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Reply from Finland
to the Questionnaire for the evaluation of the implementation
of the Council of Europe Convention on Action against
Trafficking in Human Beings by the Parties

Second evaluation round
(Reply submitted on 5 February 2018)

Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.



MINISTRY FOR FOREIGN AFFAIRS OF
FINLAND
Legal Service

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5 February 2018

Ms Petya Nestorova
Executive Secretary
Secretariat of the Council of Europe Convention
on Action against Trafficking in Human Beings

**Reply by the Government of Finland to the questionnaire for the evaluation of the
Implementation of the Council of Europe Convention on Action against Trafficking in Human
Beings; Second evaluation round**

Madam,

I have the honour to submit to you the reply by the Government of Finland to the questionnaire for the evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the parties. Attached to the report of the Government of Finland you will find the independent and separate statement of the National Rapporteur on Trafficking in Human Beings.

Yours sincerely,

Päivi Kaukoranta
Director General for Legal Affairs

Table of contents

A.	FOLLOW-UP QUESTIONS	4
	Main forms and trends of human trafficking	4
	Changes in laws and regulations.....	4
	Changes in the institutional framework.....	5
B.	CROSS-CUTTING QUESTIONS.....	6
	Gender equality (Articles 1.1.b, 5.3 and 17)	6
	Non-discrimination (Article 3)	8
	Training of relevant professionals (Articles 10 and 29)	10
	Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30).....	12
C.	QUESTIONS RELATED TO SPECIFIC ARTICLES	20
	Definitions (Article 4)	20
	Measures to discourage the demand (Article 6).....	25
	Border measures (Article 7).....	28
	Identification of the victims (Article 10)	29
	Protection of private life (Article 11).....	33
	Assistance to victims (Article 12)	35
	Recovery and reflection period (Article 13)	38
	Residence permit (Article 14)	38
	Compensation and legal redress (Article 15)	40
	Repatriation and return of victims (Article 16)	40
	Corporate liability (Article 22)	42
	Aggravating circumstances (Article 24)	42
	Non-punishment provision (Article 26)	42
	Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)	43
	Protection of victims, witnesses and collaborators with the judicial authorities (Article 28).....	44
	Jurisdiction (Article 31)	45
	International cooperation (Article 32).....	45
	Measures related to endangered or missing persons (Article 33)	46
	Cooperation with civil society (Article 35)	47
	Relationship with other international instruments (Article 40).....	47
D.	FINAL QUESTIONS.....	47
E.	STATISTICS ON THB (PER YEAR, STARTING WITH 2010).....	48

A. FOLLOW-UP QUESTIONS

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);
- any changes in your country's laws and regulations relevant to action against THB;
- the institutional framework for action against THB. In particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;
- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

The Finnish National Assistance System for Victims of Human Trafficking (hereinafter the 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. Since 1 January 2017 the Assistance System has been part of the Finnish Immigration Service, but it maintains its status as an independent decision-maker in the field of victim assistance.

Main forms and trends of human trafficking

There have been no great changes since March 2015 in terms of the main forms of human trafficking prevalent in the Assistance System's statistics. Trafficking for labour exploitation and sexual exploitation (forced prostitution) are the two main forms, of which trafficking for forced prostitution has typically taken place outside Finland, whereas labour exploitation cases are more likely to arise from within Finland. The sectors where labour exploitation takes place have more or less remained the same or similar. Risky sectors include ethnic restaurants, construction, farm and greenhouse work, wild berry picking and domestic work.

Since March 2015 there has been an increase in cases of child/forced marriage involving non-Finnish persons. Due to the increase in the number of asylum seekers since 2015, the customer profile in the Assistance System has changed slightly, as the number of Iraqi, Afghani and Eritrean customers has increased. For example, the Immigration Service's asylum unit has paid increased attention to asylum seekers coming through Libya, since they are known to be at high risk of exploitation. Amongst asylum seekers of Afghani origin, there have been several cases of so-called *bacha bazi* exploitation, where young boys are forced to dance for adult men and often sexually abused in the process. The exploitation has taken place in Afghanistan or Iran. These boys (victims) have been referred to the Assistance System. The Assistance System also assists a few young men who have been victims of forced recruitment of child soldiers.

In the City of Helsinki, the emphasis in THB victimisation is on labour immigration. Only a few cases of sexual exploitation have come to light. Victims of organ trade represent a new phenomenon. In the two cases uncovered, the victimisation had taken place outside Finland, however. In 2016–2017, Finland put into place considerably tighter rules concerning residential permits, which resulted in a high number of rejected applications. This in turn gives cause to anticipate a higher number of undocumented persons, which may also result in victimisation in the labour market (the grey economy).

Changes in laws and regulations

There are no further changes in criminal legislation in addition to those already mentioned in paragraphs 201 and 202 of the Implementation Report of the first evaluation round. The functions of the Assistance

System are regulated by law, namely the Act on the Reception of Persons Seeking International Protection and on Identifying and Assisting Victims of Human Trafficking (Reception Act, 746/2011), which was reformed in 2015 and entered into force on 1 July 2015. These legislative changes formalised the functions of the Assistance System and the law now states more clearly the responsibility of the municipality of a victim of trafficking (if the victim accepted in the Assistance System has residence and thus a home municipality) to arrange assistance measures. These changes also formalised the task and the responsibility of the Assistance System to cooperate with municipalities in arranging assistance measures for victims.

Furthermore, the status of the assisted victims' children was also formalised as full customers of the Assistance System, though in practice assistance has always been granted to under-aged children accompanying a guardian who is a victim of THB. The Assistance System was given the right to issue a recovery or reflection period for a victim accepted into the Assistance System and the task to formally identify victims. Please see more about formal identification in the answer to question 29 and more about the legislative changes in the answer to question 32.

The integration of immigrants is governed by the Act on the Promotion of Immigrant Integration (Integration Act, 1386/2010). This Act, for which the Ministry of Economic Affairs and Employment has responsibility, lays down provisions on the reimbursement of the costs arising from the services and support measures provided to THB victims who have been placed in a municipality. Victims of THB who have a municipality of residence in Finland are provided with assistance by their municipality of residence.

Under section 53 of the Integration Act, the municipality of residence has the right to apply for reimbursement of the costs arising from the provision of victims of THB with social and health care services, interpretation and the guaranteeing of personal safety resulting from the special needs that arise from their status, as well as from the provision of other measures and services resulting from the special needs due to the victim status. According to the guidelines issued by the Ministry of Economic Affairs and Employment on 29 October 2013, the aforementioned special needs may be attributable to the victim's mental or physical condition or the complexity of the THB phenomenon. Reimbursable costs may consist of, for example, psychological or psychotherapeutic counselling specialising in victims of torture and abuse and the associated interpretation services, special arrangements relating to housing and home security, moving out of employer-provided housing, or security systems, protective security and secret housing, possibly in another municipality. The latter may relate to the threat of international organised crime and are arranged in cooperation with the police. Other measures that may be warranted to prevent identification of the victim include change of name and personal identity code as well as moderate alteration of the victim's appearance.

Changes in the institutional framework

A proposal for development of the government anti-trafficking coordination structure was issued in July 2017 by the National Anti-Trafficking Coordinator. According to this proposal, the present main structural framework, which includes among others the Anti-Trafficking Coordinator, the Anti-Trafficking Coordination Secretariat, the Anti-Trafficking Network and the relevant steering structure, will continue. The coordination would be enhanced by creating new forms of cooperation, e.g. so-called round table meetings with different stakeholders such as NGOs. This proposal was discussed by the Coordination Secretariat in October 2017 and will be finalised in 2018.

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 includes nine measures in different anti-trafficking areas. These measures are divided into 24 concrete points of action. Every point of action includes references to the responsible stakeholders. The Government has secured financial resources of approximately 500 000 Euros for the implementation of various new projects in connection with the Action Plan. The permanent link for the Action Plan is as follows: <http://urn.fi/URN:ISBN:978-952-324-134-3>.

The Action Plan was drafted in broad cooperation with the relevant NGOs and other members of civil society. This cooperation was organised within the framework of the network led by the Anti-Trafficking Coordinator in close dialogue with the Anti-Trafficking Civil Society Platform, among others. The different projects related to the Action Plan also directly involve organisations such as the International Organization for Migration (IOM) and Pro-tukipiste, just to mention a few.

The Internal Security Fund has allocated 280 000 Euros to two projects: 1) A project for developing the outreach work of victims that started in 2016 and is organised by the NGO Pro-tukipiste; 2) A project developing assistance for victims and cooperation between the authorities and other actors, which started in 2017. This is organised by the Assistance System.

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 HOIKU, organised by IOM, which develops competence related to the health and social care provided for trafficking victims. The guidance given by the HOIKU project to health and social care providers was published in a high-profile seminar on 23 January 2018 in the House of the Estates, inaugurated by the Minister of the Interior, and disseminated in information meetings in five different locations in Finland.

In the first phase of the HOIKU project, guidelines will be developed for early identification and referral of victims of trafficking, targeting social welfare and health care professionals and organisations. In the second phase of the HOIKU project, training material on caring for the health and wellbeing of trafficked persons (expanding and amending IOM's Caring for Trafficked Persons handbook and trainer's material) will be developed and used in training events for social and health care professionals in five different locations in Finland.

Funds accruing in the 2017 Common Responsibility Campaign will be put towards assisting victims of THB by enhancing support-person activities and outreach programmes and by strengthening the skills of employees in identifying and reaching victims of THB. In addition, victims will be provided with crisis assistance for organising accommodation, meals, hygiene and clothing, given access to interpreters and provided with legal advisory services on a walk-in basis. The assistance is delivered by MONIKA – Multicultural Women's Association, Finland, the Finnish Refugee Advice Centre, Pro-tukipiste and Victim Support Finland ('Four-Leaf Clover NGOs').

These NGOs report increasing numbers of persons who have experienced exploitation in criminal activities but who are reluctant to seek help from the Assistance System or police due to uncertainty about whether they would be considered as victims by the authorities. Exploited, undocumented migrants resist seeking help for fear of being deported. The NGOs find that limiting the availability of the Assistance System only to persons designated within the legal system as victims of THB is exclusionary, and also consider that the national coordination mechanism against THB still lacks clarity, and that there is no shared view as to its proper functioning.

B. CROSS-CUTTING QUESTIONS

Gender equality (Articles 1.1.b, 5.3 and 17)

2. *What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?*

The gender dimension was addressed in the Government Action Plan against Human Trafficking 2016–2017. In the Action Plan, a special emphasis was put on the promotion of the rights of women and girls. This emphasis covers different fields of the Action Plan, such as enhancing the efficiency of the outreach work and improving the identification of and assistance for victims of human trafficking (including

relevant projects such as HOIKU, IHME and the development of international anti-trafficking cooperation).

The Act on Equality between Women and Men (609/1986) aims to prevent gender-based discrimination, promote equality between the genders and thus improve the status of women, particularly in working life, and also to prevent discrimination based on gender identity or gender expression. In principle, the Act applies to all activities and spheres of life in society. It prohibits direct and indirect gender-based discrimination. Under the Act, both sexual and gender-based harassment are to be considered discrimination. Furthermore, the authorities must in all their activities promote gender equality purposefully and systematically, and create and consolidate administrative and operating practices that ensure the advancement of gender equality in the arrangements and decision-making concerning various matters. In particular, circumstances preventing the attainment of gender equality must be changed. The promotion of gender equality must be taken into account, in the manner referred to above, in the availability and supply of services. Compliance with the Act is supervised by the Ombudsman for Equality and the National Discrimination and Equality Tribunal. Victims of trafficking in human beings can also contact the Ombudsman for Equality in cases where they face gender-based discrimination.

One of the ways to promote non-discrimination and equality in Finland is to improve the access of persons granted international protection, and parents, mainly women, who stay at home to care for children, to services which foster integration. Immigrant women move to Finland for family reasons more often than men and are more likely than men to stay at home to care for children which increases their risk of exclusion from integration services due to the low number of services suited to their life circumstances and Finnish society remaining foreign to them. In some cases, women in particular, due to culturally influenced home circumstances or family models, may be left without sufficient support from their spouse in integration, which may result in low participation in integration measures or little contact with public services in general. Immigrant women are also less advantaged in the job market than immigrant men. Nonetheless, immigrant women and men are a heterogeneous group in terms of life circumstances and background, and there are many immigrant women who have no gender-based special needs.

The aim is to provide all immigrants with a basic knowledge of Finnish society, which helps foster the awareness of both women and men of Finnish society regardless of their life circumstances. The Integration Act reform currently underway extends responsibility for advice and referrals to all actors in the interests of better reaching out to immigrant women and referring them to the appropriate services. For parents, most often mothers, who stay at home to care for children, maternity and child clinics and family centres play an integral role in service referral. Advice and referrals of a high standard provided in the context of contact with the authorities would improve the integration, life management skills, social inclusion and equality of parents who stay at home to care for children.

The reform of the Integration Act will also allow the incorporation of equality information in the basic information provided to all as well as in other referral and advisory services. According to the relevant government proposal, an integration plan would always be prepared for immigrants who have been granted international protection. For other parents who stay at home to care for children, the county or municipality could prepare an initial assessment as well as an integration plan, when deemed necessary, and organise integration training for persons excluded from the labour markets. Under the bill, any period of time during which the integration plan could temporarily not be implemented due to injury, illness, maternity leave, paternity leave or parental leave, or another comparable reason would be excluded from the duration of the plan. It would be unreasonable with regard to the immigrant's integration process if the aforementioned reasons were permitted to reduce the maximum duration of the integration plan. The provision would cater for the life circumstances of parents, most often women, who stay at home to care for children.

The City of Helsinki maintains an Equality Board whose tasks are to mainstream gender equality and gender impact assessment into all City activities, support the realisation of equality among all genders in the City's human resources policy and the City's services, and promote the changing of conditions which hinder equality and the realisation of equality among all genders in all City activities and services.

The NGOs consulted report that THB based on sexual exploitation is one of the most common forms of THB and a highly genderised phenomenon, with girls and women accounting for most of the victims. However, Finland has seen only very few cases of THB based on sexual exploitation. The national THB rapporteur estimates that the low number is less due to the absence of such cases than to the inadequate identification of the phenomenon owing to lack of sufficient knowledge about the phenomenon, as well as insufficient resources. The gender dimension of THB involving prostitution and transactional sex is not perceived as an equality issue. The criminal offenders, predominantly men, who buy sex from victims of THB, are hardly ever discussed. With male and transgender victims of trafficking the problem is that there are even fewer specialised services available than for women.

Non-discrimination (Article 3)

3. *What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?*

The development of a National Referral Mechanism (NRM) that is underway in accordance with the Government Action Plan against Human Trafficking 2016–2017 (measure 2, action 2.1), among other action, contributes to non-discrimination. An outcome of this is that the current Finnish referral mechanism for victims of human trafficking is being converted into written and informative form. The NRM documentation will also be regularly updated during the next few years.

The Assistance System ensures that all its customers, regardless of their ethnicity or other defining characteristic, are informed of their rights under the Convention and that these rights are fulfilled. All customers also have the right to receive legal aid and advice as stated in the Criminal Procedure Act (689/1997) and the Legal Aid Act (257/2002).

The Assistance System provides training for several key stakeholders on how to identify potential victims of human trafficking. Once a potential or formally identified victim is a customer of the Assistance System, the Assistance System ensures that the rights of the customer are fully observed. All customers also have the right to receive legal aid and advice as stated in the Criminal Procedure Act (689/1997) and the Legal Aid Act (257/2002).

The identification of potential male victims of human trafficking may still be hindered in some cases due to stereotypes concerning victims of human trafficking. The Assistance System addresses this dilemma in its training. The Assistance System has initiated an EU-funded project called IHME, one of the main purposes of which is to create training modules on human trafficking for police and border guard training institutions. The project started in September 2017. All case workers in the asylum unit are provided with training on human trafficking and its different forms, including phenomena concerning male victims, such as *bacha bazi* in Afghanistan.

Victims of trafficking in human beings have access to the rights specified in the Convention regardless of their ethnic origin. In cases of discrimination, the Non-Discrimination Act (21/2004) can be applied. The purpose of the Non-Discrimination Act is to foster equality and prevent discrimination as well as to improve the legal protection of those who have been discriminated against. The Act defines the forms of prohibited discrimination and how the Act is to be monitored. It also imposes obligations on authorities, employers and providers of education in the promotion of equality. The Act applies to both public and private activities. Provisions on the prohibition of discrimination based on gender, gender expression and gender identity are laid down in the Equality Act (1325/2014). The Ombudsman for Equality supervises compliance with the Equality Act.

The new Non-Discrimination Ombudsman and the National Non-Discrimination and Equality Tribunal became operational at the beginning of 2015. People can turn to the Non-Discrimination Ombudsman if they have experienced or witnessed discrimination on the basis of age, origin, nationality, language, religion, belief, opinion, political activity, trade union activism, family connections, state of health, disability, sexual orientation or other personal characteristics. The tasks of the Non-Discrimination Ombudsman also include promoting equality and preventing discrimination. In addition, the Ombudsman supervises the removal of foreign nationals from the country and acts as the National Rapporteur on

Trafficking in Human Beings. The National Non-Discrimination and Equality Tribunal is an impartial and independent low-threshold judicial body appointed by the Government. Its task is to provide legal protection for those who consider that they have been discriminated against or subjected to prohibited victimisation related to discrimination. Occupational safety and health authorities supervise the realisation of equality in working life. The Non-Discrimination Ombudsman may also foster equality in working life and promote, for example, a settlement between the parties in individual cases.

According to the Non-Discrimination Act, the authorities shall evaluate the realisation of equality in their activities and take necessary measures to promote the realisation of equality. These measures shall be effective, expedient and proportionate, taking into account the authorities' operating environment, resources and other circumstances.

As a preventive measure, it is important to notice 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.

In the HOIKU project mentioned in the answer to question 1, the guidelines to be developed are designed to assist in understanding trafficking as a phenomenon, that it can affect all people regardless of age, gender, sexual orientation, nationality, religion, ethnic background, etc. and that all persons exposed can receive assistance in Finland.

The City of Helsinki provides emergency healthcare services to all. In addition, since 2014 the City has provided broad healthcare services, including maternity and child health clinic services and medical services as well as post-partum check-ups, to all pregnant women and to children under the age of 18. The range of services provided also includes emergency dental care, mental health care, substance abuse care and psychosocial support.

4. *What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?*

The occupational safety and health (OSH) divisions of regional state administrative agencies are responsible for occupational safety and health initiatives originating with customers and the authorities. The division monitors compliance with occupational safety and health provisions and regulations, primarily by means of inspections of workplaces. In addition to monitoring duties, the occupational safety and health administration provides guidance and advice on topics such as terms of employment. It also works closely together with the employers' and employees' organisations on occupational safety and health issues. A phenomenon ascendant in 2017 has been the increase in labour trafficking in Helsinki and the Helsinki Metropolitan Area. Trafficked labourers are typically paid no wages, the labourers and their families have been threatened either in Finland or in their native country, and the abuse may have been going on for years. Several customers of the Assistance System who were victims of labour trafficking became customers of the City of Helsinki immigration unit in spring and summer 2017. The City provides guidance on the topic in, for example, its guidelines on combating the grey economy in acquisitions by Helsinki City Group. Chapter 7 of these guidelines, which date from 2011, addresses the right to work of foreign employees.

In the process of developing the guidelines for early identification of victims of trafficking, IOM Finland's HOIKU project has paid particular attention to the risk of irregular migrants being exploited, above all in black-market jobs. For this reason, the guidelines mention the specific rights of irregular migrants to emergency social and health care, to ensure appropriate provision of assistance.

According to NGOs, in cases where there are exploitative labour conditions but the case is investigated as extortionate work discrimination and not as THB, a residence permit can only be obtained by a person who was undocumented at the time of the exploitation (Aliens Act 52d§). Hence, when it comes to the possibilities of staying in the country when seeking legal redress, the situation of exploited undocumented workers is better than that of persons who have worked in Finland with a legal right to reside in the country, who constitute the majority of identified exploited labour in Finland.

5. *What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?*

In Finland, most victims of trafficking are migrant workers. The occupational safety and health (OSH) authorities have identified several male victims of labour exploitation and referred them to the national victims' assistance system. The sex, nationality or immigration status of the victims is not relevant to the OSH authorities and all victims of labour exploitation are identified and referred in the same manner, regardless of gender or nationality. The Social Welfare Act (1301/2014) also does not differentiate by gender.

See the development of the National Referral Mechanism under question 3.

NGOs report that men often go ignored as victims of sex trafficking due to the low degree of recognition of the gender dimension of THB.

Training of relevant professionals (Articles 10 and 29)

6. *Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.*

The identification of THB and mainstreaming support services to the victims has been an important theme in training among the various actors for years. The Finnish Border Guard has been providing training on these topics to its personnel for over a decade.

With the 2015 influx of asylum seekers, there are new operators, such as new municipalities and private companies, who operate reception centres – including in the capital area. It is the responsibility of the state authority to raise awareness and ensure that operators with aid workers have basic knowledge on how to identify and assist the victims of trafficking.

The Finnish Immigration Service has identified the need for training in all its units. Basic training on THB and its different forms is given to all new case workers in the asylum unit of the Finnish Immigration Service. In addition to this, case workers have been given advanced training in the field and there are persons specialised in THB who have completed the European Asylum Support Office's module on Interviewing Vulnerable Persons. In addition to the asylum unit's THB expert, there are appointed contact persons specialised in THB in all the different offices of the Finnish Immigration Service. All case workers can consult the asylum unit's human trafficking expert and contact persons with a low threshold. The outcome of the training can be seen in the number of referrals made by the asylum unit to the Assistance System as well as in the number of inquiries made by the case workers to the unit's human trafficking expert and contact persons.

In September 2017 the Assistance System initiated a project (IHME) that aims to build capacity against trafficking in human beings in Finland. The project is funded by the European Union (ISF-P). One of the aims of the project is to train police and Border Guard officers in two ways: 1) by creating e-training modules for staff and students (police and border guard students); and 2) by training officers locally. This training is intended to increase the pre-trial investigation authorities' chances of acting in time to combat the changing phenomenon of human trafficking. Its aim is to promote cooperation between public authorities, and between NGOs and public authorities, in the fight against human trafficking, while increasing the ability of pre-trial investigation authorities to guide human trafficking victims to the services intended for them. The training modules for pre-trial investigation authorities are being put together in cooperation with the Police University College of Finland and the Border and Coast Guard Academy. The modules are aimed at both investigative units and field staff. This training will be conducted in 11 major police departments in Finland and in Border Guard units.

In cooperation with the Immigration Service's reception unit, the Assistance System has given annual training to reception centre staff on identifying, referring and providing assistance to victims and potential victims of THB for some years. Staff from all reception centres in Finland has been attending these training events. This training has not been compulsory but highly recommended for the reception centre staff. An official impact assessment of the training has not been made but there has been an increase in referrals by reception centres to the Assistance System.

The Assistance System participated in training organised by NGO Victim Support Finland in 2016 and 2017 in different parts of Finland. These events were attended by local NGO actors, local municipality workers, police and local reception centre staff.

The Police University College is taking part in a joint project with the Assistance System in order to create an online course for police officers. Another aim is to provide specialist training on THB in each Police Department in the second half of 2018.

Furthermore, on 9 July 2015 the National Police Board issued instructions (POL-2015-8964) entitled "Intervention in THB and Related Crimes, and Helping Victims". These instructions are to be followed by all police officers and they outline in detail everything from identification and investigation to referral of victims and issuing decisions on a reflection period for victims of THB. The instructions contain an appendix containing a toolkit compiled by the National Bureau of Investigation to make it easier to identify victims of THB.

Also see paragraph 73 of the Implementation Report.

IOM Finland conducted an online survey to assess the level of anti-trafficking awareness of healthcare professionals in Finland. The survey reached 242 health professionals, mainly nurses. The results showed that over 90 per cent of the respondents had not received anti-trafficking training. Following this discovery, IOM Finland created the HOIKU project (2017-2018) to develop guidance and training for healthcare workers, social workers and professionals of different grassroots-level organisations on identifying victims of trafficking and assisting them. This project is coordinated by IOM and funded by the Funding Centre for Social Welfare and Health Organisations (STEA). STEA is a standalone state-aid authority operating in connection with the Ministry of Social Affairs and Health and is responsible for the preparation, payment, monitoring and impact evaluation of funds granted to social and health organisations from Veikkaus Oy gaming income. The implementation will be carried out as a part of the social and health care reform, concentrating on the regions where problems exist.

The guide manual is being piloted at the moment in several healthcare centres and will be launched for nationwide use in January 2018. The guide manual will be available online and a training tour of the provinces will be undertaken in spring 2018. A more comprehensive training material package will be prepared in the first half of 2018. Social and health care professionals in Helsinki, Tampere, Turku, Pieksämäki and Oulu will be trained in the skills of identifying and understanding the human trafficking phenomenon and the influence of human trafficking on the health and wellbeing of the victims. The training is optional. The training will focus on practising social workers, doctors and nurses, including those working in the provision of low-threshold services to vulnerable populations (as well as training those in civil society organisations). In addition, the project indirectly supports collaboration through the multisectoral approach of the project. Trade unions of physicians and nurses are part of the working group and they will also deliver information to the professionals within their unions.

Information on the HOIKU project can be found in English at <http://www.iom.fi/en/news/health-and-social-workers-get-tools-help-victims-trafficking> in Finnish at <http://iom.fi/en/node/112>.

As stated in Finland's previous report, the Regional State Administrative Agencies gave inspectors of foreign labour, amongst others, training in spring 2012. The programme included the identification and combating of trafficking as well as increasing the competence of the occupational safety and health authorities in this field. In 2014 labour inspectors' training was provided by an expert from the Assistance System. There is a need for specialised and continuous training for labour inspectors in the identification of victims of THB.

On 16 August 2016, the Association of Finnish Local and Regional Authorities issued its circular 7/2016 (<https://www.kuntaliitto.fi/yleiskirjeet/2016/ihmiskaupan-uhrien-auttaminen>) on the topic of aiding the victims of THB. The circular instructs local authorities and municipal federations on the actions to take in respect of victims of THB.

The dissemination of the results of ongoing projects (Askelmerkit dialogiseen tunnistamiseen [Road Map to Dialogued Identification] by Pro-tukipiste and the IOM's HOIKU) is vital in the interests of observing the same principles and eliminating overlaps. These projects have received funding from the Internal Security Fund.

Both the citizenry and social and health care professionals require more training and education in order for victims of THB to be identified and given access to the necessary services. THB training should be incorporated into the basic education of social and health care professionals. The Association of Finnish Local and Regional Authorities is planning its own training for the employees of local authorities and joint municipal authorities, to be provided in 2018.

In 2015 and 2017, the Office of the Prosecutor General arranged a course on organised crime, THB and illegal immigration for prosecutors. One day of this course was devoted to the theme of THB. The course was optional and available to all prosecutors, with a few places also set aside for criminal investigative authorities and judges. The course curriculum addressed the national and international status quo in THB, relevant case law, labour trafficking and extortionate work discrimination. Training will continue to be provided. As case law develops, the course curriculum will be honed to meet better the practical needs of prosecutors. The training to be arranged in 2018 will include an additional day of case studies.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. *Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.*

There is no institution with particular responsibility to take the lead in combating trafficking in children. The Assistance System governs assisting both adults and children. The Assistance System relies on referrals made by other authorities and actors when it comes to helping child victims and combating trafficking in children. A legislative amendment concerning the Reception Act (746/2011), which entered into force on 1 July 2015, formalised cooperation between the Assistance System and Child Welfare authorities in assisting child victims.

In the view of the Ombudsman for Children, the legislative amendment that entered into force in 2015 clarified the Assistance System and made children visible in the system. At the time of the Act's enactment, the Ombudsman for Children held that while it was justified to incorporate the regulation within the Reception Act and to establish the Assistance System at the Joutseno Reception Centre, this may have failed to spell out that the Assistance System applies equally to Finnish citizens and asylum seekers or other immigrants. The Ombudsman for Children holds that attention must continue to be paid to directing efforts to combat THB equally to Finnish citizens and immigrants alike.

The Ombudsman for Children emphasises that in order to realise the best interests of children, the Assistance System must provide child victims with support and adequate assistance measures while at the same time paying equal attention to the children in the care of adult victims of THB.

The provisions on the arrangement of care for and upbringing of unaccompanied minors who have been granted a residence permit are laid down in the Act on the Promotion of Immigrant Integration (1386/2010). Once an unaccompanied minor has been issued a residence permit, care and upbringing may be provided by family group homes or by using supported family placement or in an otherwise appropriate manner. Under the Integration Act, a municipality may establish a family group home or other residential unit intended for children and young persons. The municipality agrees with the Centre

for Economic Development, Transport and the Environment on the establishment of the family group home or other residential unit, the placement of children and young persons in the unit, the arranging of services promoting integration and the reimbursement of the costs arising from the measures.

Under the provisions of the Integration Act, when the Act applies to a person under the age of 18, particular consideration shall be given to the best interests of the child in question and his/her development. When assessing the best interests of the child, consideration shall be given to what is laid down on the matter in section 4 of the Child Welfare Act (417/2007). When measures and services laid down in this Act are carried out, the opinion and wishes of the child shall be taken into account as befits his/her age and level of development.

The staff of family group homes and other residential units is provided with support in matters including the identification of trauma in minors (*Provision of psychosocial support to unaccompanied minors at family group homes and supported residential units* <http://kotouttaminen.fi/alaikaisen-tukemisen-kasikirja>). The aim is for the minor and his or her personal counsellor to achieve a relationship of trust that allows the minor to process even difficult issues together with the counsellor. The staff of family group homes and other residential units thus also plays a key role in the identification of victims of THB.

Attention is paid to children in the HOIKU project, for example. The guidelines emphasise that an under-18-year-old THB victim is above all a child. He/she is entitled to the same services as permanent residents of municipalities regardless of nationality or migration status. An official representative is appointed for any child without parents or without a legal guardian. The child is directed to receive child welfare support. If the age is not known, a young person will be treated as a child.

In 2013 the Ministry of Education and Culture commissioned independent rapporteurs to examine how democracy and human rights objectives were implemented and their content processed in initial teacher education and training. The conclusion of the report was that human rights, democracy and participation should be made more visible and more effectively 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 the aim of strengthening the competence of teacher educators on human rights. The network covers all teacher education institutions in Finland. The pilot was evaluated in 2017. The network continues to be operational. Additionally, it can be noted that issues related to human rights and democracy are also emphasised in Government-funded professional development of teachers. Finnish teachers have the right to attend in-service training programmes offered and tailored to their needs for free. Improving teachers' competence in fundamental and human rights education is also emphasised in the National Action Plan on Fundamental and Human Rights 2017–2019. The Action Plan was prepared through cross-sectoral cooperation and published by the Ministry of Justice in spring 2017.

The NGO Youth Exit (Nuorten Exit) does outreach work with and provides assistance to children and young people at risk of becoming victims of transactional sexual abuse, THB included.

8. *What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment¹ for them, including through:*

- a. *ensuring registration of all children at birth, in particular from socially vulnerable groups;*
- b. *raising awareness of THB through education;*
- c. *training professionals working with children.*

¹ The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing with and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

Unaccompanied minors constitute a group that is particularly vulnerable to THB. The remit of the Ministry of Economic Affairs and Employment covers the system of representatives for unaccompanied minors who have been granted a residence permit. The representative is often the minor's longest-standing companion as the minor transfers from the reception system to a municipality, and it is therefore vital that representatives have basic knowledge of THB, the identification of victims and their referral to support and care.

In 2017, the Ministry of Economic Affairs and Employment prepared a new set of guidelines for the representatives of unaccompanied minors (<http://kotouttaminen.fi/alaikaisen-edustajan-kasikirja>). The guidelines provide the representative with basic information on how to proceed if, in the process of building a relationship with the child, they learn or have reason to suspect that the child is a victim of THB. In such an event, the representative is instructed to contact the Assistance System. The representative is also instructed to consult the minor, in a manner befitting his or her age and level of development, as to whether the minor wishes to become a customer of the Assistance System. The Assistance System may nonetheless be consulted whenever suspicion arises.

The guidelines developed in IOM Finland's HOIKU project include information on the vulnerability of children to trafficking and specific considerations and measures for child victims and children of victims of trafficking. These include appointing a guardian for unaccompanied children, reporting to and cooperation with child protection authorities, as well as support for the parents and the family unit. These issues will also be a part of the training to be organised for social and health care professionals in the second phase of the project.

IOM Finland is also involved in another initiative with the Scouts of Finland to raise youth awareness of trafficking. The project is a part of the Scouts of Finland's global education project funded by the Ministry for Foreign Affairs of Finland. IOM has provided material for the Scout Handbook on migration, including on the risk of trafficking. The material helps children in their teens to understand better the phenomenon of trafficking in human beings, to know where to turn to for advice and assistance, and how to protect themselves and their peers from the risk of trafficking.

9. *Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?*

The Assistance System considers its customer (a potential/identified victim of human trafficking) a minor if the customer says so and if there is reason to believe that the person is a minor. The customer will be treated as a minor and housed in a facility for minors, for example, unless and until the assumed minor is proven to be 18 or older. If there are grounds to question the age of the person, the asylum unit may order that the asylum seeker undergo a medical age assessment. A representative will be appointed for a person who is determined to be a minor based on a medical age assessment, and his/her age will immediately be recorded according to the determination of the assessment. He/she is then placed in a reception facility for minors and awarded all the rights and privileges to which minors are entitled.

10. *What steps are taken in your country to ensure that the rights of the child and his/her best interests² are duly taken into consideration, in particular when it comes to:*

- a. *identification of child victims of trafficking;*
- b. *appointing a legal guardian, organisation or authority which shall act in the best interests of unaccompanied minors identified as victims of trafficking;*
- c. *locating the child's family;*
- d. *ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;*

² "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

- e. *access to appropriate and secure accommodation, education and health care*
- f. *issuing residence permits for child victims of trafficking;*
- g. *providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation;*
- h. *carrying out best-interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;*
- i. *special protection measures for children.*

There have been only two cases in Finland known by the Finnish Immigration Service where the identified victim of THB was an under-aged (less than 18 years old) non-resident person and was in Finland unaccompanied and was *not* an asylum seeker. When applying the Reception Act (746/2011) (assisting victims of THB), if the victim is less than 18 years old, special attention must be given to the best interests of the child and to factors concerning the child's development and health. In addition, the best interests of the child are recognised in the national legislation in Finland. The Child Welfare Act (417/2007) stipulates that the best interests of the child need to be a primary consideration in the determination of welfare measures in response to the child's needs. The Act defines the key elements that need to be taken into consideration for the best-interests determination. This provides legally binding guidance to professionals on how the concept of the best interests of the child should be understood. Matters concerning minors must be processed urgently.

a. There is a particularly low threshold in referring, identifying and assisting assumed child victims of THB.

b. The Reception Act states that a temporary guardian must always be appointed for an unaccompanied child victim of THB without delay and this in practice is always done.

c. The Immigration Service has the responsibility to trace the family or guardian of a child victim (according to the Aliens Act (301/2004) and the Reception Act). The child's views (and the child's temporary guardian's views) about family tracing are always heard prior to initiating the process. If the child is against family tracing, a dialogue with the child is sought to understand the child's position. Family tracing is never conducted if it is not considered to be in the best interests of the child or even endangers the safety of the child.

d. The Assistance System as well as the Immigration Service in general follow strict rules of data protection and confidentiality. All the customers' data and information is collected, stored and disseminated in accordance with, and within the limitations of, the relevant legislation on data protection issues.

e. Under-aged, unaccompanied victims, regardless of nationality or residence status, are housed and cared for by the Child Welfare authorities, except where the child victim is an unaccompanied asylum seeker. In the latter case the child is housed and cared for by reception facilities designed for children, and the Child Welfare authorities are also involved in these cases if necessary. These facilities are similar to the ones operated by the Child Welfare authorities and 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 for the child's wellbeing. The Assistance System cooperates with the police in cases where the child's safety might be at risk. Non-resident child victims are entitled to receive healthcare services similar to children who have residence in Finland. Child victims have the right to attend elementary school.

f. / h. The Finnish Immigration Service takes into account different elements of the rights of the child, e.g. safety and security, the child's opinion, family ties, and the wellbeing and development of the child, when deciding on any matter affecting a minor. Safety and security considerations include assessment of the possibility that the child may already have been a victim of THB, in which case the decision shall also address whether the child may be victimised again. If the Immigration Service is considering a negative

decision for an unaccompanied minor, appropriate reception in the country of return has to be ensured pursuant to the Return Directive (2008/115/EY). Both minors and adults may always appeal a decision and a minor always has the right to a legal representative.

g. Please see the answer to question 42.

As a preventive measure, it is important to notice 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.

The guidelines developed in IOM Finland's HOIKU project include information on the vulnerability of children to trafficking and specific considerations and measures for child victims and children of victims of trafficking. These include a consideration of the best interests of the child as translated into concrete child protection measures. In addition, the guidelines refer to the appointment of a guardian for unaccompanied children, reporting to and cooperation with child protection authorities, and the importance of support of the parents and the family unit (when they pose no risk for the child). These issues will also be a part of the training to be organised for social and health care professionals in the second phase of the project.

IOM Finland can assist child victims of trafficking with comprehensive assistance for voluntary return, among other matters, through its ongoing Assisted Voluntary Return and Reintegration (AVRR) cooperation with the Finnish Immigration Service. (See also the answer to question 45.)

In order to ensure humane, dignified and safe return, and a sustainable path to the reintegration of its beneficiaries, IOM's work is guided by the principle of "Do No Harm" as well as by procedures and safeguards that also reflect relevant international conventions. This may include prior comprehensive assessments of vulnerability, safety and security concerns, evaluation of needs at an individual, family and community level, individualised counselling in an age- and gender-appropriate manner (including on legal issues) and reintegration assistance.

With regard to the voluntary return of unaccompanied migrant children, IOM considers assessing and determining the best interests of the child to be essential to the return, which includes the child having a safe place to return to and receiving appropriate care. To this end, IOM cooperates with guardians, caretakers and competent welfare/child protection authorities in both the host country and the country of origin. At the same time, the views and opinion of the child her/himself are to be taken into account in all stages of the process. IOM employs family and risk assessment tools that feed into best-interests assessment, inform all those involved in the process and ensure the informed consent of the child (in line with age/maturity) and of legal guardians. In addition, the findings assist in developing a safe and sustainable reintegration path when the return is identified to be in the best interests of the child.

Where it is established that the voluntary return is in the child's best interests, IOM's services may include:

- Counselling on all aspects of AVRR, including in the child's native language wherever possible,
- Coordination with consular services and acquisition of travel documents, if required,
- Domestic and international travel arrangements, including assistance at airports,
- Provision of a travel escort all the way to the child's final destination, who also oversees the reunion with her/his parents or a hand-over to other designated guardians.

Furthermore, IOM's post-arrival assistance, among other aspects, can consist of:

- Assistance with reintegration into the child's social context, so as to contribute to the safety and sustainability of the return as well as to mitigate risks related to exploitation or re-trafficking,
- Provision of reintegration support in cash and/or in kind,
- Support with accessing further counselling, education, vocational training or employment, or access to welfare services, including through referral to local support mechanisms,
- Monitoring of the reintegration process and reporting to relevant parties

As is noted in answers to question 45, IOM considers AVRR for (child) victims of trafficking possibly not to be equally available to all potentially relevant target groups in Finland.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Unaccompanied minors are always subject to special treatment in terms of action by the authorities. They are rapidly referred to the child welfare organisation maintained by the cities and their age and degree of maturity is duly taken into account in any investigation.

The Ombudsman for Children considers it important that the Assistance System always treats children as children. A child's access to the Assistance System must be ensured whenever the child or the adult responsible for the child's care is a victim. In cases involving children, the Assistance System, in close cooperation with child welfare, should always determine the scope of the assistance required and the manner of its provision that best serves the interests of the child. Cooperation between the Assistance System and child welfare shall be further developed and children shall be ensured assistance and support regardless of their place of residence. Close cooperation with child welfare may serve to improve the identification of child victims.

The Ombudsman for Children points out that cooperation with child welfare in order to identify and assist child victims is of vital importance regardless of whether the child concerned is an immigrant, temporarily resident in Finland or a Finnish citizen.

On several occasions, the Ombudsman for Children has emphasised that close cooperation with child welfare is a must whenever the asylum application process involves a child. Particular attention to this aspect shall be paid in the case of unaccompanied minors, or whenever there is even the slightest cause to suspect that the child has been or is at risk of becoming a victim of physical or mental abuse. The need for cooperation is self-evident when the child or his or her parent or other caregiver is suspected of being a victim of THB.

Every minor asylum seeker who arrives in the country unaccompanied is assigned a representative who is tasked with attending to the best interests of the child (Reception Act, 746/2011, section 39). Representatives may play a crucial role in identifying child victims of THB. According to the Ombudsman for Children, there is currently considerable variation in the competence of representatives, and their number is also too low. These shortcomings may jeopardise the access to assistance of a child victim of THB, or at the very least delay their inclusion in the Assistance System. The Ombudsman for Children considers it vital that the training of representatives ensure that representatives possess at least the basic knowledge and skills to identify victims and guide them into the Assistance System. The Assistance System has given training to persons acting as temporary guardians for unaccompanied minors. Such guardians have so far identified several potential victims of human trafficking from amongst the minors they represent.

With regard to unaccompanied minors, the Ombudsman for Children draws particular attention to the stage at which the child receives a municipal place. The Ombudsman has learned that permanent housing in the municipality has not in all cases been provided to unaccompanied minors after they have been granted a residence permit. Their postal address may be Poste Restante. In practice, these unaccompanied minors are at great risk of becoming socially excluded and being denied the services they require as well as a place in education. In such a case, the risk of becoming a victim of THB also arises.

Municipalities should ensure that a sufficient volume of housing is available for young persons, commensurate with the needs arising in the municipality, and that such housing is on as permanent a basis as possible. The situation with municipal places is critical: there are not enough. Municipal places alone do not signify the existence of family group homes or supported residential units.

The National Rapporteur on Trafficking in Human Beings in the report for 2014 raised the point that young people who are at risk of social exclusion, suffering from mental health or substance abuse issues are at particular risk of becoming victims of THB or comparable exploitation. The Rapporteur emphasised the need to intensify the measures through which sexually exploited victims of THB are referred to the Assistance System. The Ombudsman for Children echoes the concern expressed in a statement issued in consequence of the National Rapporteur's report, regarding children who have run away from either a child welfare facility or their foster care placement being at particular risk of becoming victims of sexual exploitation and thus ultimately also of THB.

The Ombudsman for Children wishes to highlight the situation faced by families and especially by unaccompanied minors whose asylum application has been rejected. It is estimated in various quarters that not all who receive rejection decisions will leave the country, for one reason or another, and that this will give rise to growing number of undocumented persons in Finland. Undocumented parents find it increasingly hard to care for their children. Those who have received a rejection decision are no longer customers of a reception centre and have no municipality of residence. It is yet to be determined how to attend even to their most fundamental needs if they remain in the country without a residence permit. Rejections have also been issued to unaccompanied minors. If they cannot or will not leave the country, they are undocumented and as such are at risk of becoming victims of THB. The Ombudsman for Children considers it vital that the safety and wellbeing of undocumented children is ensured regardless of the reason for their situation.

Forced marriage constitutes THB or its equivalent. Forced marriage may also involve minors. In Finland, under section 4 of the Marriage Act (234/1929), persons under the age of 18 may not marry, but the Ministry of Justice can, for special reasons, grant a person under 18 years of age a dispensation to marry. The dispensation procedure presents certain problems, however. The procedure takes place in writing and the applicant for the dispensation may not necessarily be heard. According to the said provision, the custodian of the applicant shall be reserved an opportunity to be heard if his or her whereabouts can be determined with reasonable measures. The Act contains no mention of hearing the applicant. Cases of forced marriage where the marriage is arranged by the custodian and which may constitute THB may thus escape the attention of the authorities.

Forced marriage may also entail sending a minor back to his or her former state of residence to be married, for example. Moreover, from the viewpoint of combating THB, attention should also be paid to immigrant minors who are already married at the time of their arrival in Finland.

The Ombudsman for Children emphasises that the various professionals who work closely with children, such as teachers and social and health care professionals in school healthcare and maternity and child health clinics must be capable of identifying the various situations where a minor is at risk of forced marriage either in Finland or abroad. It is vital that a child who brings up such a topic in one way or another be listened to and heard. The child's concerns must be taken seriously. It is also important for professionals to have the skills to assist the child and, when necessary, to refer them to the Assistance System.

NGOs report that, each year, they learn of dozens of cases of forced marriage involving persons resident in Finland. However, as far as the authorities are aware, there has not been a significant number of reports of forced marriages to the police.

The experts on minors and THB in all local branches of the asylum unit have undergone training focusing on minors, forced marriages and THB. Since the beginning of 2017, the asylum unit has paid attention to the quality of the asylum procedures for minors and added training for senior advisers or case workers on asylum interviews and decision-making. A swift and high-quality asylum investigation system makes absconding less appealing.

The Assistance System has not organised assisted voluntary returns for unaccompanied child victims of trafficking. Children of adult victims of trafficking have been repatriated together with their parent(s), both through assisted voluntary return and involuntarily. The Assistance System is not the authority responsible for deportations or decisions concerning them.

The project "Developing National Mental Health Policies for Refugees" (PALOMA) is targeting all refugees and asylum seekers residing in Finland. It began in 2016 and will go on until the end of 2018. The 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 at developing a national model for mental health work with refugees and people with similar statuses, including victims of THB.

The PALOMA model will cover the whole field of mental health work, from preventive work outside health and social services to the primary and specialised care of health and social services among refugees and asylum seekers in Finland. The model gives detailed recommendations for identification and treatment of mental health problems (including for victims of THB) among refugees and asylum seekers in Finland.

More information:

In Finnish: <https://www.thl.fi/fi/tutkimus-ja-asiantuntijatyo/hankkeet-ja-ohjelmat/paloma-kehittaa-pakolaisten-mielenterveyspalveluita>

In English: <https://www.thl.fi/en/web/thlfi-en/research-and-expertwork/projects-and-programmes/the-paloma-project-improving-mental-health-services-for-refugees>

The project "Developing the health examination protocol for asylum seekers in Finland" (TERTTU) aims at developing a standardised tool for conducting initial health examinations of newly arrived asylum seekers at reception centres. The purpose of the initial health examinations is to screen for persons with an acute need for health services (physical and mental health) and identify vulnerable populations (including persons who have experienced torture, victims of human trafficking, sexual or physical violence and trauma). Over the course of the project, measures will be tested for assessing the existence and severity of mental health problems as well as of experiences of traumatic life events such as severe violence, sexual abuse and torture. Out of these, the most appropriate measures will be selected for inclusion in the final health examination protocol. Healthcare personnel at the reception centers will be trained to follow the health examination protocol developed. The project is being implemented by the National Institute for Health and Welfare in collaboration with the Finnish Immigration Service during 2017–2019.

More information:

In Finnish: <https://www.thl.fi/en/tutkimus-ja-asiantuntijatyo/hankkeet-ja-ohjelmat/turvapaikanhakijoiden-alkuterveystarkastuksen-valtakunnallinen-kehittamishanke-terttu->

Flyer on the project in Finnish:

https://www.thl.fi/documents/10531/3366448/Terttu_A5_verkko.pdf/7640bffb-388e-44e3-a73a-ee62f2aa3da4

12. *What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?*

See the answer to question 7 above.

C. QUESTIONS RELATED TO SPECIFIC ARTICLES

Definitions (Article 4)

13. *Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.*

There is no specific information on this topic. Considering the diverse features and the rarity of such offences, it is presumable that some offences may have been addressed as crimes other than THB even if THB should have been suspected. There have been cases taken before the courts, such as the Turku court of appeal case and the 2017 Helsinki court of appeal case mentioned under question 14. The most commonly encountered difficulty in the process has been to prove all constituent elements of the crime. Case law would seem to indicate that, quite often, the crime of which the defendant is found guilty is the crime of extortionate work discrimination (Criminal Code of Finland (39/1889), chapter 47, section 3a) rather than THB. This was also the case in respect of some of the counts of the charge in the said Turku court of appeal judgment. Extortionate work discrimination involves a situation where an applicant for a job or an employee is placed in a considerably inferior position through use of the job applicant's or the employee's economic or other distress, dependent position, lack of understanding, thoughtlessness or ignorance. In criminal investigative cooperation between prosecutors and the police, greater attention has been urged to be paid, in the investigation of economic crime, to the standing of the people active in the investigated companies in order to uncover crimes of THB as well. This approach has already delivered results.

There is a new problem with unpaid "traineeships" at work places, especially regarding asylum seekers. It involves clear exploitation of workers, but some of these cases have not been prosecuted either as extortionate work discrimination or trafficking because working for free has not been considered an employment relationship as, according to the Finnish Employment Contracts Act (55/2001), a work relationship requires compensation.

Cases have come to light where the crime and the victimisation took place abroad, and there is, for example, suspicion of victimisation which meets the constituent elements. In such cases, a criminal investigation cannot be conducted (charges are waived). At the level of local authority it remains unclear whether it is possible to respond to the need for assistance because of lack of reimbursement of the costs to the local authority. Cautiously estimated, there would seem to be more cases than indicated in official statistics of charges being waived due to the difficulty of the investigation.

In a judgment issued in November 2017, the Eastern Finland court of appeal did not find proof of THB in a case where a Filipino woman worked for the family of a relative. The court of appeal made no finding of any other crime on the part of the couple who were the woman's relatives, thus upholding the court of first instance's earlier decision to dismiss the charges. The court of first instance's decision was appealed by the prosecutor and the Filipino woman, who worked as a nanny and housekeeper for a family of her relatives in Lappeenranta and Hanko for thirteen years without pay.

NGOs express their concern about the state of criminal proceedings in Finland and consider it necessary to establish a police unit specialising in THB investigation. The length of the criminal proceedings makes support work difficult for the organisations providing assistance to the victims. The close bond between the criminal proceedings and the assistance and protection for victims is one of the matters making the position of the presumed victim vulnerable. NGOs see a need to make clearer the distinction between extortionate work discrimination and THB for the purpose of labour exploitation.

14. *How does your country's law define "abuse of a position of vulnerability" and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.*

Abusing the vulnerable state of another is mentioned in chapter 25, section 3 of the Criminal Code as one way to commit a THB offence. The Criminal Code provides no specific definition of "vulnerable

state". The meaning of "vulnerable state" has been explained in Governmental legislative proposal 34/2004 (pages 93 and 94). This kind of situation could derive from, for example, a difficult economic situation, homelessness, serious illness, intoxicant abuse, young age, living in exile, the serious illness or intoxicant abuse of a near relative, prostitution or an otherwise difficult social position. Vulnerability may be increased by experiences of sexual or other violence.

The significance of the explanations expressed in the Governmental legislative proposals as a source of law is very high in Finland. The reasoning behind the provision is used as guidance on how the provision in question should be applied in a specific case. This guidance is closely followed in legal praxis, including in courts dealing with criminal cases.

In its report 4/2004, the Legal Affairs Committee of Parliament held that the concept of "vulnerable state" shall be given a narrow interpretation owing to the open nature of the concept and the severity of the punishment provided for THB. Upon reform of the THB provisions in 2014, the Committee in its report 15/2014 changed its earlier position and held that the narrow interpretation of the concept of "vulnerable state" could be abandoned, and that a vulnerable state could also arise from psychological causes, such as pressurisation.

In a decision of Helsinki court of appeal issued on 17 March 2014 (616), the victim's vulnerable state was found to have been exploited when the victim was forced to hand over all earnings from prostitution to the defendants and had not even been given enough funds to buy food. The victim had been brought to Finland, which the victim had never before visited. The victim had not even been aware of the precise geographical location of Finland or known how to get back home from there. The victim had been brought into an alien environment far away from family and, having arrived in Finland, the victim had no other real option but to submit to the sexual exploitation.

A slightly older decision issued by Turku court of appeal on 30 September 2013 (1700) involved several persons who had arrived from Vietnam to work in Finland. The court of first instance had found a state of vulnerability and dependence to have arisen because the victims had been in a foreign country without being able to speak either Finnish or English, and they had been dependent on the housing provided or brokered by the defendants. They had no social safety net and they were in constant debt to the people who had received them. The victims' mental capacity to make decisions about their own lives was also found to have diminished due to several years of having to work excessively long hours without any holidays or days off. In its decision, the court of appeal also took into account the effect of the culture of the victims' country of origin (shame for possible default on debt and being returned home). In its finding of forced labour, the court of appeal made reference to the ILO Forced Labour Convention.

Helsinki court of appeal in its decision issued on 3 April 2017 (113360) finds the following: *in circumstances tantamount to wholesale deception, all defendants at the same time exploited the injured party's dependence and vulnerability. In the circumstances described above, the injured party was fully dependent on the defendants and was in a vulnerable state. The injured party had no language skills or knowledge of the surrounding society or employee rights. The injured party was deprived of passport, bank card and personal funds, having instead to ask for money. The injured party was in debt in consequence of arrival in Finland. The injured party felt forced to work in the manner demanded in the said circumstances for fear of losing job and home. The injured party had very little free time or contact with outsiders. The injured party's health issues only served to reinforce dependence on the defendants' actions.*

Vantaa district court, as the court of first instance in a decision issued on 23 March 2017, finds the following: (The decision is yet to become final but the decision of the appellate court, Helsinki court of appeal, is expected soon, as the main hearing in the case was held on 8 September 2017.) *The injured party arrived in Finland at the age of 19. The injured party spoke no Finnish but did speak English. The injured party had no friends or family in Finland. The injured party was established to have been in poor finances and been forced to hand over all earnings to the defendant in payment for getting to Europe. In addition, the injured party was dependent on the housing arranged by the defendant. The injured party's personal circumstances, young age and lack of funds and passport had led to the injured party having no*

other option but to submit to the sexual exploitation. The injured party was established to have been in a vulnerable state and dependent on the defendant.

15. *To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB.*

The Assistance System recognises both forced marriage and illegal adoption as categories of human trafficking, and will assist victims of the said offences.

There is no impediment to applying the set of provisions on THB to forced marriage or illegal adoption, provided that the preconditions to the penal provision are met. There is currently one case of forced marriage pending before the courts. The court of first instance dismissed the charge of THB but sentenced one of the defendants (the injured party's spouse) for multiple counts of assault. The decision of the court of first instance has been appealed to the court of appeal by the prosecutor. Investigation of at least one suspected case of forced marriage is additionally underway. Obtaining evidence of a calibre sufficient for bringing charges is a common challenge in these crimes. With regard to illegal adoption, the same chapter of the Criminal Code of Finland which contains the provisions on THB also includes provisions on "unlawful obtaining of consent to adoption" (chapter 25, section 3b) and "unlawful arrangement of adoption" (chapter 25, section 3c).

Forced marriage was already mentioned in paragraph 49 of the Implementation Report. Within the limits of the wording of chapter 25, section 3, illegal adoption may also be a THB offence. In the Governmental legislative proposal 34/2004 (page 97), illegal adoption is mentioned as an example of demeaning circumstances.

16. *Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?*

Forced begging was already mentioned in paragraph 49 of the Implementation Report. The set of provisions on THB may also be applied to forced begging. There have been no such cases. The Immigration Service (including the Assistance System) recognises forced begging as a purpose of human trafficking. However, no such victims were identified or referred to the Assistance System during 2006 - 2017.

17. *Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.*

The Assistance System recognises exploitation for criminal activities (forcing a person to commit criminal acts against their will) as a category of human trafficking and will assist victims of such offences. However, only three such victims were referred to the Assistance System during 2006 - 2017. Such victims often struggle with credibility, as, for example, a young man with criminal convictions is not a person who is often considered a victim.

According to Governmental legislative proposal 103/2014 (pages 24 and 25), the exploitation of criminal activities can be considered a purpose of THB. In those cases this purpose is related to the demeaning circumstances mentioned in chapter 25, section 3 of the Criminal Code. However, such acts may not necessarily be identified or investigated as THB. In one case, a youngish woman had been forced to commit thefts, yet the case was investigated as a crime other than THB.

Prevention of THB (Article 5)

18. *Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.*

See the answer to question 22 b.

19. *How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.*

The European Institute for Crime Prevention and Control (HEUNI) is currently implementing a research project in collaboration with the Non-Discrimination Ombudsman (National Rapporteur on Trafficking in Human Beings) to examine whether legislation and its practical application – in the manner vital to combating THB – support the identification and referral to assistance of victims of THB. The funding for the project comes from the Finnish Government's analysis and research appropriations (VN TEAS). The objective of this research project is to collect information on how the system of assistance for victims functions and how it could be further developed. The research also aims to produce information on the identification of human trafficking victims and on the effectiveness of legislation that applies to the assistance of victims. The study will provide information in support of decision-making when assessing the effectiveness and impacts of regulation as well as the potential needs for legislative amendment extending to more than one administrative branch (Ministry of the Interior, Ministry of Social Affairs and Health, Ministry of Justice). In addition, the study aims to highlight good practices, effective models and success stories related to identification and assistance and will provide concrete recommendations for further action. The research is multidisciplinary in nature, and it applies both jurisprudence and sociological methods of research. The project results will be published in March 2018.

This evaluation only covers victim assistance by municipalities. NGOs would have welcomed a broader, independent evaluation to assess whether the commitments made in the Action Plan are actually implemented and designed to improve measures for countering human trafficking and assisting victims.

HEUNI is carrying out another project which forms part of the Nordic Counter Trafficking for Forced Labour Project on preventing exploitation of the workforce and trafficking of human beings through corporate social responsibility. The project is supported by the Nordic Council of Ministers. The project involves mapping out questions of corporate social responsibility and the possibilities of combating workforce 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 the workforce in such companies. The project forms part of a Nordic project (2016-2018) that aims to increase the role of corporate actors in combating 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. This 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.

In 2016 HEUNI participated in a project entitled "Nordic-Baltic Partnership with Passenger Ferry Companies to Encounter Trafficking in Human Beings on the Baltic Sea", coordinated by IOM and supported financially by the Nordic Council of Ministers. HEUNI's main responsibility was to carry out research on the linkages between human trafficking and the ferry industry, and how the ferry sector could participate in the prevention of trafficking. The main outcome of the project was a HEUNI study entitled "Addressing Human Trafficking on the Baltic Sea", released in September 2016.

The report sheds light on how human trafficking is related to the ferry industry, in particular in the Baltic Sea region. The report also looks at what ferry staff already knows about human trafficking. The research confirms that the prevention of trafficking as such has not been prioritised by ferry companies in the region, although the corporate social responsibility strategies of many of the ferry operators do emphasise safety and security, in particular. Accordingly, one of the main conclusions of the research was that, while human trafficking might not be one of the most topical problems in relation to the ferry industry in the Baltic Sea region at the moment, the prevention of trafficking and related phenomena could become incorporated as a more integral element of the ethical and social responsibilities of the ferry companies.

Please also see the material on the HOIKU project, above.

20. *How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?*

The "Work in Finland – Migration Policy Programme to Strengthen Labour Migration" announced by the Government in January 2018 lays down Finland's migration policy guidelines to promote, in particular, labour migration, integration to support this, and good relations between people from different groups.

21. *Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:*

- a. *the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;*

The Act on the Medical Use of Human Organs and Tissues (101/2001) and related decrees lay down provisions on

- 1) the removal, storage and use of human organs, tissues and cells for the treatment of human disease or injury
 - 1a) donation, testing, retention, preservation and storage, transport, transplantation and traceability of organs intended for organ transplantation, characterisation of the donor and the organ, and reporting of serious adverse events and serious adverse reactions;
 - 2) retention, storage and use for medical purposes of organs, tissues and cells removed during the diagnosis and treatment of human disease;
 - 3) donation, procurement, testing, processing, preservation, storage and distribution at a tissue establishment or commissioned by a tissue establishment of human tissues and cells intended for human applications and of products made of human tissues and cells and intended for human applications;
 - 4) use of human embryos for a purpose other than fertility treatment or medical research;
 - 5) use of human organs, tissues, cells and tissue samples for a purpose other than that for which they were removed or retained;
 - 6) use of a cadaver for medical teaching and research.

Chapter 2 of the Act regulates the removal of organs, tissues and cells from living donors for transplantation. Section 2 on General Preconditions provides that organs, tissues or cells may be removed from donors who have given their consent in order to treat human disease or injury. Removed organs, tissues and cells may be stored for future use. Organs, tissues or cells may only be removed if this does not cause the donor any major health hazard or serious harm, if there is no treatment available for the recipient as effective as transplantation, and if no suitable organ, tissue or cells from a dead donor are available, or if the prognosis is expected to be appreciably better than the prognosis with transplantation from a deceased donor. After the donation, the health state of the donor must be followed so as to be able to detect any serious adverse reactions that might be caused by the donation as well as any circumstances possibly affecting the quality and safety of the donated organ or the safety of the donor. In this way, it is possible to inform about these in the way laid down in the Act and to undertake other necessary measures to ensure the safety of the donor and the recipient. Doctors treating recipients may not be involved in decisions concerning the removal of organs or tissues, with the exception of removal of bone marrow tissue.

According to section 3, donors must give informed written consent for the removal of an organ, tissue or cells. They are entitled to withdraw consent at any time before removal of the organ, tissue or cells, without being required to state any reason. Before giving written consent, donors must be provided with an explanation of the significance of the removal and the associated risks for themselves and the recipients, of any analytical tests possibly performed on them and their results, of the registration and

protection of the data on the donors and safety measures to protect the donors, and be informed that their consent can be withdrawn at any time before the organ or tissue is removed. The donor's personal physician contributing to the decision to donate must personally give the explanation to the donor. If the donor is under-aged or, though of age, does not have the capacity to decide on his or her treatment because of disease, a mental health disorder or some other reason (incapacitated), the written consent of his or her legal representative must be obtained before the removal takes place. However, no organ, tissue or cells may be removed if the person concerned objects. The donor's personal physician contributing to the decision to donate must personally give the explanation referred to in paragraph 2 to the donor's legal representative. The physician must also establish the views of an under-aged or incapacitated donor insofar as the donor's age and developmental level permit.

According to section 4 on the removal of non-regenerative organs or tissues, adult persons able to decide about their treatment may donate non-regenerative organs or tissues only to treat disease or injury in a near relative or other person close to them. A permit from the National Supervisory Authority for Welfare and Health is required for all removals of organs or tissues.

According to section 5 on under-aged or incapacitated donors, under-aged or incapacitated persons may only donate regenerative tissue or part of a regenerative organ to treat disease or injury threatening the life of a sibling if no suitable tissue or organ is available from a deceased or legally competent donor. If the donor is under-aged but of an age and developmental level that allows him or her to decide about personal treatment, the recipient can be a near relative or other close person. Cells can also be donated in situations other than the ones mentioned above if no suitable cells are available from a deceased or legally competent donor. A permit from the National Supervisory Authority for Welfare and Health is required for the removal of tissue or part of an organ.

Please see the Act for further information (unofficial English translation, amendments up to 277/2013 included): <https://www.finlex.fi/fi/laki/kaannokset/2001/en20010101.pdf>

Act in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/2001/20010101>

- b. *the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;*

Transplantations and waiting list coordination are centralised in one institution, Helsinki University Hospital.

- c. *the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.*

The Ministry of Social Affairs and Health has nominated a contact person (National Focal Point, NFP) in charge of data collection on illicit transplantation activities. The data is collected in the national registry and transmitted anonymously to the EDQM secretariat. Illegal and legal organ donors, as well as recipients, are treated in the same way. The NFP is responsible for informing and educating healthcare professionals and authorities about the risks and sequelae of organ trafficking.

Measures to discourage the demand (Article 6)

22. *What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:*

- a. *educational programmes;*

Please see the details about the HEUNI project under question 19, above.

- b. *information campaigns and involvement of the media;*

The Danish Center against Human Trafficking (CMM) is heading a project to develop a shared Nordic model for combating labour-related exploitation and forced labour that lead to THB. Running from April 2017 until April 2018 and funded by the Nordic Council of Ministers, the project aims to build on the Danish approach to design pragmatic guidelines and training materials for the Finnish context. The HEUNI is responsible for the national implementation of the project in cooperation with all key stakeholders in the public and private sectors alike.

The project has the following aims in the Nordic countries: to establish a Nordic cooperation forum which seeks (1) to combat labour exploitation and forced labour that lead to THB; (2) to develop national guidelines for enterprises/actors in the private and public sectors to help identify and prevent hidden labour exploitation and forced labour; (3) to develop training modules for specific countries and sectors to provide support in the introduction of the national guidelines; (4) to cooperate with all key stakeholders and enterprises with the aim of raising their awareness of labour exploitation, its risk factors and effective measures to combat hidden labour exploitation. The City of Helsinki Procurement Centre is a member of the project's steering group.

NGOs report the lack of information campaigns or educational programmes aiming to discourage the demand fostering different forms of exploitation.

c. *legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);*

Establishing as a criminal offence the use of services of labour exploitation was to some extent evaluated when the Convention was ratified by Finland (Governmental legislative proposal 122/2011, page 53). The outcome of the consideration was that no criminalisation was adopted for use of services of victims of labour-related trafficking. As stated in the Governmental legislative proposal, labour-related trafficking differs from sexual trafficking in such a manner that, in the former, the user of services is not necessarily directly in contact with the victim of trafficking and therefore 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 consideration. Article 19 of the Convention does not oblige criminalisation of the use of services of victims.

The aspects presented in 2011 are 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. It is difficult to see how, for example, a customer dining in the restaurant could have the knowledge or even a suspicion that a person working in the kitchen is a victim of trafficking offence. This question is not only relevant to restaurant cases but also to other cases of labour exploitation. Criminalisation as such may have some preventive effect but, according to general law principles followed in Finland, criminalising something is the last resort and it is not reasonable to draft criminal law provisions which are not applied at all or at least are applied very rarely because the offences in question are hard or even impossible to prove.

Another point of view comes from anti-corruption. Finland does not have stand-alone, horizontal anti-corruption legislation.

The Criminal Code, however, includes provisions related to bribery. Of particular importance in the context of combating trafficking are:

- Chapter 16 of the Criminal Code, which includes provisions against the giving and aggravated giving of bribes to a public official (sections 13 and 14) and the giving and aggravated giving of bribes to Members of Parliament (sections 14a and 14b).
- Chapter 30, which includes provisions against the giving and aggravated giving of bribes in business (sections 7 and 7a) and acceptance and aggravated acceptance of bribes in business (sections 8 and 8a).

- Chapter 40, which includes provisions related to the acceptance or aggravated acceptance of bribes by a public official (sections 1 and 2), bribery violations (section 3) and the acceptance or aggravated acceptance of bribes by a Member of Parliament (sections 4 and 4a).

As can be seen, the above-mentioned provisions apply to a broad range of actors in the public and private sectors as well as in the political arena, including actors which, according to the UNODC and the Council of Europe, have a key role in the trafficking chain, the criminal justice chain and the stage involving protection and support for victims.

In addition to the above-mentioned provisions, sectoral legislation contributes towards counteracting corruption. Examples include the Procurement Act and the State Civil Service Act, to name but a few.

According to NGOs, the partial criminalisation of the purchase of sexual services from procured persons in prostitution and victims of trafficking in human beings is an example of measures aiming at “reducing the demand” for sexual exploitation of victims of trafficking and persons involved in organised prostitution. This partial criminalisation of the purchase of sexual services has rarely been implemented in Finland.

- d. involvement of the private sector.

Please see the material on the HEUNI project under question 19, above.

23. *Please describe the measures taken in your country to prevent trafficking for forced labour or services, inter alia, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.*

As mentioned in Finland’s report on the first monitoring round, the Department for Occupational Safety and Health at the Ministry of Social Affairs and Health prepared guidelines in 2012 on the supervision of foreign labour (occupational safety monitoring guidelines 2/2012). Appended to the guidance was a memorandum to guide the work of the inspectors in identifying THB victims and directing them to the Assistance System (“Actions of the OHS protection authorities in identifying THB victims and directing them to the national assistance system”). The guidelines were updated in 2015. They complement the guidelines on the monitoring of discrimination in workplaces 2/2012 as well as those on the monitoring of foreign labour 2/2012, which are also applied, where suitable, in suspicions of THB.

Updated guidelines on the supervision of foreign labour in Finnish:

http://www.tyosuojelu.fi/documents/14660/198601/Ulkomaisen_tyovoiman_valvonta_3_2015/f67c8234-e2dd-4073-9d6b-8662071bfe3e

As part of the HAPKE project (reported under the first monitoring round), the Finnish Immigration Service, the National Bureau of Investigation, the National Rapporteur on Trafficking in Human Beings, the Trade Union Federation SAK, and Victim Support Finland developed an awareness-raising flyer about the risks of THB. It was translated into several languages and a pocket-sized version was made for OHS inspectors to hand out to employees during inspection visits. The pocket-sized version includes contact details for the Assistance System.

The trade unions and employers in general have a role to play in ensuring that the minimum standards are followed and that employees are not hired in infringement of the collective labour agreements. It should be also ensured that internships and related jobs will not lead to misuse of the labour force in Finland. In this regard, vulnerable groups are particularly at risk of becoming victims. For instance, the City of Helsinki actively prevents the grey economy and also expects its partners to act in the same way, as stipulated in the City Strategy.

In order to support the government in addressing the risk for migrant workers of exploitation and trafficking in seasonal agricultural work, IOM Finland initiated a dialogue between the Ministry of Economic Affairs and Employment, other anti-trafficking authorities working in detection and prevention

of labour exploitation, and trade and labour unions as well as retailers and buyers (private sector). As the first concrete form of action, in summer 2017 an information flyer was disseminated to farmers using seasonal migrant workers during the harvesting season. Another round of dissemination will be conducted in summer 2018. In addition, IOM Finland organises a round table to introduce concrete tools to address labour trafficking, including domestic initiatives by different Finnish actors as well as IOM's international work on promoting ethical recruitment (IRIS) and supporting companies in mapping the risk of trafficking in their supply chains and available training (CREST).

Please see under question 19 details of the HEUNI project on Nordic counter-trafficking and corporate social responsibility.

NGOs point out that Finland has been successful in identifying labour exploitation through the work of labour inspection authorities and by some police districts in the capital area and in the province of Pohjanmaa, for example. The suspected labour exploitation has been identified mainly in the restaurant industry and berry picking. However, NGOs consider it problematic that the labour inspectors are also in charge of control of alien persons and this makes it more difficult for the possible victims to trust the labour inspecting authorities and come forward with their experiences.

Border measures (Article 7)

24. *Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:*

- a. *identification of possible victims of THB in the context of border control;*
- b. *identification of possible perpetrators of THB offences;*
- c. *gathering of first-line information from victims and perpetrators;*
- d. *identification of vulnerable persons in need of international protection among possible victims of trafficking.*

The Finnish Border Guard is an active contributor to combating THB and has been providing training in the identification of victims of THB to its personnel for over a decade. The training is a part of the basic training of border guards and the special training of criminal investigators and criminal intelligence officers. Since 2005, the Border Guard has been a competent criminal investigative authority for crimes of THB.

No dedicated training in the identification of perpetrators of THB offences has been arranged. First-line information is available to investigators in subsequent stages of investigation. In the training, particular attention has been paid to identifying vulnerable persons and catering for their special needs.

25. *What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?*

The Finnish Border Guard has been providing training in combating and identifying THB and irregular migration to representatives of airlines' ground services companies for over a decade. This training has been provided whenever an airline introduces a new route to Finland from an at-risk area. In some cases – for instance in Russia, India, Belarus, Turkey, Singapore, Morocco, China and South Korea – the local border control authorities have also taken part in the training provided.

As a part of its sub-regional activities, IOM Finland has produced learning material for passenger ferry personnel in the early identification and assistance of victims of trafficking. The material is available in English and is being translated into Nordic and Baltic languages to serve passenger ferries operating in the Baltic Sea. The project is co-funded by the Nordic Council of Ministers, which receives funding from different Nordic ministries, including from Finland.

In the context of the "Nordic-Baltic Partnership with Passenger Ferry Companies to Encounter Trafficking in Human Beings on the Baltic Sea", coordinated by IOM, in late 2016 IOM Finland and HEUNI

organised a series of training events for ferry staff to increase their awareness of human trafficking and smuggling of migrants and to improve their capacity to identify potential victims and to refer them to assistance.

26. *What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.*

The border control authorities may share information nationally by means of shared information systems. Information relating to cases under criminal investigation may be shared in Europe via Europol in the form of SIENA messages. Joint Investigations Teams (JIT) may be set up in the EU Member States when a criminal case extends to more than one Member State. FRONTEX compiles statistics on topics including THB and also publishes reports on the topic.

Identification of the victims (Article 10)

27. *Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.*

A National Referral Mechanism (NRM) is currently under preparation. The NRM is intended to facilitate cooperation among the various actors involved in the identification and referral to assistance of victims, such as the police, Border Guard, local authorities and NGOs. IOM Finland has for its part supported the Finnish Government in the development of the National Referral Mechanism.

The Association of Finnish Local and Regional Authorities puts a priority on the ongoing preparation giving rise to an effective and comprehensive national system for the identification and referral of victims of THB. This would clarify activities and help customers make informed decisions.

The Association of Finnish Local and Regional Authorities recommends that the national anti-trafficking coordinator enhance the dissemination of the results of the aforementioned projects, e.g. by organising national, regional and local seminars. It would be important that these seminars be attended by representatives of local authorities, reception centres and NGOs in order to achieve the widest possible dissemination of information about THB and combating it, and about identifying and assisting its victims.

The Assistance System has been operational for several years. In the past few 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 in Finland is also increasing. To this effect, the City of Helsinki recently established a cross-departmental working group that will discuss the phenomenon of undocumented migrants and look for possible solutions if necessary. It is foreseen that the work related to the assistance of (potential) victims of trafficking will increase in Helsinki in the near future (assistance needed in the care system, investigations, court hearings, juridical and medical investigations, etc.).

28. *Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?*

The instructions issued by the National Police Board (see question 6) include an appendix with a toolkit for identifying victims of THB. There are no formalised indicators for the identification of victims of THB in the administrative sector of the Ministry for Social Affairs and Health but there are some projects to develop guidance on how to identify labour exploitation and trafficking. See question 29 and details of the HOIKU project under question 6.

29. *What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice.*

The official/formal identification of a person as a victim of human trafficking is regulated by the Reception Act. According to section 38 of the Reception Act, a potential victim of trafficking can be formally identified by three different state actors:

1. Pre-trial investigations: A person is formally identified as a victim of human trafficking when the police (or another investigative body, such as the Border Guard) or the prosecutor initiate investigations on human trafficking (Criminal Code (39/1889)), where the presumed victim is the claimant.
2. The Immigration Service officially identifies a victim of human trafficking by granting the victim a residence permit based on section 52a of the Aliens Act. This permit is a continuous residence permit which can be renewed, and it is granted to those victims of human trafficking who are considered especially vulnerable. The victim's cooperation in the criminal process is not a requirement for being granted this type of permit.
3. The Assistance System can formally identify its customer (a potential victim of human trafficking receiving assistance) as a victim of human trafficking in two instances:
 - a) If the pre-trial investigative authority or the prosecutor has concluded that the trafficking offence cannot be investigated in Finland, but there are still reasonable grounds to believe that the person has been a victim of human trafficking abroad, *i.e.* outside Finland but not in Finland.
 - b) If the pre-trial investigations have been conducted and there are reasonable grounds to believe that a person is a victim of human trafficking, but no charges can be filed against anyone (e.g. due to death or disappearance of the possible perpetrator), the Assistance System can formally identify the person as a victim of human trafficking.

Before making a decision on formal identification, the Assistance System must by law consult the multi-professional evaluation group, which consists of professionals from the fields of social work, policing, border control, health care, child services and the Immigration Service.

As an example, a Nigerian national has been exploited in Greece and escapes his/her exploiters to Finland. The victim tells the police about his/her distress, who refer the victim to the Assistance System. The police interview the victim, but the victim cannot name his/her exploiters or give any exact directions as to where the place of exploitation was. The police and prosecutor thus conclude that the crime cannot be investigated in Finland due to lack of information. In this case the prosecutor's decision would state that, according to what the victim has said, it is possible that he/she might have been a victim of trafficking abroad (outside Finland), but that it is not possible to investigate the matter in Finland. After this decision, the Assistance System must evaluate whether the victim should still be formally identified as a victim of human trafficking. The Assistance System consults the multi-professional evaluation group, who discuss the matter. After this, the Assistance System can decide to formally identify the person. If the formal identification is made, the customer will be given an official document accordingly.

As a formally identified victim of human trafficking, the person can continue to receive services from the Assistance System. It is, however, to be noted that the formal identification by the Assistance System does not mean that the identified victim receives a residence permit. The formal identification of a person as a victim of human trafficking has, as such, different effects depending on the authorities that formally identified the victim.

Being a victim of THB may be a ground for international protection or a residence permit on compassionate grounds or a residence permit for a victim of THB. However, being a victim of THB does not automatically lead to the assumption that the grounds for any of the above-mentioned permits are satisfied.

Being a victim of THB may be a ground for international protection, i.e. asylum or subsidiary protection. A central element in this determination is whether or not the person faces a risk in his or her country of origin and whether there is a risk of 're-victimisation', and whether or not the person may turn to the authorities of his or her country of origin for protection or assistance if needed.

Victims of THB may be given international protection if the conditions for residence are satisfied, as is the case with any other applicant. Being a victim does not itself entitle the person to receive international protection as each case is handled individually and using the current country of origin information. In terms of central issues regarding the assessment, well-founded fear (for asylum) or risk of serious harm (for subsidiary protection) are the key factors. The credibility of the accounts given by the asylum seeker as well as the risk that he or she would face upon return to the country of origin are duly considered throughout the process.

The HOIKU project referred to above has produced information for social and health care professionals on indicators of THB and on questions to be asked of clients and patients. A quick guide has also been produced for employers and enterprises on how to recognise and prevent trafficking for labour exploitation:

http://iom.fi/sites/default/files/leaflets/IOM_Pikaopas_Kausityö_FINAL_FI.pdf

The guide being developed as part of the HEUNI project includes various checklists that contain different measures for the identification and prevention of labour force exploitation.

Occupational safety and health guidance makes reference to the indicators provided on the website <http://www.humantrafficking.fi>. According to the guidance, OSH inspectors have a duty to recognise potential victims of THB and direct them, given that they consent, to the Assistance System. Formal identification is, however, carried out by other authorities. In occupational safety and health authorities, the threshold for identifying possible victims is low, as it is difficult to predict the criminal offence (extortive work discrimination vs. THB).

30. *What measures are taken in your country to encourage self-identification of victims of THB?*

The government maintains the website www.ihmiskauppa.fi. Information about THB is also provided on the Infopankki website maintained by the City of Helsinki <http://www.infopankki.fi/fi/elama-suomessa/ongelmatilanteet/ihmiskauppa>.

The OSH inspectors hand out pocket-sized versions of an awareness-raising flyer on THB (that was developed as part of the HAPKE project) to employees during inspection visits.

The Finnish OSH administration has also published a brochure, "As a foreign employee in Finland", which is published in different languages and given to employees during inspections. The brochure contains information about Finnish regulations on salaries and working hours and gives practical information about employees' rights in Finland.

Brochure in English:

https://www.tyosuojelu.fi/documents/14660/2426906/engl_ulkomaal_tyontekij_netti.pdf/2131c409-81ec-44c5-a61e-0e3f32f4335b

Brochure in Finnish:

<http://www.tyosuojelu.fi/documents/14660/2426906/Ulkomaalaisena+tyontekijn+Suomessa+netti.pdf/6e569590-0cef-44f2-b8c4-b2caa2300611>

The self-identification of victims of THB has been encouraged in an EU ISF-funded project (2016-2017) by NGO Pro-tukipiste, which organised workshops aiming to raise awareness about THB and ways of seeking help for people working in the sex industry. The workshops have been modelled so that similar workshops can be organised for different peer groups from vulnerable populations likely to encounter persons in trafficking situations.

31. *What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?*

Identifying victims of THB, directing them to assistance, clarifying the conditions of trafficking and taking them into account during the asylum procedure is essential. Identification may take place at any step of the process. For the purpose of identifying victims, an expert on THB (with a substitute) has been appointed to the asylum unit. The local branches of the asylum unit are also manned with specialist THB liaison officers who offer assistance on a low threshold to case workers conducting asylum interviews and making decisions on asylum.

Asylum unit personnel are frequently trained to identify victims of THB. All asylum unit employees have at their disposal guidance and instructions on identification. The instructions include all practical directions for clarifying THB matters during an asylum interview and taking into account issues that suggest trafficking and vulnerability in the decision-making phase. They also include detailed rules of procedure on cooperation with the Assistance System, e.g. on presenting an asylum seeker to the System.

The identification of a victim may take place in the early stages of the asylum process if the applicant discloses such issues when submitting the application to the police or Border Guard. The Border Guard may also on its own initiative take note of matters warranting a finding of victimisation or it may identify a victim and ensure passage to assistance upon arrival in the country.

The reception centres give information on the asylum procedure to applicants at the start of the process. Information is also provided during the initial check-up conducted by a healthcare professional and the briefing by a social worker within two weeks of arrival in the centre. The role of the reception centre is therefore critical in determining the vulnerability of an asylum seeker, e.g. when it comes to identifying victims of THB. The identification may also take place during daily work in the reception centre.

The asylum interview is a critical phase for the asylum unit for identifying potential victims. Possible signs of THB are closely considered during the asylum interview. Instructions for those conducting asylum interviews on spotting signs of THB have been compiled. The objective is to have all victims interviewed by experts specifically trained in THB issues. Adult asylum seekers are generally interviewed twice and for minors' interviews a whole day is reserved. When signs of trafficking emerge in the first interview, the THB specialists can participate in the second interview with appropriate interpreters (e.g. gender may have an effect) and the presence of legal representation can be ensured in this two-phased interview model.

Information on taking the applicant into the Assistance System may in some cases already be known to the Immigration Service before the asylum interview. In these cases, helpful information is received from the Assistance System that may contribute to clarifying the issue during the interview. If the person is not yet in the Assistance System but signs of THB emerge in the interview, the interviewing case worker may present the applicant to the Assistance System after the interview if the applicant consents to this.

The Assistance System has trained staff at the two detention centres in Finland. As a result, several referrals for accepting a person into the Assistance System have been received from the detention centres.

Since 1 January 2017 the Assistance System has been a part of the Immigration Service (FIS). Even before this date, the FIS has had the right to request and receive information from the Assistance System and vice versa. Similarly, the Assistance System has the right to request information from the police or Border Guard in matters relating to a customer of the Assistance System and vice versa (Reception Act, sections 52, 53 and 58). If a person is in the country illegally and there are grounds to assume that he or she has been a victim of human trafficking, the Assistance System can grant the victim a reflection period for up to six months, thus legalising the victims' stay for that time. During the

reflection period the victim cannot be removed from Finland against his/her will. The Assistance System assists and advises its customers on the available possibilities for legalising their stay in Finland.

According to NGOs, Finland has previously been successful in identifying victims of trafficking during the examination of asylum applications. The Assistance System is coordinated from the Joutseno reception centre for asylum seekers and works in close communication with reception centres. This has resulted in a situation where the majority of persons accepted into the assistance system have been asylum seekers who have encountered THB, usually before their arrival into Finland.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

Since 1 July 2015, the Assistance System has been obliged by law (Reception Act) to inform the police of all its new customers and to provide the police with the written decision by which the customer has been accepted into the Assistance System. The Assistance System can, however, also issue its customer a reflection period of up to 6 months or a recovery period of up to 3 months. During the recovery period the Assistance System does not give information about the customer to the police or Immigration Service (FIS). During the reflection period the Assistance System only informs the police of the right of the customer to stay in the country for the given period. No other information is given to the police during this period, unless the police consider it necessary.

Before a person gives his or her consent to becoming a customer of the Assistance System, it is the Assistance System's duty to ensure that the person has been informed of its obligation to give information about the customer to the police.

The identity of asylum seekers is confidential and the Immigration Service never discloses this information to outside parties. If the FIS is aware that the applicant is in a vulnerable state, it may contact the reception centre to ensure that he or she receives the necessary assistance (e.g. legal aid or healthcare). If the person's vulnerability becomes apparent during the asylum interview, the case workers in the asylum unit are instructed to contact the reception centre to ensure access to, for example, legal aid (and special procedural safeguards). Workers at the reception centre have a duty to direct applicants to legal aid. They are trained and have at their disposal instructions for identifying potential vulnerabilities.

If during the interview it comes to light that the person has become a victim of THB in Finland or anywhere else, and no criminal investigation has been initiated, the applicant is notified about the possibility of reporting an offence to the police.

Section 25 of the Child Welfare Act (417/2007) places on many officials and professionals working in the social, health and other services (listed in the provision) where children are met, a duty to notify social services without delay and notwithstanding confidentiality provisions if, in the course of their work, they discover a child for whom, based on the child's need for care, circumstances that endanger the child's development or the child's own behaviour, it is necessary to investigate the need for child welfare. Further, other persons not mentioned in the provision have the right to do so, notwithstanding confidentiality provisions.

An amendment to the Child Welfare Act entered into force on 1 April 2015 that places on the aforementioned officials and professionals working in the social, health and other services where children are met, a duty to inform the police in cases where they have reason to suspect that the child has been subject to a sexual offence punishable under chapter 20 of the Criminal Code (39/1889) or a crime against life or health punishable under chapter 21 of the Criminal Code.

Child Welfare Act in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/2007/20070417>

According to section 17 of the Act on Health Care Professionals (559/1994), healthcare professionals may not reveal without permission to a third party any secret concerning an individual or a family that they have learned about in carrying out their professional activity. The obligation to maintain secrecy shall continue after their professional activity has ended.

Act in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/1994/19940559>

Unofficial English translation: <https://www.finlex.fi/fi/laki/kaannokset/1994/en19940559.pdf>

According to section 13 of the Act on the Status and Rights of the Patient (785/1992), the information contained in patient documents shall be confidential. Healthcare professionals or other persons working in a healthcare unit or carrying out its tasks shall not give information contained in patient documents to outsiders without written consent by the patient, or, if the patient is not capable of assessing the significance of the consent, by his/her legal representative. However, notwithstanding the aforementioned confidentiality provision, the said professionals or other persons may inform the police of any information that is necessary to assess and prevent the threat of homicide or bodily injury, if they, in carrying out their tasks as provided for in the Act, become aware of circumstances which have given them reason to believe that someone may be in danger of being subjected to violence.

Act in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/1992/19920785#L4P13>

According to section 18 of the Act on the Status and Rights of the Social Welfare Client (812/2000), the organiser or provider of social welfare shall upon request provide, regardless of the consent of the client or of his/her legal representative, confidential information to the police, the prosecutor or a court, if it is necessary to solve a crime to which chapter 15, section 10 of the Criminal Code (39/1889) on the duty to report a serious offence such as THB applies. Such information may be provided on one's own initiative if there is a suspicion of, inter alia, such a crime. An organiser or provider of social welfare is also entitled, notwithstanding confidentiality provisions, to inform the police of information that is necessary to assess and prevent the threat against the life or health of a person, if he or she, in carrying out their tasks as provided for in the Act, has become aware of circumstances which have given them reason to believe that someone may be in danger of being subjected to violence.

Act in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/2000/20000812#L3>

According to section 86 of the Aliens Act (301/2004), if OSH authorities have reasonable grounds to suspect that a work permit offence referred to in chapter 47, section 6a (unauthorised use of foreign labour) of the Criminal Code (39/1889), a violation referred to in section 185 of the Aliens Act or an employer's violation referred to in section 186 of the Aliens Act (facilitation of illegal entry) has been committed, they shall report the matter to the police. This may, however, deter persons working in Finland without authorisation from seeking help from OSH authorities.

Act in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/2004/20040301>

Unofficial English translation (amendments up to 1152/2010 included):

<https://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf>

Under chapter 15, section 10 of the Criminal Code (39/1889), failure to report a serious offence (such as trafficking in persons or aggravated trafficking in persons) to the authorities and the person at risk when there is still time to prevent the offence constitutes a crime. The obligation to report a serious offence applies to everyone, including healthcare professionals and other relevant professionals.

Criminal Code in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001>

Unofficial English translation (amendments up to 766/2015 included):

<https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039.pdf>

In IOM Finland's HOIKU project it has become evident that there is a need for clarifying the interrelations of legislation demanding all persons to report suspected – and preventable – cases of trafficking to the police and the confidentiality of doctor–patient relations, for example. The consulted non-governmental

organisations have raised a concern about how such a demand may affect building trust with the victim and the victim's willingness to approach social and health professionals if they risk their case being reported further. The guidelines under development highlight that the patients' treatment, health and safety always come first. If reporting a case becomes necessary, it is recommended that this be done with the consent of the victim and that it be ensured that the presumed victim enjoys some type of professional support before taking action. The guidelines recommend consulting the Assistance System. The consultation can be done without revealing personal details of the presumed victim.

Assistance to victims (Article 12)

33. *When assistance to victims is provided by non-state actors, how do your country's authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:*

- a. *funding;*
- b. *the victim's safety and protection;*
- c. *standards of assistance and their implementation in practice;*
- d. *access to medical treatment, psychological assistance, counselling and information;*
- e. *translation and interpretation, where appropriate?*

The City of Helsinki reports that in the years 2013–2015 there was only one victim of THB in respect of whom child welfare costs were sought by means of a separate decision. In 2015–2016, the costs of children of victims of THB were invoiced in arrears after a meeting with the Centre for Economic Development, Transport and the Environment. All income was recognised by the Immigration Unit:

Year	Persons	Of whom new	Compensation sought	Of whom child welfare or aftercare customers/costs
2013	9		€253,847.17	1 person, €124,712.70
2014	8	3	€262,255.16	1 person, €156,524.70
2015	9	5	€204,259.75	1 person, €86,036.60
2016	9	2	€58,733.40	yet to be disbursed
2016/yet to be disbursed	5		€557,010.98	5 persons, €557,010.98 yet to be disbursed
2017		10 + 2 minors		

The City reports that disbursement practices and the processing of invoices have been very confusing from the start and disbursements have taken roughly a year. The Centre for Economic Development, Transport and the Environment reports that, unlike before, since 2016 a separate special compensation agreement has had to be made for each victim of THB. On average, the customers enrolled in the Assistance System exhibit the same symptoms as traumatised refugee customers. The symptoms are psychosomatic in nature: intense pains in various parts of the body without discernible medical cause. Typical symptoms are lack of trust, memory loss, loss of orientation to time and place, insomnia. Victims of THB often fail to recognise the link between somatic symptoms and psychological ill-being and anxiety.

A common feature is the difficulty of motivating immigrant clients to commit to sustained therapy or trauma counselling. Repeated police interviews and the subsequent court proceedings cause trauma to surface because the customers are forced to repeat their story over and over again. The victims would often prefer to move on in their lives, yet are forced repeatedly to come face to face with the traumatic events, and the customers lack tools to process the trauma as well as the resources to accept assistance. Two of the native Finnish customers are undergoing sustained psychotherapy to deal with their trauma. A phenomenon ascendant in 2017 has been an increase in labour trafficking in the Helsinki Metropolitan Area. Trafficked labourers are typically paid nothing, the labourers and their families have been threatened either in Finland or in their native country, and the abuse may have been going on for years.

NGOs see considerable differences in the services available in different cities and areas in Finland. For example, psycho-social assistance and therapists with the competence to treat people in unstable situations with severe traumatisation and who need to work with an interpreter, are often difficult to find, especially in smaller cities. In addition, there are notable differences in the level of awareness, even among social and health care service professionals, about trafficking in human beings and how it affects victims.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

Assistance to victims of human trafficking is provided by the Assistance System, whereas decisions on residence permits are made by the other units of the Immigration Service. If a victim has already been issued a residence permit for the purpose of their cooperation in the investigation, it means that investigations have already begun and the victim is cooperating in the investigations. However, should the victim suddenly refuse all cooperation in investigations or the criminal proceedings, there would be no direct consequence of this on the assistance that the victim receives. There is also a residence permit type for those victims of human trafficking who are considered to be especially vulnerable and unable to cooperate in investigations. To receive this permit, there is no requirement of cooperation in investigation or other criminal proceedings.

However, the Reception Act does not entail an exception to the requirements of the Criminal Investigation Act (805/2011), which may still require the victim to cooperate in the investigation. According to the Reception Act, section 38f, assistance in the Assistance System ends when

- The victim no longer needs assistance.
- The victim has not been formally identified as a victim of human trafficking.
- It is stated in the decision to end pre-trial investigations that the person has not been a victim of human trafficking as defined in the Criminal Code.
- The prosecutor does not file charges on human trafficking because he/she considers that the crime of human trafficking, as defined in the Criminal Code, has not been committed.
- According to a court verdict, the crime in question is not considered to be human trafficking as described in the Criminal Code.
- The victim leaves the country for good or is deported.
- The victim expresses that he/she wishes to leave the Assistance System.
- The victim disappears.

A victim of human trafficking can also be removed from the Assistance System if he/she is considered to pose a severe danger to public order or safety. This option has yet to be used.

NGOs note that there is no available information or consensus on what is considered as "cooperation" and whether a victim of trafficking could be granted a residence permit without acting as a witness in the criminal process. They are also of the view that the criteria of the special victim's permit for especially vulnerable victims have been set extremely high.

35. *What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?*

Victims of THB received by a municipality through the system of reception centres are given municipal places and provided housing from the stock of intermediate rental housing. Impediments relating to personal circumstances are taken into account in the provision of housing (mobility restrictions, area, etc.)

According to section 6 of the Act on Shelters (1354/2014), shelters are meant primarily for the victims of domestic violence. However, shelters are also open for people in a similar need of aid provided that the assistance which the shelter provides corresponds to the needs of the victim and that this does not cause any danger to the other people staying at the shelter.

Act in Finnish: <https://www.finlex.fi/fi/laki/ajantasa/2014/20141354>

NGOs find it problematic that the current act on shelters has no explicit stipulations on the provision of services to victims of human trafficking, but the applied practice has made it impossible to offer shelter services to THB victims if they have not also been subjected to intimate partner violence. The new law proposal includes similar stipulations.

36. *What measures are taken to ensure that services are provided to victims on a consensual and informed basis?*

No changes since March 2015. On-site checks can potentially be carried out on immigration services, reception centres and the detention unit.

37. *Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so, what type of assistance?*

Customers of the Assistance System can also receive assistance after court proceedings have terminated, if the court has ruled that the customer is indeed a victim of human trafficking. Assistance is normally given at this stage for as long as it is necessary, i.e. as long as the victim has a need for assistance measures. If the court's ruling does not support the assumption that the customer is a victim of human trafficking, and the ruling has legal force, the customer has to be removed from the Assistance System.

In this case the Assistance System can grant customers reasonable time to organise their affairs. A reasonable time can be from one month to a few months. In these situations, the Assistance System offers its customers guidance and information on alternative services, where such services are available. All foreign national customers are offered the opportunity to return home through assisted voluntary return.

For formally identified victims, assistance can continue until the victim no longer has need of assistance or when the customer expresses that they no longer wish to receive services. Municipal services are continued even after the end of the criminal proceedings. Victims are entitled to municipal services provided that they are registered in the municipality.

After the customer has left the Assistance System's services, no follow-up is done by the Assistance System, as after the termination of the customer relationship the Assistance System no longer has the right to information regarding the former customer's matters.

A life-long medical follow-up is mandatory for all living organ donors regardless of whether the transplantation was legal or not.

NGOs note that since the assistance is closely tied to the criminal process, the victim loses the right to receive services if the investigation uses another title of the crime than THB. This means that the right to receive services is not based on the needs of the victim but depends on the criminal investigations and the court officials' ability to investigate and prosecute trafficking crimes. NGOs consider it problematic because there are no specialised police units to ensure good-quality criminal investigation and pro-active investigation methods.

Recovery and reflection period (Article 13)

38. *Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.*

Since 1 July 2015 the Assistance System has been authorised to issue both reflection and recovery periods to its customers. Both have been actively utilised by the Assistance System whenever required.

The recovery period is meant for persons legally present in Finland. The victim can be granted a 30–90 - day recovery time, during which no information about the victim is given to the police (or other investigative authority) and the police is not allowed to approach the victim. The recovery period can only be granted by the Assistance System to its customers. It is issued, if needed, when the victim enters the Assistance System. During the recovery period the victim receives the same services as any other customer of the Assistance System.

The reflection period is meant for persons illegally present in Finland and is governed by the Aliens Act (301/2004). A reflection period can be issued for up to six months. However, during these six months the police (or other investigative authority) can contact and interrogate the victim if it is considered necessary. Persons legally present cannot be issued a recovery period. During the reflection period the victim receives the same services as any other customer in the Assistance System. Reflection periods are issued, if needed, when the victim enters the Assistance System. Reflection periods can also be issued by the police and the Border Guard. The Assistance System has no information on how many reflection periods have been issued by the police or the Border Guard.

Residence permit (Article 14)

39. *If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.*

The Aliens Act, section 52a (619/2006) regulates the issuing of a residence permit for a victim of trafficking in human beings.

(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 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 with the Aliens Act, section 52a, part 2, such a residence permit may be granted.

A victim applying for asylum can be given international protection if the conditions of international protection are met. Numerous applicants are given international protection every year 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 in the investigation of the criminal case is not a prerequisite for these residence permits.

Aliens Act: <http://www.finlex.fi/fi/laki/kaannokset/2004/en20040301.pdf>

The Assistance System does not extend to persons in whose cases the constituent elements of THB are not met in full and whose cases are investigated as another type of crime, such as extortionate work discrimination or aggravated usury.

This also involves the right to remain in the country for the duration of the criminal proceedings at least. In other words, in the view of the Central Organisation of Finnish Trade Unions SAK, section 52 of the Aliens Act should be amended such that victims of exploitation could reside in Finland throughout the criminal proceedings at least, even if the constituent elements of THB are not met in full. The prospect of having to leave serves to deter victims from seeking help, and the view is supported by the fact that very few cases are reported to the authorities even though possibly as many as thousands of persons whose asylum applications have been rejected are known to reside in Finland right now, and these persons are particularly vulnerable to exploitation.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

Pursuant to section 52a, subsection 1 of the Aliens Act, cooperation with the authorities in charge of the criminal investigation (usually the police or Border Guard) is a precondition for issuing a residence permit for a victim of THB. So far, the immigration unit has not had a single case where the applicant has refused to cooperate with the authorities when applying for a permit.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

An application for a residence permit for a victim of THB is lodged in an office of the Immigration Service. The application must be lodged personally. If the conditions for issuing a permit are satisfied, the permit is issued pursuant to section 52a or 52d of the Aliens Act. If the conditions for issuing a residence permit for a victim of THB are not satisfied, but the applicant has provided additional information regarding e.g. his or her state of health, a permit on compassionate grounds may be issued pursuant to section 52 of the Aliens Act.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;*

- b. *access to free legal assistance and legal aid during investigations and court proceedings;*
- c. *compensation from the perpetrator;*
- d. *compensation from the state;*
- e. *compensation for unpaid wages to victims of trafficking.*

Please provide examples of compensation awarded and effectively provided to victims of THB.

It is a part of the Assistance System's duties (Reception Act, section 38a; 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 victim and discussed with them carefully. Interpretation is always used where required.

b. According to the Reception Act, section 38a, 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 them as to when a lawyer is needed. The Assistance System itself also provides guidance on the matter to the victim. Where there is a criminal investigation on human trafficking or aggravated human trafficking ongoing, the victim has the right to free legal assistance from the very first stages of investigations. A support person may also be appointed for a victim, usually from Victim Support Finland. On top of providing the victim with mental support, the support person goes through the phases of the criminal process with the victim and can accompany the victim to interrogations, hearings and court sessions.

The Central Organisation of Finnish Trade Unions SAK points out that victims of THB have access to help in principle but not in practice. Victims of labour trafficking, for example, have little chance of ever recovering the pay owed to them. Victims of THB are not members of trade unions, and industry unions are not informed of victims. This may result in the victims being denied the kind of professional legal assistance to which they are entitled. According to SAK, the authorities should ensure better cooperation among the various actors in order for the victims to access justice.

43. *What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?*

44. *Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.*

Repatriation and return of victims (Article 16)

45. *What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (non-refoulement principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of cooperation with the authorities of the receiving state?*

The Finnish legislation does not contain a direct prohibition on a person's removal from the country during the process of his or her identification as a victim of THB. However, section 146 of the Aliens Act requires that, before a person can be removed from the country, overall consideration must be given to the facts and circumstances of the matter. In practice, this means that the personal situation of the individual will be fully considered, even if it is clear that the person does not have a document proving his or her right to be in Finland (visa or residence permit) and has not applied for such a document. Non-refoulement is also always considered when a decision over a person's removal from the country is made. Therefore, it should not be possible for a victim of THB to be removed from Finland without due consideration of the person's victim status and the conditions which he or she would face in his or her home country.

A return decision based on the Dublin III Regulation may be given even if there are signs of THB. The matter must nonetheless be looked into and the person be presented to the Assistance System, and the signs of THB must be taken into account in the decision-making process. In such Dublin transfers, the police informs the receiving state about relevant considerations regarding health and special needs, for example, including the fact that he or she is a victim of THB if the person consents. Articles 31–32 of the Dublin III Regulation regulate the transfer of data in these cases. According to internal guidelines, the receiving state shall be informed of the state of health of the person before the transfer. The notice on transfer and notice on health are dispatched in two separate forms. The Immigration Service acts as a national point of contact and submits the forms to the receiving state as provided in the Regulation.

Information shall be submitted to the authorities of the receiving state to ensure that they can offer necessary assistance to the transferee. This information may generally only be submitted if the transferee gives his or her consent. If the applicant has been taken into the Assistance System in Finland, information about this may only be submitted to the receiving state if the transferee consents.

The police are in charge of enforcing return decisions and carrying out the practical arrangements related thereto, including contacting the authorities in the receiving state. It is the police's responsibility to ensure that the special needs of a victim of THB have been communicated to the receiving state.

IOM Finland implements an Assisted Voluntary Return and Reintegration (AVRR) project in cooperation with the Immigration Service. This project's return assistance is also available for victims of trafficking without a municipality of residence in Finland (the project's target group definition is related to the Reception Act (17.6.2011/746), Art. 31). For all clients referred to IOM Finland under this project, IOM applies its organisation-wide standards and rules for voluntary return assistance for victims of trafficking. This includes, among others, that all assistance is based on the returnee's own voluntary and informed decision to return, that comprehensive counselling is provided to returnees throughout the return and reintegration process, that individual risk and needs assessment is conducted prior to the return and taken into account throughout the return and reintegration process, and that the non-refoulement principle is respected. IOM cooperates particularly closely with the Assistance System (Joutseno) on such returns, while other authorities may be involved as needed. Through IOM's global office network, risk assessments may also include – where required – information obtained from the returnee's country of origin prior to the return. Depending on each individual case, cooperation with relevant authorities in the country of origin is also sought, as well as with other relevant actors, such as NGOs specialising in assisting victims with reintegration and recovery.

IOM notes that no AVRR system exists in Finland for victims of trafficking not covered by the Reception Act, for example those victims who have been granted a residence permit based on the Aliens Act Art. 52a. IOM Finland may also assist victims not covered by the Reception Act according to the same standards described above. However, such assistance can only be provided on a case-by-case basis and it usually requires that a sponsor or donor agrees to cover the costs of the return. The lack of a comprehensive AVRR system also means that, to IOM's knowledge, no information material is available informing victims or their support persons/social workers of the possibility of returning voluntarily with comprehensive assistance.

46. *Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?*

Corporate liability (Article 22)

47. *Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.*

According to chapter 25, section 10(1) of the Criminal Code, the provisions on corporate criminal liability apply to trafficking in human beings and aggravated trafficking in human beings. Corporate criminal

liability is regulated in chapter 9 of the Criminal Code. The grounds of corporate liability provisions in that chapter are in line with numerous international instruments. The prerequisites for liability and the connection between the offender and the corporation are described in chapter 9, section 2 and 3(1) as follows:

A corporation may be sentenced to a corporate fine if a person who is part of its statutory organ or other management or who exercises actual decision-making authority therein has been an accomplice in an offence or allowed the commission of the offence or if the care and diligence necessary for the prevention of the offence have not been observed in the operations of the corporation.

A corporate fine may be imposed even if the offender cannot be identified or otherwise is not punished. However, no corporate fine shall be imposed for a complainant offence which is not reported by the injured party so as to have charges brought, unless there is a very important public interest for the bringing of charges.

The offence is deemed to have been committed in the operations of a corporation if the perpetrator has acted on the behalf or for the benefit of the corporation, and belongs to its management or is in a service or employment relationship with it or has acted on assignment by a representative of the corporation.

These provisions must be taken into account when assessing the existence of corporate criminal liability in a concrete case, including when assessing the possibility of applying liability to the sub-contractors.

Aggravating circumstances (Article 24)

48. *Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.*

The authorities are not aware of any such cases.

Non-punishment provision (Article 26)

49. *Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.*

According to Article 26, 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 and it is enough to have the possibility of not imposing penalties.

The situation in Finland is quite accurately described in paragraph 207 of the Implementation Report. According to a general criminal law principle, criminal responsibility is avoided in cases where a person has been compelled to commit an offence. Regarding trafficking offences, this principle is mentioned in Governmental legislative proposal 122/2011 (page 60) related to the implementation of the Convention, which gives it strength. 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).

It is a question of consistency of the legal system. The principle mentioned in the Implementation Report covers all 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 not be followed in practice regarding the victims of trafficking offences. There is no information showing that victims of trafficking have been punished for offences they were compelled to do. That kind of information is not included in the Implementation Report either.

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. *Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.*

Crimes committed on Finnish soil can always be investigated in Finland regardless of the country in which the complaint was submitted. THB cases are better investigated in the place of occurrence. It has been our experience that determining the details of the case and identifying the suspects is difficult, if not impossible, when the investigation is carried out in a country other than the one in which the crime was committed. Additionally, when an investigation is carried out in a country other than the one in which the crime was committed, a problem may arise in that, if evidence of a THB crime is not obtained, the investigating foreign country may not necessarily have jurisdiction to investigate the other crimes committed in other countries for which evidence has been obtained (assault, rape, menace, etc.).

51. *Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:*

- a. setting up specialised investigation units and the number of staff involved;*
- b. exchange of information with, and obtaining evidence from, other parties;*
- c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;*
- d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;*
- e. financial investigations to disrupt criminal money flows and ensure asset recovery;*
- f. use of joint investigation teams (JITs).*

Due to the low number of police officers in Finland it is not possible to set up any specialist unit with a very restricted scope of responsibilities. The Crime Investigation Departments are usually divided into units investigating "ordinary", organised and financial crimes. Trafficking in human beings is usually investigated by either the unit for organised or the unit for financial crime, depending on the type of THB. The capability for investigating THB is guaranteed through extensive training (see paragraph 6 of this report and paragraph 73 of the Implementation Report). Furthermore, the National Police Board has established a national expert network specialised in combating THB.

Local police departments also have persons in charge of immigration matters whose responsibilities include ensuring, under the direction of the National Police Board, that competence is developed in areas such as investigating trafficking offences.

The National Bureau of Investigation's special team dealing with illegal immigration monitors the THB situation in Finland and maintains an up-to-date picture of the situation.

The Coercive Measures Act (806/2011) outlines all the measures that can be used by the police as well as the grounds for using them. Their usage is not usually bound to the type of crime being investigated but to the maximum punishment for each crime as defined in the Criminal Code (39/1889). The maximum punishment for trafficking in human beings is six years imprisonment and for aggravated trafficking in human beings is ten years imprisonment. This enables all coercive measures and special techniques to be used. The same applies when it comes to disrupting criminal money and ensuring asset recovery.

The National Bureau of Investigation maintains an online tip-off service where people can report all kinds of illegal online activities. Furthermore, the police cooperate with the NGO Save the Children that works closely with INHOPE in order to detect child sexual abuse material. Save the Children reports these

cases to the National Police Board. The procedure of sending requests to block internet sites with illegal material such as facilitating trafficking or child sexual abuse material varies from case to case depending on the internet provider. Requests for blocking are made either after evidence is secured or after the sentence is given. The use of JITs is routine in the police and they have been also used in THB cases.

52. *Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?*

In the past 25 years, there have been no cases of organ transplantation in Finland in which organ trafficking has been suspected.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. *What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.*

The legislation on evidence in the Code of Judicial Procedure (4/1734) has been reformed. Since the beginning of 2016, the provisions on the hearing of the victim without the presence of the suspected offender or another person are in chapter 17, section 51 and the provisions on the hearing of the victim with the use of a video conference in chapter 17, section 52 of the Code of Judicial Procedure.

New legislation on anonymous witness testimony entered into force at the beginning of 2016. Provisions on anonymous witness testimony are included in the Code of Judicial Procedure (chapter 17) and in the Criminal Procedure Act (chapters 5, 7 and 11). Anonymity may be granted to a witness in a case of human trafficking if it is necessary to protect the witness from a serious threat to life or health.

The Assistance System has not kept statistics on the frequency of situations in which a customer in a high security risk has required special security arrangements. Such situations have normally occurred once or twice annually. All customers of the Assistance System are entitled to safe housing (Reception Act, section 38a). According to section 38d of the Reception Act, the Assistance System (and the municipality where the victim is resident) must cooperate with the police in matters relating to the protection of the victim. Measures taken in order to protect a victim under threat have included housing in a safe house with a secret address, increasing the number of guards at a facility where the victim is housed, and blocking all access to the victim's personal details. In some rare cases, changing the victim's personal details has been necessary. The victim is also given advice on how to safely use social media applications etc. The special safety measures can be in force as long as necessary. The greatest difficulties in protecting victims of trafficking have had to do with the victims themselves and their willingness to follow the safety instructions provided.

Finland implements the EU Victims Directive (2012/29/EU). In accordance, in each THB case the police carry out an individual assessment of victims to identify specific protection needs. A separate form is filled in and specific action is taken depending of this assessment. The Prosecutor is notified of this. Furthermore, the THB victim is referred to the Assistance System, which has its own procedures to guarantee the safety and security of the victim. Statistics are not kept on these cases, but the instructions are unambiguous and they are applied in all cases.

54. *What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?*

A victim of THB can be assisted by a social worker, psychologist and/or NGO representative in the investigation and court hearings during all stages of the process. A special victim support person from Rikosuhripäivystys / Victim Support Finland can also be assigned for the victim.

See also the description of new legislation under question 53.

Jurisdiction (Article 31)

55. *Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).*

According to chapter 1, section 7(3) of the Criminal Code, THB offences are international offences. This means that the Finnish jurisdiction covers all trafficking offences regardless of the perpetrator, the victim, the place of commission and the legislation of the place of commission (dual criminality is not required).

International cooperation (Article 32)

56. *Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.*

The police participate in international cooperation as it is set out in the EUROPOL Multiannual Strategic Plans and Operational Action Plans. International cooperation is also carried out through joint investigation teams.

Please see the details on the HEUNI and HOIKU projects described above.

The Council of the Baltic Sea States (CBSS) has a Task Force against Trafficking in Human Beings (TF-THB), the objective of which is to counteract trafficking in human beings in the Baltic Sea Region through preventive and protective activities. The mandate of the TF-THB is to fight against trafficking in human beings and all of its forms of exploitation. Its actions aim at strengthening assistance to victims, promoting cooperation, abolishing gaps in existing approaches and improving legislation. The Task Force is composed of experts from relevant Government ministries in all the CBSS capitals.

The CBSS has produced Guidelines for Municipalities, Stepping up Local Action against Human Trafficking: <http://www.cbss.org/wp-content/uploads/2016/03/Guidelines-for-Municipalities-ENG.pdf>

The guidelines are also available in Finnish: <http://www.cbss.org/wp-content/uploads/2016/03/Guidelines-for-Municipalities-FIN.pdf>

As a part of its sub-regional activities, IOM Finland trained 160 passenger ferry personnel and produced self-learning material for passenger ferry personnel in early identification and assistance of victims of trafficking. In addition, six consultative meetings were arranged in different Nordic-Baltic countries and a training seminar was organised for 25 persons in Helsinki, Finland. The self-learning material is available in English and is being translated into Nordic and Baltic languages to serve the operation of passenger ferries in the Baltic Sea. This project is co-funded by the Nordic Council of Ministers and different Nordic states, including Finland. Finland has also contributed to the project through expertise, including from anti-trafficking authorities.

Measures related to endangered or missing persons (Article 33)

57. *What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.*

The Assistance System has jurisdiction only within Finnish territory. Should a potential victim arrive in Finland with the help of authorities, a simple referral to the Assistance System should ensure that the person receives assistance on arrival in Finland. The Assistance System has, for example, assisted persons who return to Finland due to court proceedings, while they are in Finland.

58. *Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?*

The Immigration Service has adopted new guidance / instructions on this matter for reception centres.

If a minor has packed up all his or her belongings, it is assumed that the minor has left the reception centre without intent to return. In these cases, a missing child report is immediately made to the Emergency Response Line, 112, as well as a child protection report to the local social services office. Outside office hours, the report is made to the on-call social worker and general Emergency Response.

Even if a minor's personal belongings remain intact and there are no signs that the minor has left, there may still exist a suspicion that the child is missing. Attention is drawn to the possibility that someone may have coerced the minor to leave or even that the minor has been a victim of a crime. In the case of a young child or a minor who has recently arrived in the country, a missing child report and child protection report are immediately made.

If the case involves a minor who has been in the country for a longer period or an older minor who may be considered with good reason to be merely hanging out voluntarily with friends and testing the limits and curfews set by the underage facility, it is possible to wait until midnight before making the missing child and child protection reports.

Missing child cases and the action taken are transmitted to the personnel of the centre, recorded in the minor's client and/or care and educational plan and brought to the attention of the minor's representative.

Cooperation with civil society (Article 35)

59. *What steps are taken by your country to encourage state authorities and public officials to cooperate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.*

International House Helsinki (IHH) provides most of the services under one roof that immigrants need when they move to Finland. Since 4 December 2017, customer service has been provided at the premises of the Local Register Office of Uusimaa in Helsinki. The customer service for individual customers at IHH is intended for international residents who have recently moved to the Helsinki area. IHH also provides services to companies and employers as regards foreign personnel and the recruitment of such personnel. For this reason, the City of Helsinki authorities have raised the possibility of the IHH service provision, together with its partners and interlocutors, potentially becoming an indirect tool of anti-trafficking policies as well. The plan is that the service will become permanent but will start with a pilot project coordinated by the City of Helsinki. The operations can continue at the premises of the Local Register Office of Uusimaa at least until the end of 2018. In addition to the immigrant information services of the City of Helsinki, the following will also participate in the pilot project: the Local Register Office of Uusimaa, the Finnish Tax Administration's and Kela's service point In To Finland, the TE Office of Uusimaa, the Finnish Centre for Pensions and the Helsinki Region Chamber of Commerce.

All activities of IOM Finland implemented in support of Finland's anti-trafficking efforts have actively involved civil society, including non-governmental organisations and trade unions. The HOIKU project expert groups have strong trade union (in the field of social welfare and healthcare) and NGO participation (working with irregular migrants and victims of trafficking).

In IOM Finland's initiative to address labour exploitation and trafficking, trade unions are also key partners in the dialogue.

Relationship with other international instruments (Article 40)

60. *Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.*

61. *Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.*

D. FINAL QUESTIONS

62. *Which bodies and organisations contributed to responding to this questionnaire?*

Ministry for Foreign Affairs, Ministry of the Interior, Ministry of Justice, Ministry of Social Affairs and Health, Ministry of Economic Affairs and Employment, Ministry of Education and Culture, Office of the Ombudsman for Children, Statistics Finland, City of Helsinki, European Institute for Crime Prevention and Control (HEUNI), International Organization for Migration (IOM), Central Organisation of Finnish Trade Unions SAK, Association of Finnish Local and Regional Authorities, Victim Support Finland RIKU, Refugee Advice Centre, MONIKA – Multicultural Women's Association, Pro-tukipiste, NYTKIS - The Coalition of Finnish Women's Associations, Feminist Association Union.

63. *Who was responsible for co-ordinating and collecting the replies to this questionnaire?*

Counsellor Liisa Valjento, Unit for Human Rights Courts and Conventions, Legal Service, Ministry for Foreign Affairs of Finland

E. STATISTICS ON THB (PER YEAR, STARTING WITH 2010)

Number of victims identified in the sense of having been recognized by a state institution (The Assistance System for Victims of Human Trafficking) or mandated NGO (none) as deserving any of the rights or entitlements to services provided for by the Convention.

This question is understood as concerning persons who have been admitted into the Assistance System. It is to be noted that the Assistance System does not publicise the number of customers per nationality where there are less than five customers from that nationality group. This is to protect the privacy of customers.

2017 (1 January – 30 June 2017)

New customers:

Total	55
Men	26
Women	28
Other	1
Adults	49
Minors	6

<u>Place of victimisation</u>		
Finland		16
Abroad		39
<u>Main nationality groups:</u>		
Afghanistan		11
Somalia		8
Iraq		6
Nigeria		6
Others: Togo, China, Gambia, Morocco, no nationality, Ghana, Thailand, DR Congo, Nepal, Eritrea, Philippines, Senegal, Rwanda, Ukraine, Bangladesh, Turkey		
<u>Exploitation type:</u>		
Sexual exploitation		23
Labour exploitation		22
Other***		10
***(incl. adopted child forced into domestic servitude (abroad), child used as payment for gambling debt (abroad), child soldier, forced marriage, forced criminality)		
<u>Referral* made by</u>		
Immigration Service	25	25
Reception centres**	20	20
Legal aid / lawyer	19	19
Police	7	7
Victim	7	7
Victim Support (RIKU)	4	4
Municipality employees	3	3
Representative for minors	2	2
Safe house / shelter	1	1
Border Guard	1	1

*Statistic consists of all referrals received in the Assistance System in 2017 (1 Jan – 30 Jun). For some of these, the Assistance System made a negative decision on acceptance in the Assistance System.

** Reception centres for persons seeking international protection, i.e. asylum seekers.

2016

<u>New customers:</u>		
Total	130	130
Men	44	44
Women	86	86
Adults	119	119
Minors	21	21
<u>Place of victimisation</u>		
Finland	43	43
Abroad	87	87

<u>Main nationality groups:</u>	
Thailand	26
Somalia	23
Nigeria	22
Afghanistan	15
Iraq	10
Bangladesh	7
Gambia	4
Others: Uganda, Liberia, Eritrea, Cameroon, Mali, Bangladesh, India, DR Congo, Cambodia, Ethiopia, Guinea, Philippines, Thailand, Morocco, Gambia, Belarus, Nepal, Latvia, Angola	
<u>Exploitation type:</u>	
Sexual exploitation	45
Labour exploitation	61
Other***	24
***(incl. organ trafficking (attempt, abroad), forced marriage of an adult (abroad), forced servitude, sold as child for marriage (abroad), forced criminality (abroad).	
<u>Referral* made by</u>	
Reception centers**	68
Immigration Service	35
Legal aid / lawyer	28
Police	26
Trade Union PAM	5
Victim	6
Victim Support (RIKU)	4
Border Guard	2
Municipality employees	1
Educational institutions	1

*Statistic consists of all referrals received in the Assistance System in 2016. For some of these, the Assistance System made a negative decision on acceptance in the Assistance System.

** Reception centres for persons seeking international protection, i.e. asylum seekers.

2015

<u>New customers:</u>	
Total	52
Men	16
Women	36
Adults	50
Minors	2
<u>Place of victimisation</u>	
Finland	32
Abroad	20

<u>Main nationalities</u>	
Nigeria	10
Finland	6
Somalia	5
Others: China, Ukraine, Bangladesh, Vietnam, Thailand, Ethiopia, Romania, Cameroon, India, Morocco, Poland, Estonia	
<u>Exploitation type</u>	
Sexual exploitation	18
Labour exploitation	27
Other***	7
***(incl. captured girl used as a “child making machine” (Finland), forced marriage (Finland), attempt to sell a woman for marriage (Finland), unclear)	
<u>Referral* made by</u>	
Reception centers**	22
Police	10
Border Guard	7
Immigration Service	6
Regional State Administrative Agencies (AVI)	1
Municipality employees	2
NGOs	11
Victim	8
Legal aid / lawyer	7
Other	1

2014

<u>New customers:</u>	
Total	50
Men	12
Women	39
Adults	46
Minors	4

Place of victimisation
- No statistics on place of victimisation available –

<u>Main nationalities</u>	
Nigeria	21
Others: Pakistan, Ivory Coast, Morocco, Egypt, Columbia, China, Ethiopia, Guinea, Slovakia, Romania, Cameroon, Jordan, Finland, The Ukraine, Mali, Afghanistan, Iraq	

<u>Exploitation type</u>	
Sexual exploitation	32
Labour exploitation	11
Other***	17
***(incl. forced criminality, forced marriage, illegal adoption)	
<u>Referral* made by</u>	
Reception centers**	26
Police	12
Legal aid / lawyer	16
Victim	8
Municipality employees	5
National Bureau of Investigation	2
Border Guard	2
NGOs	2

2013

<u>New customers:</u>	
Total	56
Men	19
Women	38
Adults	53
Minors	3

Place of victimisation

- No statistics on place of victimisation available –

Main nationalities

Nigeria	21
Vietnam	9
The Philippines	5
Others: Myanmar, Guinea, Ghana, Dominican Republic, Kirgistan, Estonia, Romania, Finland, Sri Lanka, Cameroon, Togo, Serbia, Kenya	

Exploitation types

Sexual exploitation	31
Labour exploitation	20
Other***	5
***(incl. illegal adoption, forced to act as a guard for a brothel, unclear)	

Referral* made by

Reception centers**	15
Border Guard	12
Victim	10
Other Govt. authority	6
Police	6
Legal aid / lawyer	4
NGOs	3

2012New customers:

Total	48
Men	21
Women	27

Adults	48
Minors	0

Place of victimisation

- No statistics on place of victimisation available –

Main nationalities:

Nigeria	9
Vietnam	16
Estonia	4
Others: Sri Lanka, Czech Republic, Ghana, Iraq, Belarus, Iran, Thailand, Kirgistan, China, Romania, Turkey	

Exploitation types:

Sexual exploitation	14
Labour exploitation	34
Other	0

Referral* made by

Police	27
Reception centers**	6
Legal aid / lawyer	5
Other Govt. authorities	4
Border Guard	3
IOM	1
Victim Support (Riku)	1
National Bureau of Investigation	1

2011New customers:

Total	53
Men	23
Women	30

Adults	53
Minors	0

Place of victimisation

- No statistics on place of victimisation available –

Main nationalities

No nationality	10
Vietnam	8
Nigeria	6
Russia	7
Others: Thailand, Turkey, Iran, Nigeria, Poland, Russia, Romania,	

Estonia, Iraq, Nepal, Ghana,
Bangladesh, India, Sri Lanka

<u>Exploitation types</u>	
Sexual exploitation	15
Labour exploitation	33
Other***	5

***(all unclear)

<u>Referral* made by:</u>	
Police	23
NGOs	10
Border Guard	9
Reception centres**	3
Other Govt. authority	2
Victim Support (RIKU)	2
Municipality social worker	1

2010

<u>New customers:</u>	
Total	42
Men	13
Women	29

Adults	42
Minors	0

Place of victimisation
- No statistics on place of victimisation available –

<u>Main nationalities</u>	
India	8
Nigeria	7
Ukraine	6
Somalia	5
Bangladesh	5
Others: Ethiopia, Russia, Finland, Ghana, DR Congo, Thailand, Estonia	

<u>Exploitation types</u>	
Sexual exploitation	16
Labour exploitation	18
Other***	8

***(all unclear)

<u>Referrals* made by:</u>	
Legal aid / lawyer	20
Immigration Service	11
Police	10
NGOs	10
Immigration Service	2
Reception centre	1
Border Guard	1

Number of presumed victims whom the competent authorities had “reasonable grounds” to believe were victims of THB (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them). Please clarify whether this number includes victims who were formally identified or is an additional number.

In Finland, three authorities are by law (Reception Act) competent to officially identify a person as a victim of human trafficking. The Assistance System is one of these authorities, the two others being the police or Border Guard as the investigative authority and the Immigration Service. Please see question 29 for more information on the competent authorities and the applicable law.

The Assistance System only collects statistics on the persons that it has formally identified. Therefore, in these answers, only persons formally identified by the Assistance System are counted.

The law concerning formal identification of a victim of human trafficking entered into force on 1 July 2015 and therefore the statistics begin from there.

It is to be noted that there are no statistics available on whether the identified persons were trafficked nationally or transnationally. All victims of human trafficking formally identified by the Assistance System have been exploited outside Finland.

Victims of human trafficking formally identified by the Assistance System:

2017 (1 January – 30 June 2017)

<u>Total of persons identified: 16</u>	
Men	3
Women	13
Adults	15
Minors	1
<u>Exploitation type:</u>	
Sexual exploitation	10
Labour exploitation	5
Other	6

2016

<u>Total of persons identified: 7</u>	
Men	2
Women	5
Adults	6
Minors	1
<u>Exploitation type:</u>	
Sexual exploitation	6
Labour exploitation	0
Other	1

2015 (1 July – 31 December)

<u>Total of persons identified: 14</u>	
Men	1
Women	13

Adults	14
Minors	0
<u>Exploitation type:</u>	
Sexual exploitation	10
Labour exploitation	3
Other	1

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

The Assistance System has had the authority to issue reflection and recovery periods since 1 July 2015. Even before this, the police and Border Guard were the competent authorities. The Assistance System has no statistics on how many reflection periods the above-mentioned authorities have issued. The following statistics show the number of victims formally identified by the Assistance System only.

Reflection periods issued by the Assistance System:

2015 (1 July – 31 December): one reflection period issued to an adult woman from Sub-Saharan Africa who had been a victim of sexual exploitation.

2016: 4 reflection periods issued.

Men	2	Adults	4
Women	2	Minors	0

Nationalities: Somalia, Thailand, Guinea, Latvia

<u>Exploitation type:</u>	
Sexual exploitation	2
Labour exploitation	1
Other	1

2017 (1 January – 30 June): 2 reflection periods issued

Men	1	Adults	2
Women	1	Minors	0

Nationalities: Thailand, Romania

<u>Exploitation type:</u>	
Labour exploitation	1
Other	1

Recovery periods issued by the Assistance System:

Since 1 July 2015, the Assistance System has been the only actor with the authority to issue recovery periods.

2015 (1 July – 31 December): 2 recovery periods issued

Men	0
Women	2

Adults	2
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Minors 0

Nationalities: Kosovo, China

Exploitation type:

Sexual exploitation	1
Other	1

2016: 8 recovery periods issued

Men 4

Women 4

Adults 5

Minors 3

Nationalities: Bangladesh, Somalia, Morocco, Angola, Nigeria, Iraq

Exploitation type:

Sexual exploitation	5
Labour exploitation	3

2017 (1 January – 30 June): 14 recovery periods issued

Men 10

Women 4

Adults 4

Minors 10

Nationalities: Afghanistan, Iraq, Somalia, Gambia, DR Congo

Exploitation types:

Sexual exploitation	7
Labour exploitation	5
Other	2

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

See answer to first part of the questions concerning statistics.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

The Assistance System does not collect statistics on how many of its customers receive a residence permit of some type. Depending on their situation, customers of the Assistance System have been granted a permit based on their victimhood of human trafficking, refugee status or other subsidiary / secondary protection. Some customers find work in Finland and are granted a residence permit based on work. Some customers may establish or already have family ties in Finland and are granted a residence permit based on family ties.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Number of victims given refugee status and subsidiary/complementary protection.

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Statistics on repatriated customers (victims) are not collected.

The following customers have been repatriated through assisted voluntary return:

- 2013 – 2 (Vietnam, Serbia - both labour exploitation in Finland, both men)
- 2014 – 0
- 2015 – 1 (Estonia, sexual exploitation in Finland, women)
- 2016 – 22 (Thailand, labour exploitation in Finland, 17 women, 5 men)
- 2017 – 3 (Poland - labour exploitation in Finland, mother and son; Nigeria – sexual exploitation in Italy, woman)

Number of investigations into THB cases.

Year	Number of investigations
2010	13
2011	30
2012	25
2013	21
2014	20
2015	30
2016	71

Number of prosecutions of THB cases

Year	Number of prosecutions
2010	2
2011	3
2012	7
2013	7
2014	5

2015	7
2016	8

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Year	Number of convictions	Number of convictions containing deprivation of liberty 0-1 years	Number of convictions containing deprivation of liberty 1-3 years	Number of convictions containing deprivation of liberty 3-5 years	Number of convictions containing deprivation of liberty 5-10 years
2010	0	0	0	0	0
2011	1	0	1	0	0
2012	7	0	0	7	0
2013	4	0	3	1	0
2014	0	0	0	0	0
2015	7	5	0	2	0
2016	6	4	1	0	1

- No information if penalty is effectively enforced or suspended

Number of judgments resulting in the confiscation of assets.

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

Year	Number of judgments resulting in the closure of a business
2010	0
2011	0
2012	3
2013	0
2014	0
2015	0
2016	4

Number of convictions for the use of services of a victim of THB.