reflect the changing nature of human trafficking;*
- *guaranteeing that in practice identification is dissociated from the victim's cooperation in the investigation;*
- *improving the proactive detection of victims of THB, the gathering of intelligence and the sharing of information between relevant actors, in particular as regards sexual exploitation and new forms of trafficking, such as forced begging;*
- *setting up a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking, involves child specialists, ensures that the best interests of the child are the primary considerations and strengthens the detection of victims of THB among unaccompanied minors.*

Regarding the identification of victims of trafficking in human beings the Government has launched several initiatives. Firstly, there is the project based on the funding of the Internal Security Fund and undertaken by Pro-tukipiste. This project targets among others the outreach work in the field of sexual exploitation. One of the many aims of this project is to develop operational indicators to support the outreach work. The HOIKU project which operates in the fields of health care and social care is very important for the outreach work and early identification. Also here the approach is of a very practical nature. The state financed assistance which directly relates to the official identification of victims will be developed through the funding from the Internal Security Fund.

The work documenting the current NRM will also be very important for further development of practices aiming at the most efficient identification of victims. In fact, this theme was widely discussed in a workshop related to the NRM project organized by the Anti-Trafficking Coordinator in January 2017. One of the aims of the NRM development is the sharing of information on relevant practices related to the identification and assistance to the victims by relevant actors including also the relevant NGOs.

Following the emerging forms of human trafficking is facilitated by the discussions in the framework of the national coordination structure for action against trafficking, the Assistance System and the Police. The needs of identification in special circumstances and needs of child victims are channeled among others in the NRM process. The implementation of the legislation related to the assistance to the victims of human trafficking is followed by the Ministry of the Interior in a special process. The Finnish Border Guard uses the same identifying indicators as the Finnish Police do. The training co-operation takes place in close cooperation with the Finnish Police.

The Asylum Unit of the Finnish Immigration Service has one dedicated senior adviser specialized in minor applicants, and another one in THB. These two collaborate closely in matters specifically related to asylum applicants who are unaccompanied minors. They draft guidelines, give training and advice in case specific matters, follow case practice and give information about these topics to the whole asylum unit. The senior advisers of the asylum unit have been given training both in child specific matters and THB. During spring 2017, case workers participated in a combined workshop on minors and THB. The exploitation experienced by children as well as human trafficking of children have been given special attention in order to better identify victims and refer them to adequate care and support.

The exploitation and its threat directed towards accompanied children applying for asylum is also something that case workers have been trained in detecting. The asylum case officer, when identifying a possible victim of human trafficking in the asylum interview, will inform the applicant about the possibility of being referred to the Assistance System and that a referral to the Assistance System does not lead to a criminal investigation, and they stress that reporting to the police is something for the applicant to choose. The asylum unit can only inform the police about a possible human trafficking case with the consent of the applicant.

The European Institute for Crime Prevention and Control (HEUNI) is carrying out a project which forms part of the Nordic Counter Trafficking for Forced Labour Project on preventing the exploitation of the workforce and trafficking in human beings through corporate social responsibility. The project involves mapping out questions of corporate social responsibility and the possibilities to combat work force exploitation in Finland, particularly in chains of subcontracting. The aim is to draft a guide and training material for companies using subcontractors in order to prevent trafficking and exploitation of workforce in such companies.

This project forms part of a Nordic project (2016-2018) that aims to increase the role of corporate actors to combat exploitation of the workforce. HEUNI is in charge of the national implementation of the project in cooperation with key interest groups from both the public and private sectors. The project is funded by the Ministry of Social Affairs and Health. The Ministry and the OSH Division at the Regional State Administrative Agency of Southern Finland are involved in the project and represented in the steering group of the project. (This answer applies also to recommendation no 11 on Measures to discourage demand.)

Ensuring multi-professional and child-friendly approaches in suspected child abuse cases has in the recent years been the aim of the child protection and health care service development. Recent legislative developments both at international and national levels support this target. In 2014, a new pilot project called LASTA was set up with an aim to develop a more child-friendly and integrated approach to cover the increased load of allegations of child abuse. The project piloted a way of using the existing professional networks in a more integrative and systematic way. LASTA was developed and piloted in such a way that it could operate as a Children's Advocacy Center, i.e. the Nordic Barnahus model, through networking, instead of creating new physical units or centers.

To cover the increased need for multi-professional collaboration, a structured risk assessment form for the collection of information was created and tested. It was meant to be used to support the police in choosing children with higher risk and to be discussed in a structured multi-professional meeting. This was seen as a way to ensure that the best interests of the child would be approached from a variety of perspectives and could better guide decision making both in the police and in child protection. The information gathered in it aimed at supporting the police and prosecutor in making better informed decisions on the extent of the investigation. In more complicated cases, the multi-professional meeting supported a more nuanced assessment of the needs of the child for child-friendly judiciary investigations as well as for protection and support.

These experiences and tools developed in the LASTA project are now further utilized nationally in the development of services for children and families to ensure that the best interests of the child is approached from a variety of perspectives and to better address the vulnerability of children when facing a case of suspected abuse. These experiences can also be utilized to strengthen the detection of victims of THB among unaccompanied minors.

The City of Helsinki is implementing a very low threshold for individuals to access basic social and health care services. This allows those in need of assistance to present his or her own case, while the social worker has broad access to information from various authorities and is able to build up the profile of the case. This has also proven to be a key to effective preventive policy. In fact, the City of Helsinki has received good feedback from the Non-discrimination Ombudsman on this policy.

The work to formalize coordination in the identification and referral of victims for assistance via setting up a specific victim identification mechanism is currently underway. A multi-agency project on developing guidance and training for health care and social workers and professionals of different root level organizations on identifying victims of trafficking and assisting them began in 2017. The project is coordinated by IOM and funded by the Funding Centre for Social Welfare and Health Organizations (STEA). The National Institute for Health and Welfare (THL) is represented at the steering group of the project. When developing the guidance on how to better identify victims of THB, other already established screening and risk assessment tools developed to assess the risk of violence towards children and adult victims of intimate partnership violence (IPV) can be utilized.

IOM launched on 1 May 2017 the project "Caring for Trafficked Persons in Finland" (HOIKU) to strengthen capacity to identify victims of trafficking in health and social services. In the first phase of the project (2017), guidelines for identification and referral of (potential) victims of trafficking will be developed through a cross-sectoral cooperation with relevant ministries and authorities, health organizations and NGOs. The guidelines will be tested in selected social and health care units and the finalized guidelines will be disseminated with the help of a network established for the project. In the second phase of the project (2018), IOM will develop training materials and organize training events for health and social professionals in different parts of Finland.

The non-governmental organizations consulted express their concern for some negative side effects that the national referral mechanism may bring to THB victims.

Assistance to victims

15. Greta urges the Finnish authorities to ensure that the assistance provided to victims of THB is adapted to their specific needs and that minimum standards are guaranteed across the country, regardless of the service provider. When specialized assistance is delegated to NGOs, the State has an obligation to provide adequate funding. Particular attention should be paid to providing appropriate assistance to child victims of THB, including unaccompanied minors.

The Assistance System's customers are housed around Finland according to their situation, residence status and other requirements. Every customer is by law (Reception Act, section 38 a §) entitled to the following: guidance and advice, safe residential arrangements, social and health care services, legal advice and assistance, a living allowance, interpretation and translation services and assisted voluntary return home, if relevant. The Assistance System can provide assistance directly or purchase services from public and private service providers, including NGOs. Service providers must be registered and fulfill all legal requirements relevant to their field of activity. For example, only registered therapists can be used in providing services for victims of THB.

In principle, all victims should receive help from their municipal social and health care services, regardless of their home municipality. The Association of Finnish Local and Regional Authorities

has circulated guidance to municipalities in August 2016 on assistance to victims of trafficking in human beings. The victims without a home municipality get help from the Assistance System in Joutseno Reception Centre.

According to section 38 b § of the Reception Act, assistance is planned and executed according to the victim's individual situation and requirements for assistance. An individual assistance plan is drafted together with each customer. Assistance is always given on a consensual basis. Victims with a municipality of residence receive assistance from their home municipality. In these cases, the Assistance System advises both the municipality and the customer, where necessary. The Assistance System must ensure that the customer gets the services which they are entitled to. The Assistance System is aware of some municipalities' challenges, perhaps due to the lack of knowledge, in comprehending the victim's special situation and its requirements. In such cases, the Assistance System has made extra efforts at working together with the municipality and the victim in order to ensure that the victims receive all assistance they require.

From January 2016, the Assistance System has placed a new employee, social adviser, in Oulu. Oulu is situated on the Western coast of Finland, whereas the Assistance System Headquarters is situated along the Eastern border. This has enabled the Assistance System to have better and more frequent access to service providers in the Western coastal areas and in the Northern parts of Finland, and in this way better monitor and ensure the equal and professional treatment of victims. The Assistance System states, according to the best of its knowledge, that all its customers receive at least the minimum standards of assistance as stipulated in Article 12 of the Convention regardless of where they are situated or which service provider is being used.

A project Developing National Mental Health Policies for Refugees, (PALOMA) is targeting all refugees and asylum seekers residing in Finland. The project is coordinated by the National Institute for Health and Welfare (THL) but it includes partners from a range of mental health service providers. The project aims to develop a national model for the mental health treatment of refugees and people with other similar statuses, including victims of THB. It began in 2016 and will continue until the end of 2018.

The National Action Plan for 2016-2017 states that the awareness of shelter service providers should be raised in terms of the possibilities of victims of THB who have encountered IPV or sexual exploitation to receive help from their services. In other cases of THB, the actor responsible for the services is the local community the victim resides in. In the case of asylum seekers or persons without residence permits/documents, the correct actor responsible for providing the services is the Joutseno reception center. Not only awareness-raising, but also training of professionals is a crucial element to avoid the victims slipping between different services or implementing a multi-agency approach to victim identification. This training should be developed to strengthen the co-ordination between different actors, including the NGO's that often work closest to the victims.

In addition to professional support made available to victims in Finland, IOM would encourage enhancing awareness and understanding of the specific needs of victims who wish to return to their countries of origin and want to receive assistance in voluntary return and reintegration. IOM assists globally one out of seven victims of trafficking, many of them in need of international assistance. Since 2012, IOM Finland has assisted more than 80 victims of trafficking to return home from Finland and Sweden.

The non-governmental organizations consulted point out that the threshold for seeking help from the Assistance System and reporting to the police about exploitation is still high. The possibilities for receiving adequate support and assistance are also unequal, depending on where the victim has been identified and their residence status is. More work still needs to be done to raise awareness at the municipal level and to provide tools for adequate identification and assistance.

16. Further, GRETA considers that the Finnish authorities should provide regular specialized training to all professionals responsible for the provision of assistance and protection measures to victims of trafficking.

The Office of the Prosecutor General is regularly organizing training for prosecutors. The next training event will take place in the beginning of the year 2018. The training will be tailored to prosecutors who already have a basic knowledge on phenomena of trafficking in human beings and experience in investigating and prosecuting cases. The aim of the training is also to tackle tangible challenges and problems faced by officers investigating and charging THB cases. It has been possible for some police officers and judges to attend the training, too.

As stated under recommendation no 15, the Assistance System can provide assistance directly or purchase services from public and private service providers, including NGOs (Reception Act, section 38 b §). Services to victims by NGOs and other service providers are thus paid for in full, when the victim, as the recipient of services, is a customer of the Assistance System and where an agreement is reached between the Assistance System and the service provider on providing the said service. The Assistance System organizes training for its staff in various fields, often through purchasing training services from an external service provider. As several victims are housed in reception centers, training has been organized for reception center staff by the Assistance System in cooperation with the Finnish Immigration Service and HAPKE 3 project. More detailed information on training programmes organized or co-organized by the Assistance System is under paragraph 6.

Recovery and reflection period

17. GRETA urges the Finnish authorities to ensure, in compliance with the obligations under Article 13 of the Convention, that all possible victims of trafficking are offered a reflection and recovery period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. Police and border guard officers should be issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators.

In early 2012, the National Police Board issued instructions to the police on intervening in cases of human trafficking and similar offences, and providing assistance to the victims. The instructions in question were updated in early 2014 (2020/2013/5080). The instructions include guidelines on identifying human trafficking offences, criminal investigations and co-operation with various authorities. They also cover assistance for victims of human trafficking and the functioning of the assistance system, the process for granting a reconsideration period, and the impacts of suspected human trafficking on the asylum procedure and the implementation of decisions to remove a person from the country. The police must apply an extremely low threshold when referring victims to the assistance system. The instructions in question are also applied, as appropriate, by the Finnish Border Guard. According to the Government Action Plan against Human Trafficking 2016–2017 measure 5, action 5.1, it must be ensured that the

guidelines of the Police and the Border Guard are up to date, particularly with regard to detecting new forms of crime.

The National Police Board has also established a network of experts within the police for the prevention of human trafficking offences. The network includes a senior police officer and a person responsible for training his or her peers in migration affairs from each police unit. The aim of the network is to develop police units' special expertise on the prevention of human trafficking offences and the provision of assistance to victims.

Since July 2015, the Assistance System has been authorized to grant both reflection and recovery periods. Both have been actively utilized by the Assistance System whenever required. Recovery period, which is meant for persons legally present in Finland, is granted to the victim for 30 - 90 days during which time no information of the victim is given to the police (or other investigative authority), and the police are not allowed to approach the victim.

Reflection period, which is meant for persons illegally present in Finland, is governed by the Aliens Act (301/2004) and can be granted for up to six months. However, during these six months the police (or other investigative authority) can contact and interrogate the victim, if considered necessary. However, the Assistance System has no information of any such case or situation where the victim would have been interrogated by an investigative authority during a reflection period granted by the Assistance System. The Assistance System has no information on how many reflection periods have been issued by the police or the border guard.

The non-governmental organizations consulted note that passing information to the police after the end of a recovery or reflection period may lead some victims to refrain from seeking official help at all.

Residence permits

18. GRETA considers that the Finnish authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, including when they are unable to cooperate with the authorities.

The Aliens Act contains provisions on issuing a residence permit for a victim of trafficking:

- Section 52: Issuing residence permits on compassionate grounds
- Section 52a: Issuing a residence permit for a victim of trafficking in human beings (see below)

(1) A victim of trafficking in human beings staying in Finland is issued with a temporary residence permit if:

- 1) the residence of the victim of trafficking in human beings in Finland is justified on account of the pre-trial investigation or court proceedings concerning trafficking in human beings;
- 2) the victim of trafficking in human beings is prepared to cooperate with the authorities so that those suspected of trafficking in human beings can be caught; and
- 3) the victim of trafficking in human beings no longer has any ties with those suspected of trafficking in human beings.

(2) If the victim of trafficking in human beings is in a particularly vulnerable position, the residence permit may be issued on a continuous basis regardless of whether the requirements laid down in subsection 1(1) and (2) are met.

(3) Issuing the residence permit is not conditional on the alien having secure means of support.

(4) If a victim of trafficking in human beings is issued with a temporary residence permit, his or her family members staying abroad are not issued with a residence permit on the basis of family ties. If he or she is issued with a continuous residence permit, family members are issued with a residence permit under section 47(3).

In accordance to Aliens Act, section 52a part 2, such a residence permit may be issued to a victim of trafficking in human beings in a "particularly vulnerable position". A residence permit based on compassionate grounds according to section 52 in the Aliens Act may also be issued without the prerequisite of co-operating with authorities. Primarily a residence permit based on section 52a part 2 will be issued when the criteria of both these permits are met, as long as that residence permit gives the victim rights to an extended nature in comparison with a residence permit based on section 52. Residence permits based on these paragraphs will be renewed as long as the circumstances of the permit holder have not changed decisively.

A victim applying for asylum can be given international protection if the conditions of international protection are met. Numerous applicants are yearly given international protection based on human trafficking, but statistics on these numbers cannot be given. In order to be given international protection status or issued a residence permit, the applicant has to substantiate his/her claim sufficiently. Collaboration with authorities is not a prerequisite for granting international protection or residence permits based on section 52 or 52a part 2. In order to be given international protection status or issued a residence permit, the applicant has to substantiate his/her claim sufficiently. Collaboration with authorities in the investigation of the criminal case is not a prerequisite for the residence permit. Directive 2012/29/EU establishing the minimum standards on the rights, support and protection of victims of crime has been implemented in Finnish national legislation since 1 March 2016. Amendments in many particular laws ensure that victims of crime receive appropriate information, support and protection and may participate in criminal proceedings wherever the damage occurred.

The non-governmental organizations consulted draw attention to the charges incurring to an alleged victim of human trafficking for applying a residence permit in case the application is denied, to consequences of tightened immigration policies, and to differing treatments due to different types of offences.

Compensation and legal redress

19. GRETA urges the Finnish authorities to adopt additional measures to facilitate and guarantee access to compensation for victims of trafficking, and in particular to:

- *ensure that victims of trafficking are systematically informed in a language that they can understand of the right to seek compensation and the procedures to be followed;*
- *enable victims of trafficking to exercise their right to compensation, by building the capacity of legal practitioners to support victims to claim compensation and by adding compensation issues into existing training programmes for law enforcement officials and the judiciary;*
- *include all victims of trafficking in the scope of the Act on Compensation for Crime Damage, irrespective of residence status;*
- *enable victims of trafficking who have left Finland to benefit from the possibilities to claim compensation.*

It is a part of the Assistance System's duties (Reception Act section 38 a §; Administrative Act (434/2003) section 8 §) to ensure that victims have access to information on relevant judicial and administrative procedures in a language they can understand. Different processes and options are explained to the victims and discussed with them with care. Interpretation is always used where required. Victims are entitled to legal aid as stipulated in the Criminal Procedure Act (689/1997) and the Legal Aid Act (257/2002). The Assistance System assists victims in finding a lawyer and guides victims as to when a lawyer is needed. A support person, usually from Victim Support Finland, may also be appointed for the victim. In addition to providing the victim with mental support, the support person goes through the phases of the criminal process with the victim, where required.

Repatriation and return of victims

21. GRETA considers that the Finnish authorities should take further steps to:

- *ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings; this implies protection from retaliation and re-trafficking;*
- *make efforts to develop co-operation with countries of origin of victims of trafficking in order to ensure proper risk assessment and safe return of victims, as well as their effective reintegration.*

Finland considers the European Union policies against human trafficking very important, including the actions by different bodies and agencies. The various measures taken against trafficking in human beings by the Council of the Baltic Sea States and by the Nordic Council of Ministers also support the regional cooperation between the countries of transit and origin. A recent field trip to Southern Europe was organized by the Finnish Immigration Service. Close cooperation with the national anti-trafficking actors in Nigeria is a prime example of cooperation with the countries of origin.

Customers (victims) of the Assistance System are entitled to apply for assisted voluntary return, which is usually organized in co-operation with IOM. Unlike any other group of people, victims of THB are entitled to assisted voluntary return arrangements even when the return is to another EU country. IOM has special procedures for victims of THB and for victims that are entitled to higher assisted voluntary return arrangements because of their vulnerable position.

In addition to the above mentioned voluntary return system, there are no country specific return arrangements for victims of human trafficking. The Ministry of the Interior of Finland and the Nigerian agency NAPTIP have signed a Memorandum of Understanding for co-operation in anti-trafficking actions. Experts from the Assistance System have visited Nigeria in order to better cooperate with Nigerian authorities. Additionally, there have also been visits that aimed to broaden the co-operation to other countries of origin and transit such as the recent visit to Italy by a broad delegation led by the Finnish Immigration Service which aimed to make an evaluation of the return conditions of assisted victims of trafficking and enhancement of co-operation between the relevant authorities of both countries (see also above, paragraph "International cooperation").

The non-governmental organizations consulted note the discrepancy between tightened immigration policies and the need to protect victims of human trafficking from retaliation.

Non-punishment of victims of trafficking in human beings

22. GRETA considers that, in order to ensure compliance with Article 26 of the Convention, the Finnish authorities should adopt a provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so. Public prosecutors should be issued guidance and encouraged to be proactive in establishing if an accused is a potential victim of trafficking. While the identification procedure is on-going, potential victims of trafficking should not be punished for unlawful acts related to public order or immigration legislation.

This proposal regarding the non-punishment of victims of trafficking in human beings is related to Article 26 of the Convention. According to that article Each Party shall, in accordance with the basic principles of its legal system, provide for the possibility of not imposing penalties. So the article in question does not require legislative measures but a mere possibility of not imposing penalties is sufficient.

The situation in Finland has been quite accurately described in paragraph 207 of the implementation report. The situation is the same as with consent: a criminal law principle is to be followed. There is a general principle that a criminal responsibility is avoided in cases where a person has been compelled to commit an offence. This principle regarding trafficking offences is mentioned in the Government's proposal 122/2011 related to the implementation of the Convention which gives it a strong status. Paragraph 207 of the implementation report also mentions provisions making possible the non-punishment of victims of trafficking (Chapter 6, Section 12 and Chapter 17, Section 7 of the Criminal Code).

In this case, it is also a question of consistency. The principle mentioned in the implementation report covers all the other offences, too, and there are no special provisions for those other offences either. There is no indication that this principle would not work or would not be followed in practice concerning the victims of the trafficking offences. There is no information showing that victims of trafficking would have been punished for offences they were compelled to do. That kind of information is not included in the implementation report either.

The non-governmental organizations consulted draw attention to particular difficulties in the identification and investigation of trafficking for the purposes of forced criminality.

Investigation, prosecution and procedural law

23. GRETA urges the Finnish authorities to ensure that THB offences for all types of exploitation are proactively investigated and prosecuted promptly, leading to proportionate and dissuasive sanctions, by building further the capacity and specialisation of police officers, prosecutors and judges.

The Finnish Police co-operate with authorities from different countries both in individual crime cases and regarding larger crime networks. The Police have taken part in different seminars and fact-finding missions related to human trafficking. As one sign of effective anti-trafficking activities, including identification of victims and related investigations, is the fact that the number of human trafficking investigations by the pre-trial investigation authorities (such as the Police and the Border Guard) has risen significantly during the previous years.

The Finnish Border Guard is competent to investigate human trafficking cases when there is a connection to organizing illegal immigration. The Finnish Border Guard investigated three human trafficking cases in 2016, three in 2015 and one in 2014.

Regarding the specialization and training of police officers, the National Police Board has established a network of experts within the police for the prevention of human trafficking offences. This network includes a senior police officer and a person responsible for training his or her peers in migration affairs from each police unit. The aim of the network is to develop within police units special expertise on the prevention of human trafficking offences and the provision of assistance to victims.

THB crimes are serious crimes demanding close cooperation between prosecutor and police officers during pre-trial investigations. Current resources provided for prosecutors do not enable more intensive cooperation during pre-trial investigation and consideration of charges. Instructions given by the Office of the Prosecutor General are highlighting the high priority of THB crimes, especially when children are victimized.

The Office of Prosecutors General notes that it has not been possible to appoint specialized prosecutors who could concentrate only on THB cases. The situation is however enabling wider know-how for all prosecutors.

The non-governmental organizations consulted recommend establishing specialized police units focused on investigating human trafficking cases.

Protection of victims and witnesses

24. GRETA welcomes the adoption by Parliament of legislation on a witness protection programme and considers that the Finnish authorities should take complementary practical measures to ensure the effective protection of victims of THB during the investigation and to prevent their intimidation during and after court proceedings.

The non-governmental organizations consulted point out the deficiencies in the ability of the Finnish law enforcement to take protection measures especially in those cases where intimidation and threats are made outside the country focusing on the victim's family or other close ones. They suggest examining the possibility of introducing additional measures to protect victims of trafficking from intimidation and indirect threats.

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NON-DISCRIMINATION

OMBUDSMAN

YHDENVERTAISUUSVALTUUTETTU
DISKRIMINERINGSOMBUDSMANNEN
OVTTAVEARDÁSAŠVUODÁÁITTARDEADDJI

Statement

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31.8.2017

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Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA)

Reply by the Government of Finland: Statement of the Finnish National Rapporteur on Trafficking in Human Beings

The Finnish National Rapporteur expresses her gratitude to GRETA and the Ministry for Foreign Affairs for allowing the Rapporteur to comment independently and separately on the reply of the Government to GRETA. Under the Act on the Non-Discrimination Ombudsman, the Ombudsman serves as a National Rapporteur on Trafficking in Human Beings. The Non-Discrimination Ombudsman is an independent and autonomous public authority.

As a National Rapporteur, the Non-Discrimination Ombudsman follows action against human trafficking in Finland, human trafficking at large, compliance with international obligations and the effectiveness of national legislation. The Rapporteur issues suggestions, recommendations, statements and advice and follows the implementation of the rights of victims. The Rapporteur may also provide legal counselling and, in exceptional cases, assist victims in court cases. The National Rapporteur submits an annual report to the Government and an extensive evidence-based report with recommendations to Parliament every four years.

In her capacity as National Rapporteur on Trafficking in Human Beings, the Non-Discrimination Ombudsman has the right (confidentiality provisions notwithstanding) to receive information from the authorities, from providers of services and support for victims of human trafficking and from bodies that receive government assistance for action against human trafficking. The right to receive also classified information enables the Rapporteur to get a comprehensive view on the phenomenon and its developments as well as to detect deficiencies in the efforts against human trafficking.

In the course of past years, the National Rapporteur has focused on various aspects of anti-human trafficking measures. The National Rapporteur has actively cooperat-



ed with the Assistance System, Immigration Service, police, border guard, prosecutors and labor inspectorate to improve victim identification and referral to the Assistance System, investigation and prosecution. The National Rapporteur also cooperates closely with the non-governmental organizations and legal counselors. To have as strong impact as possible, the Rapporteur seeks to promote action against trafficking in human beings in structures (legislation, training, guidelines etc.) and to assist the practitioners in individual cases.

Due to the increased number of asylum seekers, the National Rapporteur has recently concentrated more systematically on the victim identification in the asylum process. The National Rapporteur has sought to improve the implementation of the victims' rights in the process by monitoring the application of legislation and consulting the authorities, non-governmental organizations and legal counselors also in individual cases. The issues have related, among others, to the proper identification of human trafficking (labor trafficking, forced marriage), best interest of a child, referral of a victim to the Assistance System, application of the Aliens Act and the grounds for residence permit, safe return of a victim to a third country or to the country of origin as well as prevention of re-trafficking.

In the following statement, the National Rapporteur seeks to comments on the Government's well-drafted and comprehensive reply to GRETA. The National Rapporteur has concentrated on those questions and problems in the current anti-human trafficking framework, which are the most urgent and frequent in the daily work of this office. Some of the questions and problems relate to structural issues, some of them have to do with material aspects of the issue. The National Rapporteur would like to express her willingness to continue the discussion with GRETA during the subsequent state visit.

1. Definition of "trafficking in human beings". GRETA has recommended Finland to state explicitly in legislation the irrelevance of the consent of a victim of trafficking to the intended exploitation. The Government states in its reply that amending the legislation is not necessary for several reasons. The non-governmental organizations note that this kind of amendment would be helpful for victim identification and successful criminal procedure.

As a response to the 2010 report of the National Rapporteur to the Parliament, the Government decided to amend the Penal Code. The purpose of these amendments was to make sure that the criminal law definition of human trafficking is in line with the international definitions and to make the distinction between trafficking and pimping clearer. The problem in victim identification was most urgent in the field of sexual exploitation.

The amendments and preparatory works of the law sought to strengthen the understanding of the criminal justice practitioners

about the psychological dynamics of human trafficking. The Government proposal together with the statement of the Legal Committee of the Parliament stressed the importance of psychological means (abuse of vulnerability, abuse of power) and weakened the relevance of physical violence and deprivation of liberty in the statutes of the law.

It remains to be seen whether the purpose of the legislator will be implemented in practice. The National Rapporteur follows closely the application and interpretation of the criminal law definition and makes recommendations for improvement if needed. The amendments to the trafficking definition are applicable in all trafficking cases irrespective of the purpose of exploitation.

2. Comprehensive approach and coordination. GRETA urges the authorities to adopt an action plan against human trafficking. GRETA also urges the authorities to improve identification procedures.

The Action Plan 2016-2017 was adopted in summer 2016. The non-governmental organizations have expressed their dissatisfaction towards the Action Plan.

The National Rapporteur considers that the Action Plan has some good elements but unfortunately it is insufficient to define priorities, concrete measures and timeline for implementation and evaluation. The National Rapporteur regrets that the Action Plan lacks a clear picture of the most pressing problems in the anti-trafficking framework and the concrete means to solve them. In addition, its implementation seems rather unclear to the National Rapporteur at the moment. The Government has not yet started to draft a new action plan or strategy for the following years.

The National Rapporteur has recently recommended the police administration to adopt a concrete strategy against human trafficking to improve the identification of human trafficking and to enhance the investigation. The National Rapporteur considers that the police should also concentrate on the disclosure and intelligence, improve the dissemination of know-how and information between the police units and enable the specialization. The National Rapporteur has, in fact, recommended the police to establish a specialized police unit for trafficking offences.

The national coordinating structure is responsible for multi-sectoral coordination against human trafficking. The non-governmental organizations have pointed out that the coordination is unclear and there is no shared understanding about how it should function.

The coordinating structure was established as a response to the recommendation of the National Rapporteur (Report 2012). The National Rapporteur, as an independent expert, has actively followed the work of the coordinating structure. After three years of its establishment, the coordinating structure has not yet been able to meet the needs of the anti-trafficking practitioners or improved enough the cooperation between different authorities.

The plan for the following years of the coordinating structure provided recently by the Anti-Trafficking Coordinator includes some measures to improve the situation but the National Rapporteur considers them somewhat insufficient to answer to the needs of practitioners.

The coordinating structure is currently in a process of drafting a national referral mechanism. The National Rapporteur has been invited to participate in the process as an independent expert.

The National Rapporteur has emphasized the importance of the process as a means to identify the most pressing problems in the field (by using individual case examples) and to achieve a common understanding of the required measures in the victim identification and referral to services as well as to improve cooperation with various stakeholders. Until today, the process has unfortunately not been able to create new solutions or strengthened the sense of responsibility among those authorities which have been less included in the anti-trafficking work this far.

3. International cooperation. In mid-September 2016, the National Rapporteur published a report on the women of Nigerian origin in Finland who have been subjected to trafficking for sexual exploitation (attached). The National Rapporteur sought to examine how victims have been treated in the asylum and residence permit process.

In Finland, women of Nigerian background who have been subjected to sexual exploitation account for a considerable share of the clients of the Assistance System. Of the Finnish Immigration Service's decisions with reference to trafficking in human beings, an increasing percentage involves women of Nigerian origin who have been subjected to sexual exploitation in Italy. If they had applied for asylum in Italy, as a rule they are returned to Italy under the Dublin Regulation for the processing of their asylum application.

Based on its investigation of the Finnish Immigration Service's decisions with reference to human trafficking, the National Rapporteur found the practice in applying the Aliens Act to be in part unpredictable and inconsistent. The decisions did not include an assessment of what the international human rights treaties (Council of Europe Trafficking Convention, in particular) require from Finland as regards victims of trafficking, or how Finland intends to meet its international obligations under the treaties in the case of each individual applicant.

The conditions and the risk of re-trafficking caused by them or the child's best interest did not appear to be assessed at an individual level which would enable a true evaluation of whether the applicant or her children can be refused entry in the first place in compliance with international human rights obligations. Finland was also failing to ensure, sufficiently and through practical measures, that the applicant and her children are referred to the necessary assistance and support in the receiving country when they are returned from Finland. In this area at least Finland was reported to strike as being negligent of its binding human rights obligations under international law as regards victims of trafficking. The victims are not referred to the services but seem to fall outside the protection and assistance schemes in the receiving country.

The Immigration Service conducted a fact-finding mission to Italy in January 2017. The delegation included representation also from the Police Board, Assistance System and the National Rapporteur. The delegation visited both the authorities and non-governmental organizations in Milan, Turin and Rome. Based on the information received, the Immigration Service drafted a public report, which stated that the Italian system is over-strained and the access to the services after the Dublin-return could not be guaranteed.

As a result, the Immigration Service publicly announced that the information that was acquired during the fact-finding mission will have an effect on its decision-making. The Finnish Immigration Service stated that it will consider the refusal of entry and returning to Italy of victims of human trafficking more carefully and individually.

The National Rapporteur has emphasized the importance to inform the receiving country about the individual situation of the returnee. The information should include aspects relating to the health of the victim and the possible need for services as well as the fact whether s/he is travelling with children.

With regard to the pre-trial investigation, the National Rapporteur points out that there is very little experience of cross-border cooperation in trafficking cases. Basically, offences committed abroad are not investigated or prosecuted in Finland. The National Rapporteur has, for example, urged the police to interview the victim before making the decision of closing the investigation.

4. Economic, social and other initiatives for groups vulnerable to THB. GRETA has recommended Finland to continue to develop the aspects of prevention of human trafficking.

The National Rapporteur has followed the measures to amend immigration laws and their application, especially with regard to the refugees and asylum seekers, with great concern. These amendments have led, for example, to the restricted access to adequate legal aid and enjoyment of services provided by the reception centers.

The National Rapporteur has expressed her concern about the potential impairment of the victim identification in the asylum process and the increased number of undocumented migrants and their possible exploitation especially in prostitution and unofficial labor markets. Office is currently conducting a more thorough study on the impact of these amendments and their application. The study will be published in the early 2018.

5. Assistance to victims. GRETA urges the authorities to ensure that the assistance provided to victims of THB is adapted to their specific needs and that minimum standards are guaranteed across the country. The non-governmental organizations point out that the threshold for seeking help from the Assistance System and reporting to the police about exploitation is high. The possibilities for receiving adequate assistance are unequal.

The National Rapporteur has pointed out that very few sexually exploited victims of human trafficking are currently referred to the Assistance System. Annually, only 2-4 victims who have been sexually exploited in Finland are identified and assisted. Moreover, the number of victims who have been exploited in criminal activities etc. is very low in the system.

It seems that this can be partly explained by the legislation and partly by its application. Unfortunately, the 2015 amendment to the law on victim assistance was not able to break the strong connection between the identification, assistance and investigation/prosecution/court sentence. The Finnish framework serves best those victims who have become victims of (labor) exploitation in Fin-

land and where the criminal justice system is able to produce a sentence for human trafficking for the defendant(s).

Sometimes the criminal justice system fails. There is not enough evidence on human trafficking or any other crime, the defendant(s) disappear or they are abroad, the victim is too afraid to report the exploitation to the police and to proceed any further etc. At worst, the law and its application can lead to a situation where the victim is removed from the system if the Supreme Court dismisses the charges for human trafficking. This can be the case even if the District Court and the Court of Appeal have previously sentenced the defendant(s) for human trafficking. After the removal, the victim is often dependent on the ordinary municipal services, without access to specialized care.

In addition, in cases where the victim of foreign nationality has been exploited in Finland but the case cannot be investigated further or prosecuted as human trafficking, the victim can be removed from the system (and from Finland to another EU-country or to the third country). This is the case even though the victim would be willing to report or has reported the crime to the police. Based on the information received from the non-governmental organizations, the National Rapporteur believes that the uncertainty of the personal situation and unpredictable criminal procedure can prevent the potential victims from seeking assistance and resorting to the authorities.

The National Rapporteur and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) are currently investigating the effectiveness of legislation that applies to assistance for victims of human trafficking. The objective of the investigation is to collect and analyze information on how the system of assistance now functions and how it could be developed.

The study also aims to highlight the good practices, effective models and success stories related to the identification and assistance of victims of human trafficking. The research is multidisciplinary in nature, and it applies both jurisprudence and sociological methods of research. Funding for the project comes from the Finnish Government's analysis and research appropriations (VN TEAS). The results will be published in early 2018.

6. Recovery and reflection period. GRETA urges the authorities to ensure that all possible victims are offered a reflection and recovery period. Under the Aliens Act, the period can be issued only to those victims who are unable to cooperate with the investigative authorities right after their acceptance to the Assistance System. After the

end of the period, the information on the victim is given to the police also in the situations when the victim decides not to cooperate with the investigative authorities. The non-governmental organizations note that this can lead some victims to refrain from seeking official help at all.

The National Rapporteur points out that the number of victims who have been issued the recovery or the reflection period is low. The National Rapporteur has previously expressed her concern about the information which suggests that there are some potential victims of trafficking who would need more time to consider their options than the current legislation allows.

The purpose of the afore mentioned study of the National Rapporteur is to provide some more detailed information on the application of the law and its potential consequences for victim identification and referral to the Assistance System. The National Rapporteur has previously recommended that the legislation should allow issuance of a recovery/reflection period to all victims in the Assistance System.

7. Residence permits. GRETA considers that the authorities should ensure that victims can fully benefit from the right to obtain a renewable residence permit, including when there are unable to cooperate. The non-governmental organizations have criticized the strong linkage between the investigation/prosecution and the issuance of residence permit. The organizations also refer to the amendment to the law which restricted the right of the asylum seekers to get legal aid and its effects on the victim identification in the asylum process.

The National Rapporteur points out that the Aliens Act stipulates that victims of human trafficking can be issued a residence permit only when there is a criminal procedure or when the victim is in a *particularly* vulnerable situation. On some occasions, the victim has been issued a residence permit on compassionate grounds. In practice, the victims who are not in a very difficult personal situation or whose case cannot be prosecuted as human trafficking are often declined.

The National Rapporteur has recommended the Government to amend the law so that the victim does not have to be in a particularly vulnerable situation but the vulnerable situation would suffice. The National Rapporteur considers that the amendment would entice more victims to come forward and to report to the authorities about the exploitation. The National Rapporteur has also pointed out that the law does not take into account the reality of the criminal

justice system and its ability to investigate, prosecute and sentence the cases as human trafficking. Therefore, it should be considered whether the law should entail a category of a particular residence permit to the victims of some other serious forms of exploitation.

8. Non-punishment of human trafficking victims. GRETA considers that the authorities should adopt a provision on the non-punishment of victims. The non-governmental organizations draw attention to particular difficulties in the identification of trafficking for the purpose of forced criminality.

The National Rapporteur has paid attention to some recent cases which have evoked questions about the potential non-identification of a potential trafficking victim. In some cases, the potential victim of human trafficking has been sentenced for a crime to imprisonment. In these cases, the conditions of a crime or the defendant's personal situation have led the National Rapporteur to suspect that the defendant has, in fact, been forced to commit the crime in question. In some cases, the National Rapporteur has suspected that the actual offender had abused the defendant's (trafficking victim's) vulnerable situation, such as youth, addiction or ethnic origin.

It is, however, rather difficult, at this stage to confirm these doubts or to change the course of events. Therefore, it would be of utmost importance to strengthen the ability of the criminal justice practitioners to identify this form of human trafficking and to improve the application of the general principles of criminal law, referred to by the Government in its reply to GRETA.

To conclude, the National Rapporteur wishes to emphasize that considerable progress has been made in the action against trafficking in human beings in Finland. More trafficking victims are identified and assisted and more trafficking cases are investigated and prosecuted than ten years ago. Victims often receive adequate and needs-based services and pre-trial investigation lead to successful prosecution.

Government has succeeded in adopting and implementing measures which can protect trafficking victims and enforce criminal justice. The National Rapporteur wishes to see that these improvements would become more structural and general instead of being case by case or ad hoc developments.



Non-Discrimination Ombudsman Kirsi Pimiä



Senior Officer

Venla Roth

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| Attachments | Memorandum: Women of Nigerian origin in Finland who have been subjected to trafficking for sexual exploitation: Practice in applying the Aliens Act (2016) |
| Distribution | GRETA |
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