

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



CP(2020)09

**Report submitted by the authorities of Finland
on measures taken to comply with
Committee of the Parties Recommendation
CP/Rec(2019)05 on the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

Second evaluation round

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MINISTRY FOR FOREIGN AFFAIRS OF
FINLAND
Legal Service
Unit for Human Rights Courts and Conventions

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Ms Petya Nestorova
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**Report of the Government of Finland on the measures taken to improve the implementation
of the Council of Europe Convention on Action against Trafficking in Human Beings**

Dear Ms Nestorova,

On behalf of the Government of Finland, I have the honour to submit to you the report on the measures taken to improve the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings (Committee of the Parties Recommendation CP/Rec(2019)05).

Yours sincerely,

Krista Oinonen
Director
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Attachment: The report of the Government of Finland

**Report of the Government of Finland
on the measures taken to improve the implementation of the
Council of Europe Convention on Action against Trafficking in Human Beings**

Issues for immediate action

The Government of Finland acknowledges recommendation CP/Rec(2019)05 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland.

In the aforementioned recommendation, the Committee of the Parties to the Convention has requested the Government to report to the Committee on the measures taken to improve the implementation of the Convention in the areas identified in paragraph 2 of the recommendation, *i.e.* on measures taken to address the issues for immediate action identified in the report of the Group of Experts on Action against Trafficking in Human Beings (GRETA), by 18 October 2020.

Following the aforementioned request, the Government would like to submit the following.

The Government would like to inform that the current Programme of Prime Minister Sanna Marin's Government¹ includes various measures to directly improve the status of victims of trafficking in human beings (THB) (p. 82), establish a police team for detecting and investigating THB offences (p. 83), enact an act on assistance to victims of THB for local authorities (p. 97), and amend legislation so that it will no longer be so closely connected to the criminal procedure (p. 98), alongside with provisions on safe and supported housing services for victims of THB (p. 98).

In order to carry out the above-mentioned measures, the Government has appointed a joint government coordinator against THB, Anti-Trafficking Coordinator, who coordinates an inter-administrative working group set by the Ministry of Justice. The aim of the group is to draft a National Action Plan against THB ("Action Plan against THB"). A high-level steering group oversees the working group. The steering group oversees also the work of another working group in charge of drawing up a proposal for a new act to assist victims of THB, which is run by the Ministry of Social Affairs and Health (see below).

The Government would now like to submit the following on the individual issues set forth in recommendation CP/Rec(2019)05.

Adopt as a matter of priority a National Action Plan and/or strategy addressing all forms of THB, in which concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated, accompanied by a mechanism for monitoring its implementation and evaluating its impact (paragraph 26 of GRETA's report).

The Ministry of Justice has established an inter-administrative working group for the period between 1 April 2020 and 30 April 2023. The group is composed of 14 members (and deputy members) from different ministries, governmental agencies and civil society organisations. The work is coordinated by the Anti-Trafficking Coordinator.

The aim of the group is to draw up and follow the Action Plan against THB. The group's mandate includes the following: 1) prepare the priorities of the Action Plan; 2) plan and implement workshops that support the preparation of the Action Plan; 3) take into account other ongoing projects, the efforts of Parliament and the recommendations issued to Finland by international human rights bodies in the preparation of the

¹ Programme of Prime Minister Sanna Marin's Government 10 December 2019. Inclusive and competent Finland - a socially, economically and ecologically sustainable society.
<http://urn.fi/URN:ISBN:978-952-287-811-3>

Action Plan; 4) draw up the Action Plan against THB with its cost implications and an implementation plan for it; 5) monitor and support the implementation of the Action Plan and report on the implementation to the high-level steering group; 6) report on its work to the Ministerial Working Group on the Development of the Rule of Law and Internal Security; and 7) perform other tasks assigned to the working group by the steering group.

The preparations for the Action Plan against THB are currently underway. The high-level steering group has approved priorities for the Action Plan, as proposed by the working group. The priorities are promoting the detection of THB; reaching and identifying victims of THB; helping and protecting victims; materialization of criminal liability; data collection, statistics and awareness raising, including training; and consolidating coordination structures, strengthening cooperation and mainstreaming anti-trafficking work.

The final Action Plan against THB will contain concrete activities that are to be implemented by responsible stakeholders. Negotiations for the necessary budgetary resources will take place once the activities are defined and approved by the high-level steering group. The Action Plan is planned to be published during the first quarter of year 2021 with an implementation period of two years. The Plan shall also contain provisions for monitoring and evaluation.

The police have also made considerable efforts to train its personnel and ensure that THB is included in all levels of police training. Furthermore, the police have set up a national network of THB specialists and are creating a specialist's group focusing entirely on THB cases. The National Police Board has recently issued new instructions on combatting THB, including detection and investigation, as well as the protection and referral of victims.

Develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including specialised NGOs, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). This 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 (paragraph 43 of GRETA's report).

The issue of improving and systematizing data collection and statistics in THB is included within the priorities of the future Action Plan against THB (see above). The preparations and implementation of the proposed activities are being accomplished with relevant authorities in charge of data collection and taking into account various recommendations of international bodies.

At present, Statistics Finland compiles statistics not only on the language and country of birth of persons but also on their citizenship and origin. Finland compiles no statistical data on, for example, membership of an ethnic group. Under Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) in principle the processing of personal data revealing racial or ethnic origin is prohibited.

The police are developing a completely new police report database, which will in the future also enable statistics that are more detailed. In the meanwhile, the police have included in the present system, as of November 2019, new features separating the type of exploitation. Disaggregation by sex, age and origin has been possible already before the present development work.

NGOs, the *Coalition of Finnish Women's Associations NYTKIS* and *MONIKA – Multicultural Women's Association*, in particular, point out that no data is collected from the victims of THB who receive services from the municipalities but are not in the assistance system for victims of human trafficking ("Assistance System").

Enhance efforts in the area of prevention of child trafficking, by paying increased attention to unaccompanied and separated children arriving in Finland and ensuring that the State meets its obligation to provide a protective environment for them, including by:

- **ensuring that unaccompanied and separated children benefit from effective care arrangements, including safe and appropriate accommodation;**
- **continue to sensitise and train frontline professionals working with such children, including staff of reception centres for asylum seekers and guardians;**
- **systematically carrying out police investigations into disappearances of unaccompanied and separated children and strengthening follow-up and alert systems on reports of missing children** (paragraph 71 of GRETA's report).

Effective care arrangements, including safe and appropriate accommodation

The Finnish Immigration Service is responsible for arranging the housing of unaccompanied children during the asylum process in accordance with the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (*laki kansainvälistä suojelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta, lag om mottagande av personer som söker internationellt skydd och om identifiering av och hjälp till offer för människohandel*; 746/2011; the "Reception Act"). Reception services for unaccompanied children are organised in accordance with legislation and the guidelines issued by the Finnish Immigration Service. The activities focus on the provision of everyday care and education and, through it, the identification of victims of THB and the prevention of victimisation. The staff includes healthcare and social welfare professionals. Each child has a client plan and a care and education plan. Each child is appointed one or more key persons. Age-specific education is provided for unaccompanied children either by the municipality or by the children's unit. Some of the healthcare services are arranged through public or private service providers outside the unit.

The Finnish Immigration Service plans, guides and supervises the activities. It provides the units with guidance and written instructions and arranges training to improve skills and put the methods in practice. It also gives instructions for the drafting of the written operating plans, investigates and handles any complaints relating to the operations, issues requests for information in writing and arranges inspection visits to the units. The Finnish Immigration Service also arranges an annual client feedback survey for the clients of the units. Furthermore, the Finnish Immigration Service has, for example, provided the children's unit staff with training on THB and on methods of psychological support. The operation of the units is being constantly developed. For example, the Finnish Immigration Service manages a project implementing the Let's Talk About Children (*Lapset puheeksi*) working method in the reception system. The aim of the project is to take children into account even better than before and to produce better competence and skills and systematic methods to help the units in their work with children.

The issues highlighted in the recommendation are addressed within the existing structures and mainly involve continuing the activities at various levels and in various areas in the same way as before. This includes the existing basic infrastructure and activities, the models and training, including the development of these areas, and supervision. The current models relevant to the recommendation include the updated initial health check model (2020) and the updated private accommodation model for unaccompanied children (2020).

The Reception Unit of the Finnish Immigration Service is currently drafting guidelines for reception centres, including children/children's units, on assisting victims of THB, on assessing their service needs and on providing services for them. The drafting is about to be completed, and the aim is to issue the guidelines before the end of 2020.

After receiving a residence permit, unaccompanied children living in Finland become residents of municipalities. At this stage, provisions on arranging their housing and support are laid down in the Act

on the Promotion of Immigrant Integration (*laki kotoutumisen edistämisestä, lag om främjande av integration*; 1386/2010; the "Integration Act"). The care and upbringing of unaccompanied children is organised in a family group home, through supported family placement or in some other appropriate manner. The relevant provisions of the Child Welfare Act (*lastensuojelulaki, barnskyddslag*; 417/2007) apply to the facilities and the circumstances in which the children are brought up in a family group home or in other residential units, the number of children and young people being cared for together, and the personnel of the family group home or other residential unit. As of the beginning of 2021, the Ministry of Economic Affairs and Employment will increase the resources of the Centres for Economic Development, Transport and the Environment for the development of and support for children's housing and care, whether provided in family group homes or otherwise.

Sensitising and training frontline professionals working with unaccompanied and separated children

In border checks, particular attention is paid to children. In 2019, the Finnish Border Guard, in cooperation with the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) and the Assistance System, organised a training event for border control and crime prevention personnel focusing on detecting THB.

The Competent Representative (*Osaava edustaja*) project was launched in autumn 2019. The online training programme that will be created will ensure that representatives for unaccompanied children have sufficient knowledge of matters affecting the wellbeing of unaccompanied children. The training also includes a section on THB. The aim is to improve the competence of representatives working in different parts of Finland in order to ensure the realisation of the rights and the best interests of a minor at the national level. The training programme can also be used to train other professionals working with unaccompanied children. The project is implemented in cooperation with the Ministry of Economic Affairs and Employment and the Finnish Immigration Service.

The Finnish Immigration Service continues the regular provision of a range of training activities at the Reception Unit, although unavoidably COVID-19 pandemic has reduced the provision temporarily.

Police investigations into disappearances and follow-up and alert systems

The National Police Board has renewed its instructions for the police concerning the procedure in detecting missing persons last year. The instructions outline in detail all available measures that should be taken in these situations. Furthermore, the National Police Board has signed an agreement to participate in the Police Expert Network on Missing Persons (PEN-MP), founded by the AMBER Alert Europe foundation, which is officially recognized by the Council of the European Union and all EU member states.

Other reported measures

Prevention of child trafficking is one of the priority areas in the upcoming Action Plan against THB.

The Government of Åland has adopted a strategy on zero tolerance for violence in intimate relationships for 2020-2023 (*Strategi för nolltolerans mot våld in nära relationer 2020-2023*). The strategy covers also all forms of violence against boys and girls and includes, thus, e.g. THB for the purpose of sexual exploitation. A yearly action plan to implement the strategy is drafted.

With regard to asylum-seeking children who have arrived unaccompanied and been granted a residence permit, the *City of Helsinki* mainly provides accommodation in a family group home, which is funded and supervised by the Centre for Economic Development, Transport and the Environment for Uusimaa. The introduction and continuing education of staff who participate in the care and upbringing of children and young people in the family group home, and who act as their key persons under the Social Welfare Act (*sosiaalihuoltolaki, socialvårdslag*; 1301/2014), include training in action against THB. In summer 2019, the staff participated in training specifically addressing THB that targets children, and in autumn 2020 an online training course will be organised together with the Protect Children association on online sexual

violence related to children and young people, and specifically on trafficking in children for sexual purposes.

The Ombudsman for Children submits that in her work the Ombudsman has highlighted the importance of adequate amount of representatives and of the training provided to the representatives. The Ombudsman has highlighted also the importance of cooperation between the Assistance System and the child welfare authorities. The Ombudsman points out also, for example, the challenges in the accommodation provided to unaccompanied children; in some cases permanent accommodation has not been provided, which has put children in a particular risk of being exploited.

In 2019, *HEUNI* published a report on child trafficking in Finland at the request of the Assistance System showing several challenges with regard to prevention of child trafficking in Finland. HEUNI also contributed to the chapter on trafficking in children including six action items, which was included in the *Non-Violent Childhoods – Action Plan for the Prevention of Violence against Children 2020–2025* coordinated by the Ministry of Social Affairs and Health. HEUNI is also, for example, participating in a research focusing on the impact of the legislative changes to the Aliens Act (*ulkomaalaislaki, utlänningslag*; 301/2004) on the situation and rights of asylum-seekers, including children. The findings will be published in January 2021.

The *Finnish Refugee Advice Centre* submits that challenges in age assessment has led to situations where the assessment has been made in a late stage of the proceedings. This can lead to minors being accommodated in a reception centre for adults. *Victim Support Finland* submits that there is still no specific training or requirements for acting as a representative for unaccompanied and separated children and the quality of representatives varies a lot. Victim Support Finland is also concerned of the risk of young persons over the age of 17 disappearing into adult services even though facing a particular risk of being exploited.

Take steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Convention, in particular by

- ***introducing a National Referral Mechanism which defines the roles and responsibilities of different stakeholders and promotes a multi-agency approach to victim identification by involving a range of frontline actors, including NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;***
- ***effectively disseminating among frontline staff common 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 and purposes of human trafficking, such as the apparent increase in victims of THB for the purpose of forced marriage;***
- ***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 victims among Finnish and other EU nationals*** (paragraph 111 of GRETA's report).

The Government refers to what has been submitted above (paragraph 26 of GRETA's report) and submits that the police have set up a national network of THB specialists and is currently creating a specialist's group focusing entirely on the detection and investigation of THB cases. The National Police Board has recently issued new instructions on combatting THB including detection and investigation as well as the protection and referral of victim. Furthermore, within the cooperation with the Assistance System and the NGOs information is shared to the extent possible by law. This cooperation, which is built on mutual trust,

plays a central role. The police are also carrying out joint actions with the work inspectors of the regional state administrative agencies and tax inspectors to detect exploitation in the working environment.

The National Prosecution Authority has organized training open to all prosecutors about THB in order to make sure the offences possibly related thereto are identified in pre-trial investigation. This also supports the aim to identify THB victims as victims of THB rather than victims of other offences. In addition, during the training the role of organized criminality in THB offences has been stressed. Starting from the beginning of 2021, the training strives even more clearly to tackle with the various challenges of THB. Moreover, there are several prosecutors specialized in THB offences.

The creation of a National Referral Mechanism is planned as one of the activities proposed for the Action Plan against THB. The proposal shall be taken forward by the Anti-Trafficking Coordinator in co-operation with the Ministry of Social Affairs and Health.

In *Åland*, THB is included in the integration training for immigrants. Also, an EU funded project Safe haven (*En säker hamn*) aims at improving reception capacities in Åland. A lecture on the Assistance System will be given in the project's final seminar in January 2021.

The Ombudsman for Children submits that in her work the Ombudsman has highlighted the importance of recognizing the status of victims of forced marriage, for example, in the provision of social and health services. This would, for example, improve the ability to care and up bring children. The relationship between any legislation concerning forced marriage on one hand and the legislation concerning TBH and the Assistance System on the other should also be established.

The *Association of Finnish Municipalities* has organised two network meetings for the specialists in social and health care working in the municipalities. During the whole day meetings the participants (social workers working with THB and migrant services) were trained on how to prevent and combat THB. The meetings provided a possibility to share and hear about experiences and practices in different municipalities between the participants, including also lectures from the Ministry of Social Affairs and Health and Ministry of the Interior.

HEUNI submits that it is currently implementing a European Commission funded project entitled "Flows of illicit funds and victims of human trafficking: uncovering the complexities (FLOW)" (2018 – 2020). As part of this project HEUNI has taken several measures including, but not limited to, an analytical tool and an investigation tool as well as training to labour inspectors and municipal staff. HEUNI pays particular attention to ways to better uncover and investigate labour trafficking cases.

Out of the labour market organisations, *the Central Organisation of Finnish Trade Unions SAK* pays attention to role of trade unions as frontline actors. For example, the SAK employee rights advisory service for immigrants advises employees of foreign origin with questions or problems concerning their employment and also refers to the Assistance System, Victim Support Finland and the police. Also, *the Confederation of Finnish Industries* has, *inter alia*, launched a campaign to reduce exploitation of foreign workers in the labor market.

Many NGOs support strongly the establishment of a National Referral Mechanism and as soon as possible – even before any legislative amendments that are being considered by different working groups. The *Finnish Refugee Advice Center* pays also attention to the legislative amendments from 2016 to Aliens Act and Legal Aid Act (*oikeusapulaki, rättsjäpplag; 257/2002*), which had an effect on, *inter alia*, identification of victims of THB and their legal counselling. *Victim Support Finland* pays attention to the fact that at present, identification is often tied to the criminal process.

To ensure that the assistance provided to victims of THB is adapted to their specific needs are guaranteed to all victims of THB across the country, regardless of the service provider and place of residence. This should include measures to:

- ***continue to provide training on the assistance of victims of THB to relevant municipal staff, such as social workers;***
- ***increase the number of specialised shelters for victims of THB; if necessary, the Act on Shelters should be reviewed to enable the setting up of shelters catering for male victims of trafficking;***
- ***provide adequate funding to NGOs to whom the provision of specialised assistance to victims of THB is delegated;***
- ***ensure the quality and confidentiality of interpretation services for victims of THB*** (paragraph 131 of GRETA's report).

Working in cooperation with the Finnish Institute for Health and Welfare, the Ministry of Social Affairs and Health continues to provide training for local authority employees, such as those working in healthcare and social welfare.

The Assistance System has trained social workers in the municipalities during a training event organised by the Association of Finnish Municipalities in 2019. In 2020, the COVID-19 pandemic has affected the Assistance System's ability to train local authority employees.

The interpreters that the Assistance System works with are chosen through tenders where, for example, confidentiality criteria are laid down.

On 1 June 2020, the Ministry of Social Affairs and Health appointed a cross-administrative working group to prepare proposals for new legislation to assist victims of THB, to strengthen the focus on victims, and to weaken the link between the provision of assistance and criminal procedure. The aim of the legislative reform is, among other things, to ensure the equality of victims in access to assistance, regardless of whether the victim has a municipality of residence or whether the criminal procedure concerning the THB offence will proceed. In the future, the provision of assistance must be based more strongly on the victim's need for help. The working group has wide-ranging expertise and representation from several ministries, agencies and institutions in different administrative branches, including representatives of a municipality and an NGO.

The working group was tasked with forming a picture of the current state of assistance for victims of THB, proposing how the Assistance System should be organised, and preparing a proposal for a new act on assisting victims of THB. The legislative proposal, which will be prepared in accordance with the Government Programme, should also include provisions on safe and supported housing services for victims of THB. As part of this legislative reform, the Finnish Institute for Health and Welfare will examine in 2020–2021 the potential of the Finnish service system to respond to the needs of the victims of THB offences for safe and supported housing, and make proposals for remedying any deficiencies.

The working group will also prepare the necessary amendments to the Reception Act and the Integration Act, and the proposals for any references to victims of THB, which will be required in other acts (*e.g.* the Social Welfare Act and the Health Care Act (*terveydenhuoltolaki, hälso- och sjukvårdslag*; 1326/2010). Finally, the working group will assess whether any other laws should be amended and make a proposal for clarifying the system of compensating for the costs incurred in assisting victims of THB. The term of the working group will expire at the end of 2022.

The working group's efforts will help to simplify the provision of services for victims of THB, to better define the service paths available to them, and to clarify the responsibilities between stakeholders.

In addition to what has been submitted above (paragraph 11 of GRETA's report), the *Association of Finnish Municipalities* submits also that the main objective should be to develop the Assistance System to be more clear and to ensure access to equal services for all victims. The Assistance System should be a nationwide actor. Moreover, cooperation between the basic services of the home municipality and the Assistance System and multidisciplinary cooperation is key to helping. Furthermore, all actors must be allocated enough resources to organise services and assistance and training for actors in different fields provided.

The *City of Helsinki* Social Services and Health Care Division organised training on THB for its staff as part of the Undocumented Persons – Risks and Assistance (*Paperiton henkilö – riskit ja apu*) training in February 2019. The recording of the training event is available on the Social Services and Health Care Division's intranet where the staff can have continued access to it. In addition, the Division's own Integration Bridges (*Kotoutumisen sillat*) development project widely disseminated information among the staff on the Finnish Institute for Health and Welfare's online Paloma training programme, which also includes modules on THB. Furthermore, development measures have been adopted by which the City of Helsinki decided to ensure that undocumented persons residing in the city receive assistance. These measures are seen as part of the action preventing THB and as part of the provision of assistance to victims of THB adapted to their specific needs. The City of Helsinki Social Services and Health Care Division takes into account the quality and confidentiality of interpretation in the provision of services to the victims of THB, and addresses the needs of victims by utilising, where necessary, the expertise and other relevant skills of the service providers and the interpreters they employ. Healthcare and social welfare staff receive regular training on how to work with an interpreter.

Out of the labour market organisations, the *Finnish Confederation of Professionals STTK* submits that the need of training should be recognised widely in different sectors, not just in health care.

NGOs, the Finnish *Refugee Advice Center*, *Victim Support Finland*, *Monika* and *NYTKIS*, in particular, submit that there are big differences in the services available for victims in different cities and areas in Finland. *Nytkis* and *Monika* submit also, *inter alia*, that there is a need to offer short-term specialized shelter services for victims of THB, as well as long-term supported housing accommodation and for a gender-sensitive approach to services. NGOs also stress the importance of adequate funding.

To set up a National Referral Mechanism for the identification and referral to assistance of child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk. This should include steps to:

- ***routinely consider the possibility of trafficking when interviewing asylum-seeking children;***
- ***proactively identify unaccompanied and separated asylum-seeking children who might have become victims of THB for the purpose of forced marriage*** (paragraph 143 of GRETA's report).

Interviewing asylum-seeking children

THB as a possible ground for international protection is taken into account in the asylum interview. In the case of children, the obligation to establish all essential grounds and facts is emphasised. The employees who conduct asylum interviews with children have specialised in this task, received relevant training and are familiar with the special issues related to children, including THB. All indications of forced marriage, sexual or labour exploitation or forced recruitment, for example, will be scrutinised more closely. All unaccompanied children are interviewed. The interviewers ask about their lives and living conditions in

their home country, their travel to Finland and their commitments and fears. Children who arrive with their custodians and who are over the age of 12, if necessary even those who are younger, are heard. Up-to-date country information will be taken into account. Suspected or identified victims of THB are referred to the Assistance System.

In September 2020, the Asylum Unit of the Finnish Immigration Service began to provide European Asylum Support Office EASO's Trafficking in Human Beings module for its senior advisers. The module will further complement and deepen the expertise of senior advisers working in asylum interviews and decision-making concerning THB. This will also improve the consideration of the possibility of THB when interviewing asylum-seeking children.

Identifying unaccompanied and separated asylum-seeking children - forced marriage

Asylum-seeking children who are married and seek asylum with their spouse are treated as unaccompanied children. They are appointed a representative and are usually provided accommodation in units intended for children. They are interviewed comprehensively about the circumstances of their marriage. Unaccompanied children are asked about their marital status and commitments and whether they have any plans for marriage. All indications, such as children, pregnancies and early school leaving, will be scrutinised more closely. Up-to-date country information will be taken into account. Suspected or identified victims of THB are referred to the Assistance System.

In July 2018, the Asylum Unit of the Finnish Immigration Service introduced guidance on how to take the threat of forced marriage into account in the asylum process. The guidance also deals with children who may have become victims of THB for the purpose of forced marriage. The guidance has helped to improve the identification of this phenomenon in the asylum interview and in the Asylum Unit's decision-making.

As regards the activities of the National Prosecution Service, please see above (paragraph 111 of GRETA's report).

HEUNI submits that it will train professionals on gender-based violence in the migration context together with Puijolan Settlementti in a project financed by the Ministry of Interior in the fall of 2020. Focus is on adult women, but issues relating to trafficking, forced marriage and FGM will also be raised. In January 2021 HEUNI will commence a new EC REC-funded project entitled "Safe, Aware, Resilient, Able and Heard – protecting and supporting migrant women victims of gender-based violence" (SARAH, 2021-2022). While the project does not directly involve children, through the activities to empower migrant women, their children will indirectly also benefit from the project.

The *Finnish Refugee Advice Center* points out challenges in having a lawyer with expertise in asylum law and THB issues participate in the interviews of asylum-seeking children. *Victim Support Finland* submits that accompanied children are also at risk of being exploited. The best interests of an accompanied child should also be assessed individually, not as part of a family, and a possibility for an age appropriate interview should always be considered.

Ensure that all police and border guard officers are issued with clear instructions stressing the need to apply the recovery and the 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 (paragraph 153 of GRETA's report).

The National Police Board has recently issued new instructions on combatting THB including detection and investigation as well as the protection and referral of victims. Both the procedure and the rules on the recovery and reflection period are explained. According to legislation, only the right to reflection period can be issued by the police. However, in praxis both are issued by the Assistance System for THB Victims, as the police are instructed to refer all its THB victims there. It is clearly stressed in the instructions that the rights connected with the recovery and reflection period have to be respected even if this endangers the pre-trial investigation, which has to be carried out even without the support of the victim.

Victim Support Finland points out that border guards and police who come into contact with undocumented workers should receive additional instructions to react to even weaker signs of THB and offer the possible victim a reflection period for the duration of the initial examination of the victim's situation and necessary hearings regarding possible exploitation.

Ensure that all victims of THB are covered by the Act on Compensation for Crime Damage, irrespective of residence status, and can benefit from free legal aid when applying for compensation (paragraph 175 of GRETA's report).

There has been no relevant amendments to the applicable legislation. A victim of THB can be granted legal aid in accordance with the Legal Aid Act. Legal aid is granted with state funds to a person who needs expert assistance in a legal matter and who, due to his or her financial situation, is unable to pay the expenses required for its administration. Legal aid includes legal advice, necessary measures and assistance in court and other authorities, as well as exemption from certain expenses related to the proceedings, as provided for in the Legal Aid Act. If a person does not have a domicile in Finland or a domicile or residence in another Member State of the EU or a state belonging to the EEA, legal aid is granted if the person's case is heard in a Finnish court or there is a special reason for legal aid.

In addition, according to Criminal Procedure Act (*laki oikeudenkäynnistä rikosasioissa, lag om rättegång i brottmål*; 689/1997), the court may order the injured party to have a pre-trial counsel and a counsel to the court proceedings when injured party has claims in a case brought to the court by the prosecutor if the matter concerns a crime against life, health or liberty and if it is considered justified taking into account the seriousness of the crime, the personal circumstances of the person concerned and other factors.

Take further steps to ensure that the non-punishment provision is capable of being applied to all offences that victims of THB were compelled to commit, and to develop relevant guidance for police officers, prosecutors and judges (paragraph 203 of GRETA's report).

The newly issued instructions to the police take in account also the possibility that the victim of THB may have been forced to commit crimes. All circumstances around a committed crime need to be taken in consideration. The principle of non-punishment will be included in the THB training of prosecutors in the beginning of 2021.

The consequences of the non-punishment provision have been proposed for revision as part of the development of the Action Plan against THB addressing all forms of THB. The concrete actions are included in the plan are still under discussion. The police instructions will be updated accordingly in due time.

Victim Support Finland submits that guidance should be provided also to patrol police and for example investigators of narcotics crimes as well as to border guards and customs officials.