

EVALUATION REPORT

FINLAND

Third evaluation round

Access to justice and effective remedies for victims of trafficking in human beings

G R E T A
Group of Experts
on Action against
Trafficking
in Human Beings

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Preamble

The Group of Experts on Action against Trafficking in Human Beings (GRETA) was established pursuant to Article 36 of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention"), which entered into force on 1 February 2008. GRETA is responsible for monitoring the implementation of the Convention by the parties and for drawing up reports evaluating the measures taken by each party.

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

The first round of monitoring of the Convention provided an overview of its implementation by State Parties. The second evaluation round of the Convention examined the impact of legislative, policy and practical measures on the prevention of trafficking in human beings, the protection of the rights of victims of trafficking, and the prosecution of traffickers, paying particular attention to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking.

GRETA has decided that the third evaluation round of the Convention will focus on trafficking victims' access to justice and effective remedies, which is essential for victims' rehabilitation and reinstatement of rights, and reflects a victim-centred and human-rights based approach to the fight against human trafficking. A number of provisions of the Convention establishing substantive and procedural obligations are relevant to this topic, in particular articles 12, 15, 23, 26, 27, 28, 29, 30 and 32.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including prompt and accurate identification of victims of trafficking, the provision of a recovery and reflection period, the availability of material, psychological, medical and legal assistance, access to translation and interpretation, when appropriate, regularisation of the victim's stay, the right to seek and enjoy asylum, and full respect for the principle of *non-refoulement*. These preconditions, corresponding to various provisions of the Convention, have been examined at length during the first and second evaluation rounds of monitoring of the Convention. Consequently, GRETA has decided to ask each State Party for an update on the implementation of GRETA's previous recommendations on selected topics through a separate country-specific part of the questionnaire. GRETA's findings and analysis of these topics are presented in a separate chapter.

Executive Summary

Since the second round of evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings, Finland has continued to develop the legislative framework relevant to action against trafficking in human beings (THB). Through legislative amendments, the National Assistance System for Victims of THB was given the exclusive competence to formally identify victims. Furthermore, THB and aggravated THB were incorporated into the list of offences for which the Occupational Safety and Health Authority has an obligation to notify the police. The National Action Plan against THB for the period 2021–2023 took into account GRETA's previous recommendations. Further, in 2022, the post of Government Anti-Trafficking Co-ordinator was made permanent.

Finland is predominantly a country of destination for trafficked persons. The number of presumed victims of THB admitted to the National Assistance System increased from 229 in 2019 to 367 in 2022. Most victims (57%) were female and around 7% were children. Nearly half of the victims were trafficked for the purpose of labour exploitation, followed by sexual exploitation (25%), forced marriage (21%), and forced criminality (2%). While the great majority of the victims were foreign nationals, there were at least 48 Finnish citizens among the presumed victims.

The focus of the third evaluation round of the Convention being on trafficking victims' access to justice and effective remedies, the report analyses in detail the implementation of provisions of the Convention establishing substantive and procedural obligations relevant to this topic.

There is an information brochure on the Assistance System and the rights of THB victims, translated into 24 languages, which is also used by the Police, labour inspectors and health and social services. However, the provision of information to victims is done in a piecemeal manner, without ensuring that they receive all the necessary information from trained personnel. GRETA therefore asks the Finnish authorities to strengthen the provision of information to victims of THB and to sensitise interpreters working with the Police and the Immigration Service to the issue of human trafficking.

According to Finnish law, victims of human trafficking may be appointed a lawyer payable from state funds during the pre-trial investigation regardless of their income. However, in many cases the police have conducted informal enquiries instead of initiating formal investigations, delaying victims' access to a lawyer. Additionally, cases of THB for the purpose of labour exploitation are often qualified as other offences, which prevent victims from being appointed a state-funded lawyer. GRETA considers that the Finnish authorities should ensure that a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of THB, before the person concerned makes an official statement.

Victims of THB can seek compensation from the perpetrator in criminal or civil court proceedings. However, victims' attempts to obtain compensation are often unsuccessful as perpetrators' assets are rarely frozen during the criminal investigation. Victims of THB can also claim state compensation under the Act on Compensation for Crime Damage, but the eligibility criteria are rather restrictive and only a few victims have been granted such compensation. GRETA urges the Finnish authorities to make additional efforts to guarantee effective access to compensation for victims of THB, including by systematically carrying out financial investigations with a view to freezing criminal assets, and reviewing the eligibility criteria for state compensation.

The number of investigations into THB cases has been on the rise in recent years, however, the number of prosecutions and convictions has declined. Another concern is excessive length of criminal proceedings in THB cases. GRETA urges the Finnish authorities to ensure that THB offences are proactively and promptly investigated and lead to effective, proportionate and dissuasive sanctions for those convicted. The authorities should allocate sufficient human and financial resources to the police and the prosecution services and continue encouraging the specialisation of investigators, prosecutors and judges to deal with THB cases.

Further, in order to ensure effective implementation of the non-punishment principle to offences that THB victims were compelled to commit, GRETA considers that the authorities should develop guidance and training for police officers and prosecutors.

Recent amendments to the Code of Judicial Procedure extend the possibility of video recording the testimony of victims and witnesses for future use, which can limit the number of times victims of THB are heard. GRETA considers that the Finnish authorities should make full use of all available measures to protect victims and witnesses of THB from potential retaliation or intimidation during the investigation, as well as during and after court proceedings, including by avoiding, to the extent possible, cross-examination of victims of trafficking in the physical presence of the defendant and the repeated questioning of victims of trafficking.

The report also examines progress made on the implementation of previous GRETA recommendations on selected topics. While welcoming the measures taken to prevent and combat THB for the purpose of labour exploitation, in particular the strengthening of the mandate and resources of labour inspectors and the adoption of several legislative changes and policy documents, GRETA considers that the Finnish authorities should adopt further measures to protect domestic workers and wild products pickers against human trafficking, and to better combat bogus self-employment. The authorities should also enhance co-operation between the relevant agencies, increase the number of labour inspectors specialised in supervision of the use of foreign labour and provide them with training on THB.

The introduction of a National Referral Mechanism (NRM) has been delayed and is currently being prepared through an EU-funded project. In 2019-2022, 40% of referrals of victims of THB to the Assistance System were made by the reception centres for asylum seekers and the Immigration Service. However, the risk of re-trafficking is not well assessed before deciding to apply the Dublin procedure to victims of THB. GRETA urges the Finnish authorities to review the application of the Dublin Procedure to presumed victims of THB. Further, GRETA considers that the Finnish authorities should introduce without further delay an NRM and improve the proactive detection of victims of THB and the sharing of information between relevant actors.

Moreover, GRETA urges the Finnish authorities to mitigate the risk of children going missing from state care, by sensitising them to the risks of THB and sexual abuse, and providing them with secure accommodation, appropriate services and a sufficient number of trained supervisors. In addition, the authorities should ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB.

Despite the increase in the number of victims of THB, the Assistance System, which is administered by the Finnish Immigration Service, remains understaffed. Further, there are considerable variations in the availability and quality of assistance to victims between municipalities. GRETA urges the Finnish authorities to take further steps to comply with their obligations under Article 12 of the Convention and ensure that all victims of trafficking, including men, are provided with accommodation that is safe and suitable for their needs.

Finally, GRETA urges the Finnish authorities to take additional measures to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including on grounds of their personal situation, by amending the Aliens Act, providing the relevant staff of the Immigration Service with additional instructions and training, and ensuring the issuing of residence permits within a reasonable time.

I. Introduction

1. The Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") entered into force for Finland on 1 September 2012. GRETA's first evaluation report[1] was published on 4 June 2015, and the second evaluation report[2] on 5 June 2019.

2. On the basis of GRETA's second report, on 18 October 2019 the Committee of the Parties to the Convention adopted a recommendation to the Finnish authorities, requesting them to inform the Committee of measures taken to comply with the recommendation within a one-year period. The report submitted by the Finnish authorities was considered at the 27th meeting of the Committee of the Parties (4 December 2020) and was made public.[3]

3. On 23 June 2022, GRETA launched the third round of evaluation of the Convention in respect of Finland by sending the questionnaire for this round to the Finnish authorities. The deadline for submitting the reply to the questionnaire was 24 October 2022, extended by one month upon the request of the Finnish authorities, and the authorities' reply was received on 24 November 2022.[4]

4. In preparation of the present report, GRETA used the reply to the third-round questionnaire by the Finnish authorities, the above-mentioned report submitted by them in reply to the Committee of the Parties' recommendation, and information received from civil society. An evaluation visit to Finland took place from 22 to 26 May 2023 in order to hold meetings with relevant governmental and non-governmental actors, collect additional information and examine the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Thomas Ahlstrand, member of GRETA;
- Ms Biljana Lubarovska, member of GRETA;
- Mr Mesut Bedirhanoglu, Administrator in the Secretariat of the Convention.

5. During the visit, the GRETA delegation met the Government Anti-Trafficking Co-ordinator, Ms Venla Roth, the Non-Discrimination Ombudsman and National Rapporteur on Trafficking in Human Beings, Ms Kristina Stenman, as well as the Ombudsman for Children, Ms Elina Pekkarinen. Moreover, GRETA held consultations with officials from the Ministry of the Interior, including the Immigration Service and the National Assistance System for Victims of Human Trafficking, the Ministry of Justice, the Office of the Chancellor of Justice, the Ministry for Foreign Affairs, the Ministry of Social Affairs and Health, the Ministry of Economic Affairs and Employment, the Ministry of Education and Culture, the National Police Board, and the Border Guard. Discussions were also held with representatives of the Office of the Prosecutor General and the Supreme Court, as well as police officers, prosecutors and judges in Helsinki and Turku. Furthermore, GRETA met representatives of the Finnish Parliament's Legal Affairs Committee, Administration Committee and Employment and Equality Committee.

6. In the course of the visit, the delegation visited a shelter for victims of domestic violence in Helsinki, which also accommodates victims of human trafficking, an accommodation centre for unaccompanied children in Espoo, and a reception centre for asylum seekers operated by the Finnish Red Cross in Turku.

7. Separate meetings were organised with representatives of non-governmental organisations (NGOs), trade unions and lawyers representing victims of trafficking in human beings. The GRETA delegation also met representatives of the International Organization for Migration (IOM) and the European Institute for Crime Prevention and Control (HEUNI).

1 http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631bee
2 https://rm.coe.int/report-concerning-the-implementation-of-the-council-of-europe-conventi/168094c77b
3 https://rm.coe.int/cp-2020-09-finland/1680a09ae2
4 https://rm.coe.int/reply-from-finland-to-greta-questionnaire-3rd-round-/1680a947fd

8. The list of national authorities, NGOs and other organisations with which the delegation held consultations is set out in Appendix 2 to this report. GRETA is grateful for the information provided by them.

9. GRETA wishes to thank the Finnish authorities for the excellent co-operation provided in the preparation and conduct of the visit, and in particular by Ms Elina Soininen, Legal Officer at the Ministry for Foreign Affairs and contact person appointed by the authorities to liaise with GRETA at the time of the visit, and Ms Krista Oinonen, Director of the Unit for Human Rights Courts and Conventions at the same Ministry.

10. The draft version of the present report was approved by GRETA at its 49th meeting (13-17 November 2023) and was submitted to the Finnish authorities for comments. The authorities' comments were received on 5 February 2024 and were taken into account by GRETA when adopting the final report at its 50th meeting (18-22 March 2024). The report covers the situation up to 22 March 2024; developments since that date are not taken into account in the following analysis and conclusions. GRETA's conclusions and proposals for action are summarised in Appendix 1.

II. Overview of the current situation and current trends in the area of trafficking in human beings in Finland

11. Finland is predominantly a country of destination for trafficked persons. The number of presumed victims of trafficking in human beings (THB) newly admitted to the National Assistance System for Victims of THB (hereinafter: "the Assistance System")[5] has increased over the years: 229 in 2019, 247 in 2020, 243 in 2021 and 367 in 2022.[6] 57% of the victims were female, and 7% were children. The predominant form of exploitation remains labour exploitation (48% of victims), followed by sexual exploitation (25%), forced marriage (21%), and forced criminality (2%). The forms of exploitation of the remaining 33 presumed victims were forced begging (4), organ removal (3), benefit fraud (4), child soldiers (7) and other, non-specified forms (15). The great majority of the victims were foreign nationals, the main countries of origin being Iraq, Somalia, Afghanistan and Nigeria. The war in Ukraine has so far not affected the number of Ukrainian citizens admitted to the Assistance System, which remains low (5-6 per year). There were at least 48 Finnish citizens among the presumed victims. Nearly half of the victims (536 victims) were exploited in Finland, of whom 64% were subjected to labour exploitation.

12. In the period 2019-2022, 50 of the presumed victims were formally identified as victims of THB by the Assistance System. All of them had been trafficked and exploited outside Finland. Until 2022 the Police, the Border Guard, and the Immigration Service could also formally identify victims of THB, however neither the Police nor the Immigration Service had a procedure to conduct a formal identification. As to the Border Guard, they identified five victims of human trafficking in 2019-2022. Following a legislative amendment in 2022 (see paragraph 15), the Assistance System for victims of THB was given the exclusive competence to formally identify victims of THB. As a result, all presumed victims admitted in the Assistance System as of 1 January 2023 are considered as formally identified victims of THB. 124 victims (76 women, 40 men and 8 children) were admitted to the Assistance System in 2023 (until 26 May), 44% of whom were trafficked for the purpose of labour exploitation, following by sexual exploitation (27%) and forced marriage (20%). The remaining victims were trafficked for the purpose of forced criminality (2 victims) and other forms of exploitation (10 victims). Almost all victims were foreign citizens, mostly originated from Somalia (16 victims), Iraq (14 victims), China (11 victims) and Afghanistan (9 victims). Nearly half of them (61 victims) were trafficked in Finland.

13. The abovementioned statistics do not provide an overall picture of the situation of THB in Finland due to the absence of statistics regarding victims receiving assistance from their municipality of residence or NGOs without being admitted to the Assistance System.[7]

14. Sectors deemed to be of particular risk of trafficking for the purpose of labour exploitation include restaurants, construction, cleaning, agriculture, car washes and domestic work. The use of bogus self-employment (referred to as "light entrepreneurship") is a growing trend, typically in platform work, but also in other sectors such as construction and cleaning (see paragraph 95). Employers use this method to undercut employees' rights and to avoid social cost of the employee.[8] Sexual exploitation occurs in private apartments, beauty salons and massage parlours and victims originate mainly from the Czech Republic,

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5 As noted in GRETA's first report on Finland (paragraph 143), the Assistance System was set up in 2006 under the co-ordination of the Finnish Immigration Service and since November 2012, the responsibility for co-ordinating the provision of assistance to victims of THB in Finland has been given to the Joutseno Reception Centre for asylum seekers.

6 By way of comparison, during the period covered by GRETA's second report, the number of presumed victims of THB admitted to the Assistance System was 52 in 2015, 130 in 2016, 127 in 2017, and 163 in 2018.

7 For instance, in 2020 a network of four NGOs (Monika – Multicultural Women's Association Finland, the Finnish Refugee Advice Centre, Pro-tukipiste and Victim Support Finland) identified a total of 120 suspected victims of THB (67 women and 53 men), of whom 63% applied for admittance to the Assistance System and 58% filed a criminal complaint. In 74% of the cases, the NGOs referred the victims to other services, such as municipal or NGO-provided services. See Anniina Jokinen et al. (HEUNI), Review of actions against labour trafficking in Finland, 2023, page 36.

8 Bogus self-employment is a situation where the conditions of work resemble an employment relationship but the worker, on paper, is self-employed and therefore responsible for the risks and obligations related to self-employment. At the same time, the de-facto employer is able to cut costs and ignore the regulations and obligations associated with hiring an employee. See Anna-Greta Pekkarinen & Anniina Jokinen (HEUNI), Patterns of exploitation. Trends and modus operandi in human trafficking in Finland, Latvia, Estonia, Poland and Ukraine, 2023, pages 37-38.

Hungary and Romania, as well as third countries such as Thailand and Nigeria.[9] Some categories of Finnish nationals, such as substance addicts, homeless persons, and children and young people who have absconded from substitute care placement, also face risks of sexual exploitation.[10]

III. Developments in the legal, institutional and policy framework for action against trafficking in human beings

15. There have been a number of legal developments relevant to action against THB since the second GRETA evaluation. As a result of amendments to the Act 746/2011 on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (hereafter "Reception Act"), in force since 1 January 2023, the Assistance System for victims of THB was given the exclusive competence to formally identify victims of THB.

16. Further, pursuant to amendments to the Act on Occupational Safety and Health Enforcement and Co-operation on Occupational Safety and Health at Workplaces, in force since 15 November 2021, THB and aggravated THB were added to the list of offences for which the Occupational Safety and Health Authority has an obligation to notify the police.

17. In October 2022, the Act on the Promotion of Immigrant Integration was amended, and victims of THB were included among the categories of persons for whom it is mandatory to make an assessment of skills and needs for integration services and draw up an integration plan (see paragraph 61).

18. Moreover, amendments to the Wage Guarantee Act that entered into force on 1 January 2023 prolong the period during which an application for guaranteed wage can be submitted by employees subjected to serious labour exploitation in order to prevent their claims from becoming time barred.

19. A new provision added to the Aliens Act in 2021 (Section 54b) allows persons who have been subjected to exploitation by an employer to receive a one-year extended permit or a certificate of unrestricted right to look for a new work in Finland (see paragraph 167).

20. The Programme of the previous Government[11] included various measures to improve the status of victims of THB and the assistance provided to them, as well as to establish a police team for investigating THB offences. Several developments indicated under this section and throughout the report are the result of the implementation of this Programme. The Programme of the current Government[12] makes a general commitment to step up measures to combat and prevent human trafficking, and ensure that the police have sufficient resources throughout the country.

21. In 2020, the post of Government Anti-Trafficking Co-ordinator was transferred from the Ministry of the Interior to the Ministry of Justice and in 2022 it became permanent.

22. In its second report, GRETA urged the Finnish authorities to adopt as a matter of priority a national action plan and/or strategy addressing all forms of THB, in which concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated, accompanied by a mechanism for monitoring its implementation and evaluating its impact. On 15 July 2021, the National Action Plan against THB for the period 2021–2023 was published.[13] It was prepared by a multi-agency working group[14] set up on 2 April 2020 by the Ministry of Justice and chaired by the Anti-Trafficking Co-

9 Ibidem, pages 20, 21 and 51.
10 See the 2022 report of the Non-Discrimination Ombudsman to the Parliament, page 70.
11 Programme of Prime Minister Sanna Marin's Government, 10 December 2019, pages 82, 83, 96 and 97.
12 Programme of Prime Minister Petteri Orpo's Government, 20 June 2023, pages 227 and 228.
13 Venla Roth and Mia Luhtasaari, Action Plan against Trafficking in Human Beings, 2021.
14 The working group consists of the representatives of the Ministry of Justice, Ministry of the Interior, Ministry of Social Affairs and Health, Ministry of Economic Affairs and Employment, Ministry for Foreign Affairs, Assistance System, National Police Board, Finnish Boarder Guard, Office of the Prosecutor General, the Non-Discrimination Ombudsman, European Institute for Crime Prevention and Control (HEUNI), and NGOs Monika, the Finnish Refugee Advice Centre, Pro-tukipiste, and Victim Support Finland.

ordinator. GRETA commends the inclusion of the National Rapporteur on THB and NGOs in the composition of the multi-agency working group and the process of the preparation of the Action Plan, which was transparent and inclusive and involved consultation with a wide range of representatives of the national and local authorities, NGOs, labour market organisations, enterprises, and survivors of THB. Recommendations made in GRETA's previous reports were taken into account in the preparation of the Action Plan.

23. The Action Plan is based on five strategic objectives: to promote the detection of human trafficking, to improve the assistance and protection of victims of THB, to enhance the establishment of criminal liability in THB cases, to strengthen the mainstreaming of anti-trafficking action into the wider activities of the Government, and to intensify co-operation with civil society. The plan envisages 55 actions, including the preparation of a National Referral Mechanism (NRM), and a series of actions to prevent and combat THB for the purpose of labour exploitation (e.g. better resources for the supervision of migrant labour, development of supervision by labour inspectorates and improvement of exchange of information between the Occupational Safety and Health Administration, employment agencies and the Finnish Immigration Service).

24. While all the actions had a timeframe and agencies responsible for their implementation, only 10 actions had a specific budget indicated in the Action Plan. These actions concern developing training materials and tools for identifying victims of THB, increasing awareness of THB among businesses and labour market organisations, reviewing the co-ordination of anti-trafficking action, developing the statistical database of the Assistance System and examining the application of the legal provisions concerning THB and related offences. The total funding for these actions was EUR 630,000. In their comments on GRETA's draft report, the authorities noted that only EUR 69,000 out of the allocated EUR 300,000 for developing training materials and tools to identify victims of THB have been utilised. Conversely, additional funding of EUR 1,345,000 was secured through projects, partially financed by the EU Internal Security Funds (IFS), to implement five actions outlined in the Action Plan. These actions concern the establishment of the NRM (with funding of EUR 240,000); training of the pre-trial investigation authorities (funding of EUR 55,000); enhancing the effectiveness of the prevention and investigation of THB offences, while paying particular attention to child trafficking (funding of EUR 260,000); setting up a co-operation network between the authorities and NGOs and strengthening the capacities to identify THB for sexual exploitation (funding of EUR 140,000); and the development of a statistical database of the Assistance System (funding of EUR 650,000).

25. The implementation of the Action Plan is monitored by the above-mentioned working group, which reports to a steering committee set up on 5 May 2020 by the Ministry of Justice. The steering committee is chaired by the Permanent Secretary of the Ministry of Justice and consists of high officials of the relevant ministries.[15] The Action Plan foresees the preparation of a report on its implementation by the working group and an external assessment to serve as the basis for the planning of future activities, including the next action plan, which is expected to be adopted next year.

26. The function of National Rapporteur on THB continues to be performed by the Non-Discrimination Ombudsman, who submits an annual report to the Government and a report with recommendations to Parliament every four years. The latest report to the Parliament was published in 2022.[16] Based on this report and by a resolution adopted on 18 November 2022, Parliament demanded the Government to improve the identification and referral of victims of THB and take necessary measures to provide safe and supported housing for them.[17] In addition, the National Rapporteur issued several public statements and produced reports in 2021 and 2022 on the practice of issuing residence permits to victims of THB and the application of the principle of non-punishment of victims of THB.[18] GRETA commends the key role played by the National Rapporteur in advancing law, policy and practice in the area of combating human trafficking.

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15 The Ministry of Justice, the Ministry of the Interior, the Ministry of Social Affairs and Health, the Ministry of Economic Affairs and Employment, the Ministry for Foreign Affairs, and the Ministry of Finance.

16 The report of the Non-Discrimination Ombudsman to the Parliament.

17 https://syrjinta.fi/en/-/status-of-human-trafficking-victims-must-be-improved-in-the-coming-government-term-non-discrimination-ombudsman-s-recommendations-for-the-government-programme

18 All the reports and public statements of the National Rapporteur are available at: Publications | Non-Discrimination Ombudsman (syrjinta.fi)

IV. Access to justice and effective remedies for victims of human trafficking

1. Introduction

27. Victims of human trafficking, by virtue of their status as victims of crime and victims of human rights violations, have the right of access to justice and effective remedies for any harm committed against them. These rights must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of parties to the Convention, irrespective of their immigration status or presence on the national territory, and notwithstanding their capacity or willingness to co-operate in any criminal investigation.

28. The right to effective remedies is a reflection of the human-rights based approach underpinning the Convention. Regardless of whether a State is implicated in the trafficking or directly responsible for the harm, the positive obligations arising from international human rights law require States to facilitate and guarantee effective access to remedies if they have failed to take reasonable steps to prevent human trafficking, protect potential or actual victims of trafficking, and effectively investigate trafficking offences.[19]

29. According to the *Basic principles on the right to an effective remedy for victims of trafficking in persons*,[20] the right to an effective remedy is considered to include restitution,[21] compensation,[22] rehabilitation,[23] satisfaction[24] and guarantees of non-repetition.[25] All victims of trafficking require access to appropriate and effective remedies, starting with access to justice. The provision of effective remedies serves multiple purposes. The remedy of compensation, for instance, for any injury, loss or harm sustained, can provide critical support in victims' recovery and empowerment, help their social inclusion and prevent re-victimisation. The remedy of rehabilitation can similarly help in the victims' recovery and social inclusion. Of relevance in this respect is also the 1985 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which outlines the main steps to be taken to improve access to justice, and fair treatment, restitution, compensation and social assistance for victims of crime.[26]

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19 *Rantsev v. Cyprus and Russia*, application no. 25965/04, judgment of 7 January 2010; *L.E. v. Greece*, application No. 71545/12, judgment of 21 January 2016; *Chowdury and Others v. Greece*, application No. 21884/15, judgement of 30 March 2017; *S.M. v. Croatia*, application No. 60561/14, Grand Chamber judgment 25 June 2020.

20 UN General Assembly, Basic principles on the right to an effective remedy for victims of trafficking in persons, Annex to the Report by the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, 6 August 2014, A/69/269, available at: https://undocs.org/A/69/269

21 Restitution includes restoration of liberty, including release of the victim from detention; enjoyment of human rights and family life, including reunification and contact with family members; safe and voluntary repatriation; temporary or permanent residence status, refugee status, complementary/subsidiary protection or third-country resettlement; recognition of the victim's legal identity and citizenship; restoration of the victim's employment; assistance and support to facilitate social integration or reintegration; return of property, such as identity and travel documents and other personal belongings.

22 Compensation may cover damages for physical or mental harm; damages for lost opportunities, including employment, education and social benefits; reimbursement of costs of necessary transportation, childcare or temporary housing; material damages and loss of earnings; moral or non-material damages; reimbursement of legal fees and other costs relating to the participation of the victim in the criminal justice process; reimbursement of costs incurred for legal, medical or other assistance.

23 Rehabilitation includes medical and psychological care, legal and social services, shelter, counselling and linguistic support, independently of the capacity or willingness of the victims to co-operate in legal proceedings.

24 Satisfaction includes effective measures aimed at the cessation of continuing violations; verification of the facts and full and public disclosure of the truth to the extent that such disclosure does not cause further harm or threaten the safety, privacy and other interests of the victims of their families; an official declaration or a judicial decision restoring the dignity, reputation and rights of the victim; public apologies; judicial and administrative sanction against the perpetrators.

25 Guarantees of non-repetition include ensuring the effective investigation, prosecution and sanctioning of traffickers; all measures necessary to protect victims from re-trafficking; providing or strengthening training of relevant officials; strengthening the independence of the judiciary; modifying practices that cause, sustain or promote tolerance to trafficking, including gender-based discrimination and situations of conflict and post-conflict; effectively addressing the root causes of trafficking; promoting codes of conduct and ethical norms for public and private actors; protecting legal, medical and other professionals and human rights defenders who assist victims.

26 United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Adopted by General Assembly resolution 40/34 of 29 November 1985, available at: https://www.unicef-irc.org/portfolios/documents/472_un-declaration-crime.htm

30. The Convention provides specifically for the substantive right of victims of trafficking to compensation and legal redress, as well as for a number of procedural rights necessary to ensure access to them. These include the rights to be identified as a victim of trafficking, to be granted a recovery and reflection period, as well as a residence permit (to enable a victim to remain in the country and seek access to remedies), and to receive counselling, information, legal assistance and free legal aid. Another important procedural right is provided by the non-punishment provision of the Convention (Article 26), according to which victims of human trafficking must not be subjected to penalties for their involvement in unlawful activities that they have been compelled to commit. Further, the Convention requires State Parties to enable the seizure and confiscation of the assets of traffickers, which could be used to fund State compensation schemes for victims.

31. Children need special support to access remedies, the best interests of the child being the primary consideration in all actions concerning trafficked children. The appointment of legal guardians to represent unaccompanied or separated children plays a vital role in enabling child victims of trafficking to access justice and remedies. Further, facilitating family reunification can be an important element of restitution.[27]

32. Civil society, such as NGOs, trade unions, diaspora organisations and employer organisations, plays a vital role in enabling victims of THB to claim compensation and other remedies.[28] In this context, reference should be made to the international projects COMP.ACT - European Action on Compensation for Trafficked Persons[29] and Justice at Last - European Action for Compensation of Victims of Crime,[30] which aim to enhance access to compensation for trafficked persons.

33. The private sector should also play a role in enabling access to, as well as providing, remedies to trafficked persons, in accordance with the UN 'Protect, Respect and Remedy' Framework and the United Nations Guiding Principles on Business and Human Rights.[31] The role of businesses includes steps to ensure that their supply chains are free of trafficked labour, as well as the adoption and implementation of measures to facilitate access to remedies for victims for any harm that occurs. Further, businesses have the potential to help trafficked persons regain economic autonomy.[32] States should therefore ensure that business enterprises implicated in human trafficking are held responsible and take steps to reduce barriers that could lead to a denial of access to remedies.

34. Because human trafficking is often a transnational crime, effective international co-operation is essential for fulfilling the obligations with regard to the right to justice and effective remedies. This includes co-operation in tracing and seizing criminal assets, and in returning confiscated proceeds for the purpose of compensation.

2. Right to information (Articles 12 and 15)

35. Victims who are no longer under their traffickers' control generally find themselves in a position of great insecurity and vulnerability. Two common features of victims' situation are helplessness and submissiveness to the traffickers, due to fear and lack of information about how to escape their situation. Article 12, paragraph 1, sub-paragraph d, of the Convention provides that victims are to be given counselling and information, in particular as regards their legal rights and the services available to them, in a language that they understand. Further, pursuant to Article 15, paragraph 1, of the Convention, Parties must ensure that victims have access, as from their first contact with the competent authorities, to information on relevant judicial and administrative proceedings, in a language they can understand.

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27 UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 7-8.
28 OSCE Compensation for Trafficked and Exploited Persons in the OSCE Region, 2008, pp. 48-53.
29 http://www.compactproject.org/
30 http://lastradainternational.org/about-lsi/projects/justice-at-last
31 United Nations Guiding Principles on Business and Human Rights, implementing the UN 'Protect, Respect and Remedy' Framework, Doc. A/HRC/17/31 (2011).
32 UNODC, ICAT Issue Paper, Providing Effective Remedies for Victims of Trafficking in Persons, 2016, pp. 8-9.

36. The information that victims of trafficking must be provided with deals with essential matters, including availability of protection and assistance arrangements, the various options open to the victim, the risks they run, the requirements for legalising their presence in the Party's territory, the various possible forms of legal redress, how the criminal-law system operates (including the consequences of an investigation or trial, the length of a trial, witnesses' duties, the possibilities of obtaining compensation from persons found guilty of offences or from other persons or entities, and the chances of a judgment being fully and effectively enforced). The information and counselling should enable victims to evaluate their situation and make an informed choice from the various possibilities open to them.[33]

37. Many victims do not speak, or barely speak, the language of the country they have been brought to for exploitation. Ignorance of the language adds to their isolation and is one of the factors preventing them from claiming their rights. The provision of translation and interpretation, where needed, is an essential measure for guaranteeing access to rights, which is a prerequisite for access to justice. GRETA has stressed the need for ensuring the availability, quality and independence of interpreters.[34]

38. Chapter 4, Section 18, of the Criminal Investigation Act of Finland obliges the Police to inform victims of crime of the possibility to seek compensation, and benefit from free legal aid, interpretation and translation of relevant documents. The Ministry of Justice has produced a brochure on the rights of victims of crime[35] to be given by the police during the criminal investigation. It lists the following rights of which victims of crime must be informed: available support services (including the Assistance System for victims of THB), protection measures, legal assistance, support persons during criminal proceedings, interpretation, translation of documents, avenues for claiming compensation, and the possibility to receive a per diem allowance and compensation for travel expenses and loss of income when the victim is obliged to attend a trial. The brochure is available in nine languages and refers to several websites providing more detailed information for victims of crime,[36] which are available in Finnish, Swedish and English. For child victims, the Ministry of Justice and the Ministry of Social Affairs and Health have produced a brochure on "Child as a Victim of Crime", which is available in Finnish and Swedish.[37]

39. The Police and the Border Guard refer victims of THB to the Assistance System in accordance with the guidelines issued by the National Police Board or the Border Guard Headquarters. Those who do not accept assistance from the Assistance System are referred to the NGO Victim Support Finland if they consent to this.[38] The Assistance System and Victim Support Finland inform victims of their rights, the proceedings and available services, if necessary, through interpreters. There is an information brochure on the Assistance System and the rights of THB victims, translated into 24 languages,[39] which is also used by the Police, labour inspectors and health and social services. Further, information on the rights of victims of THB is available on the websites of the Assistance System and Victim Support Finland.

40. In the course of the investigation and court proceedings, victims of THB, like victims of other crimes, have the right to use a language they understand and speak sufficiently. The authorities must arrange free-of-charge interpretation and translation of documents essential for the case.[40] The Police have contracts with interpretation companies and a register of certified interpreters, and arrange training for interpreters on how to deal with sensitive cases and communicate with vulnerable persons. Free-of-charge interpretation

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33 See Explanatory Report on the Convention, paragraphs 160-162.

34 See 8th General report on GRETA's activities, paragraphs 168-169.

35 https://oikeus.fi/material/collections/20210208160649/7Ny7zWJGz/Rights_of_a_Crime_Victim.pdf

36 These websites are www.oikeus.fi/en for brochures and information for victims of crime, https://oikeus.fi/oikeusapu/en/ for information on legal aid, and www.valtiokonttori.fi/en for information on state compensation.

37 https://oikeus.fi/fi/index/asiatjapalvelut/rikoksenuhrille/lapsirikoksenuhrina.html#

38 The Victim Support Finland (RIKU) is an organisation based on a co-operation agreement among several NGOs. It has 30 service points around the country and concluded an agreement with the Ministry of Justice on 21 December 2017 to provide free of charge support services to victims of crime before, during and for an appropriate time after criminal proceedings.

39 Esityslomakkeet - Referral forms - Framställningsform - Ihmiskauppa

40 These documents include the written confirmation of the report of an offence, the decision to discontinue the criminal investigation or not to prosecute, the court judgment, and the notice concerning the time and place of the trial. See Criminal Investigation Act, Chapter 4, Sections 12, 13 and 14; Criminal Procedure Act, Chapter 6a, Sections 2 and 3.

is also provided by the Assistance System, at reception centres for asylum seekers and during hearings of asylum seekers by the Immigration Service.

41. However, according to civil society representatives and lawyers met by GRETA, the provision of information to victims of THB is done in a piecemeal manner, without ensuring that victims receive all the necessary information from persons trained on THB. The information provided by social workers varies considerably depending on their experience and knowledge of THB. Victims receive information on legal issues from their lawyers, however, since there are only a few lawyers with experience in THB cases, the information provided is sometimes inaccurate or incomplete. Potential victims have reportedly been turned away from police stations on several occasions because they were not accompanied by a person who could provide interpretation. Moreover, in labour exploitation cases victims are not always informed by the Police of their right to legal aid due to difficulties in correctly qualifying THB cases (see paragraphs 96-97).

42. **While welcoming the steps already taken, GRETA considers that the Finnish authorities should strengthen the systematic provision of information to victims of trafficking. Information in oral and written form should be provided in a language the victim understands, and interpreters working with the Police and the Immigration Service should be sensitised to the issue of human trafficking. The authorities in contact with victims of trafficking, especially law enforcement officers and the social and healthcare professionals, should be systematically trained and instructed on how to properly explain to victims of THB their rights, taking into account the victims' age, cognitive skills and psychological state.**

3. Legal assistance and free legal aid (Article 15)

43. Article 15(2) of the Convention obliges Parties to provide in their internal law for the right of victims of trafficking to legal assistance and free legal aid. As court and administrative procedures are often very complex, legal assistance is necessary for victims to be able to claim their rights. It is for each Party to decide the requirements for obtaining such free legal aid. Parties must have regard not only to Article 15(2) of the Convention, but also to Article 6 of the ECHR. Even though Article 6(3)(c) of the ECHR provides for free assistance from an officially appointed lawyer only in criminal proceedings, European Court of Human Rights case-law[41] also recognises, in certain circumstances, the right to free legal assistance in a civil matter on the basis of Article 6(1) of the ECHR. Thus, even in the absence of legislation granting free legal assistance in civil matters, it is for the courts to assess whether, in the interest of justice, an applicant who is without financial means should be granted legal assistance if unable to afford a lawyer.

44. GRETA's reports highlight the value of a lawyer being appointed as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before the person makes an official statement and/or decides whether to co-operate with the authorities. Early access to legal assistance is also important to enable victims to take civil actions for compensation and redress.[42]

45. The Finnish legislation regarding legal aid and representation remains as described in the second GRETA report. Under Chapter 2, Section 1(a), Subsection 3, of the Criminal Procedure Act (CPA), a victim of a violent or sexual offence may, regardless of their income, be appointed a lawyer payable from state funds during the pre-trial investigation, if the victim has claims (e.g. for compensation). This provision applies to victims of offences against life, health or personal liberty (which includes THB) and legal aid and representation is granted if deemed to be justified considering the seriousness of the offence, the personal circumstances of the injured party and the other circumstances.

41 *Airey v. Ireland* judgment, 9 October 1979.

42 8th General report on GRETA's activities.

46. Furthermore, if a victim needs to be heard in person and it is considered that the victim needs support in the investigation and/or criminal proceedings, a qualified support person (e.g. social worker, psychologist or NGO representative) can be appointed, subject to the same conditions as for the appointment of a lawyer.[43]

47. Pursuant to Chapter 4, Section 10, of the Criminal Investigation Act, before a victim is to be heard in a pre-trial investigation, they shall be notified in writing of their right to have a lawyer of their own choice and, if the conditions are met, the investigator or prosecutor must submit a request to the court for the appointment of a lawyer or support person for the victim. However, in 2021 the Deputy Chancellor of Justice reviewed 50 THB cases and concluded that in some cases the police had not complied with this provision.[44] In THB cases the police often conducted an informal enquiry, instead of directly opening a formal pre-trial investigation, which delayed the victim's access to a lawyer. Many of GRETA's interlocutors pointed out that cases of THB for the purpose of labour exploitation are often qualified as other offences, such as extortionate work discrimination, and as a result victims are not appointed a lawyer.

48. Victims who are not appointed a lawyer by the police have the possibility to apply directly to the court or a legal aid office. According to the Legal Aid Act, legal aid is provided to persons who need expert assistance in a legal matter (e.g. filing a compensation claim). The amount of legal aid depends on the income of the person concerned.[45] Legal aid can be applied for at all stages of the proceedings, including during the pre-trial investigation. Legal aid is provided by public legal aid lawyers, except for serious offences such as human trafficking, for which it is provided by private lawyers appointed by legal aid offices. Legal aid covers the provision of legal advice, the necessary measures and representation before a court (civil, criminal or administrative) and another authority, interpretation and translation services and the costs of appearing before the court if the victim is summoned (Chapter 1, Sections 1 and 4). Beneficiaries of legal aid are exempt from fees of the enforcement of a judgment or court order (Chapter 1, Section 4 (4)).

49. The above-mentioned conditions for the appointment of a lawyer or granting legal aid also apply to child victims of crime. However, children are granted free legal aid more easily because the income of their parents or guardians is not taken into account.

50. Lawyers of legal aid offices can provide minor legal advice to anyone free of charge (Legal Aid Act, Chapter 1, Section 3a), however they have not been trained on human trafficking. There are also NGOs providing free-of-charge legal counselling to victims of crime. Training on THB for lawyers is rarely organised. The lawyers met by GRETA referred to a course on THB offered in January 2023 by the Finnish Bar Association with the help of Victim Support Finland. GRETA positively notes that the number of presumed victims of THB referred by lawyers to the Assistance System is quite high: 40 in 2019 (out of 303 referrals), 49 in 2020 (out of 394 referrals), 33 in 2021 (out of 300 referrals) and 36 in 2022 (out of 526 referrals).

51. GRETA was informed by lawyers and NGOs that although the lawyer and the support person assigned to a victim of THB have the right to be present when the victim is being questioned (Criminal Investigation Act, Chapter 7, Section 12), sometimes the police start interviewing victims without them. There are also difficulties for victims of THB to access legal aid for issues such as applying for a residence permit or filing a complaint to the police. Legal aid does not cover the application to extra-judicial complaint mechanisms, such as the Chancellor of Justice and the Non-Discrimination Ombudsman.

52. Another issue raised by GRETA's interlocutors is the scarcity of lawyers with experience in THB cases. Due to the low fees for public legal aid and uncertainty about the amount of working hours that will be paid for at the end of the proceedings, lawyers are unwilling to work as legal aid lawyers, especially in THB cases which are complex and time consuming. According to lawyers met by GRETA, the complexity of THB cases is not always well understood by courts, which sometimes results in refusal to pay all the hours spent by the lawyer on the case and the interpretation used to communicate with victims. While in Helsinki

43 Chapter 2, Sections 3 and 9, of the CPA.

44 Deputy Chancellor of Justice's report on investigation of THB cases, December 2021, pages 29-33.

45 Full legal aid is given to a person whose income after deductions (taxes, day-care charges, etc.) is not more than EUR 600, and partial legal aid is given to a person whose revenue is not more than EUR 1,300 (Chapter 2, Section 11 (1)).

there are a number of lawyers with experience of THB cases who are known to the police units dealing with THB cases, there are concerns about the quality of legal advice and representation provided by lawyers outside the capital. Difficulties in victims accessing adequate legal assistance may result in THB cases being investigated and prosecuted as less serious offences (see paragraph 97).

53. **GRETA considers that the Finnish authorities should take further steps to guarantee effective legal assistance and legal aid for victims of THB, by ensuring that:**

- **a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement;**

- **the Bar Association is encouraged to offer training on THB to lawyers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer.**

4. Psychological assistance (Article 12)

54. Human trafficking and exploitation may have serious psychological and physical consequences for the victims, including mental health problems and loss of self-esteem. Psychological assistance is needed to help victims of trafficking overcome the trauma they have been through and achieve a sustained recovery and social inclusion. Some victims require long-term therapeutic attention due to the violence that they have suffered. Every victim of trafficking should have a clinical assessment tailored to include an evaluation of their particular readiness for therapy conducted by an experienced clinician.[46]

55. As noted in paragraph 39, the police refer victims of THB to the Assistance System or to Victim Support Finland. A victim of THB who is admitted to the Assistance System is entitled to counselling and health care services, including for mental health problems, in accordance with the Social Welfare Act and the Health Care Act. Chapter 6, Section 50, of the latter Act stipulates that urgent medical health care (including mental health care, substance abuse care and psychosocial support) shall be provided regardless of the place of residence. Foreign victims of trafficking who have a municipality of residence[47] are provided with mental health services on the same grounds as other residents of the municipality. These services include psychosocial support as well as treatment and medical rehabilitation of mental health disorders.[48] A child victim of THB is entitled to the same health care as Finnish citizens, regardless of their residence status.

56. In addition to the public health and social services, psychological assistance to victims of crime is also provided by Victim Support Finland. There are several other services providing free-of-charge psychological support to victims of crime. The Finnish Association for Mental Health offers psychological support to anyone who has experienced mental health problems. The Seri Support Centre at the Women's Hospital provides free-of-charge support by psychologists or social workers to persons over 16 years of age who have recently experienced sexual violence, regardless of their gender. If more than a month has passed from the event, victims of sexual offences can seek help from a health centre, a family guidance centre or a municipal sexual counsellor. They can also seek support through NGO Pro-tukipiste, which offers health and social services to sex workers and victims of sexual exploitation, or NGO Raiskauskriisikeskus Tukinainen, which provides psychological and social assistance, including free-of-charge therapy, to persons who have been sexually assaulted or abused.

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46 OSCE, *Trafficking in Human Beings Amounting to Torture and Other Forms of Ill-Treatment* (2013), Vienna, p.115.

47 A person, other than a citizen of an EU country, Switzerland, Liechtenstein or another Nordic country (Denmark, Iceland, Norway, and Sweden), can get a municipality of residence if they have a continuous (A) or permanent (P) residence permit or if they have a temporary (B) residence permit that is valid for at least one year and meet one of the following conditions: having an employment contract or a certificate of student status which shows that employment or studies in Finland will continue for at least two years, having already lived in Finland for at least one year, having previously had a municipality of residence in Finland, or being of Finnish descent. Municipality of residence | Digital and population data services agency (dvv.fi)

48 Chapter 3, Section 27, of the Health Care Act.

57. Nevertheless, GRETA was informed that social workers sometimes refuse to refer victims to a medical assessment of their need for psychotherapy on the ground that they are not ready for the therapy. There are also issues with the timely provision of psychiatric and psychosocial support in rural areas.

58. **GRETA considers that the Finnish authorities should guarantee timely access of victims of trafficking to psychological assistance to help them overcome their trauma and achieve a sustained recovery and social inclusion.**

5. Access to work, vocational training and education (Article 12)

59. Article 12, paragraph 4, of the Convention requires State Parties to enable victims of trafficking who are lawfully present in the country to have access to the labour market, vocational training and education. An important element of the recovery and successful social inclusion of trafficked persons is their economic empowerment, which can be achieved through job placement, microbusinesses and social enterprises.[49] GRETA has stressed the need to develop public-private partnerships with a view to creating appropriate work opportunities for victims of trafficking.[50]

60. In Finland, victims of trafficking are covered by the general legislation on employment and the intermediate labour market.[51] If a person identified as a victim of THB registers for the services of the Employment and Economic Development Offices (TE Offices), which is the state authority responsible for employment services,[52] the information that the person is a victim is not necessarily conveyed to the TE Office, unless the person themself or another party assisting them brings up the matter. This makes it difficult for the TE Offices to provide victims of THB with specialised support services.

61. In 2022, the European Institute for Crime Prevention and Control (HEUNI) issued a study on the organisation of employment services for victims of trafficking in Finland.[53] According to it, opportunities for supporting victims' employment and the number of suitable jobs vary significantly depending on the region, which results in unequal access to services and guidance. The study concluded that the Finnish employment service system is too rigid to address the complex situations and meet the individual needs of victims who are only partially able to work due to mental trauma or a lack of work experience or education. Several structural challenges are highlighted. For instance, access to many intermediate labour market services, such as rehabilitative work activities[54] or employment supported with a pay subsidy,[55] requires that the person trying to access them has been registered as unemployed for a certain amount of time, which is often not the case of victims of THB. Moreover, according to Section 12 of the Act on the Promotion of Immigrant Integration, the drafting of an integration plan must start at the latest three years after an immigrant was granted a residence permit. However, most victims of trafficking register with the TE Office after these time limits have passed. Another finding of the study is that staff of employment services are not sufficiently informed of the effects of THB on the work ability of victims. In addition, prejudices of employers, language barriers, as well as issues related to the residence permits (see paragraphs 220-223) significantly hinder victims' opportunities to find employment. The study made several recommendations, such as amending the legislation to remove structural challenges for the employment and integration of victims of THB, organising training and developing guidelines on THB for staff of employment services, increased use of the intermediate labour market to support the employment of trafficking victims, and the use of special assignment companies to employ trafficking victims with partial work ability. As noted in paragraph 17, as a result of the amendments

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49 Rebecca Surtees, NEXUS Institute, *Re/integration of trafficked persons: supporting economic empowerment*, Issue paper No. 4, King Baudouin Foundation (2012).

50 8th General report on GRETA's activities.

51 The services of the intermediate labour market are for example rehabilitative work activities, work try-outs, pay subsidies and social enterprises.

52 For more details, see https://www.te-palvelut.fi/te-toimistot-tyonantajana

53 Anniina Jokinen et al. (HEUNI), From exploitation to fair working life. Report on the organisation of employment services for victims of human trafficking with foreign background in Finland, 2022.

54 Rehabilitative work activities are aimed at people who, due to their restricted work ability or functional capacity, cannot participate in public employment services or work.

55 A pay subsidy is an economic benefit that the TE Office may grant to an employer to cover some of the pay of an unemployed jobseeker. https://www.te-palvelut.fi/en/employers/find-an-employee/pay-subsidy

made to the Act on the Promotion of Immigrant Integration in October 2022, victims of THB were included among the groups of persons for whom it is mandatory to make an assessment of skills and needs for integration services and draw up an integration plan. The latter Act will enter into force at the beginning of 2025.

62. HEUNI's study was conducted as part of the IKUT-project (June 2020 – February 2023), funded by the European Social Fund and run by the Assistance System, which aimed at developing the working life skills of victims of THB and improving the employment services offered to them. Four working life training groups were built in this project in co-operation with NGOs Victim Support Finland and Monika. A webinar and several training courses for businesses were conducted for promoting the recruitment of victims of THB. Training on the identification of victims of THB was offered in 2022 to staff of public employment offices and integration services. Further, the Ministry of Employment issued guidelines for staff of employment services, with indicators and information about THB. The IKUT-2 project, run by the Deaconess Foundation, started at the beginning of 2023, with funding from the EU Asylum, Migration and Integration Fund (AMIF).

63. In February 2021, Finland adopted its first strategy for social enterprises.[56] One of the most important objectives of the strategy is to increase the number of social enterprises and promote the employment of persons with partial work capacity or in a difficult labour market position. To ensure the implementation of the strategy, in October 2021, the Government established a Centre of Expertise for Social Enterprises.[57]

64. Several NGOs provide services aiming at promoting the integration of persons in need of support, including victims of THB. For instance, the Integration Centre Monika offers free-of-charge integration and employment services for women with an immigrant background in Helsinki, Kemi and Mikkeli. The services are provided in several languages (Arabic, Dari, English, Spanish, Farsi, Finnish, Russian and Estonian).[58]

65. **GRETA welcomes the efforts made to facilitate the employment of victims of THB and invites the Finnish authorities to continue taking steps to provide access to the labour market for victims of THB and their economic and social inclusion, including by providing training to staff of employment services on how to support victims of human trafficking and encouraging social enterprises to employ victims of THB.**

6. Compensation (Article 15)

66. Article 15(3) of the Convention establishes a right of victims to compensation. The compensation is pecuniary and covers both material injury (such as the cost of medical treatment) and non-material damage (the suffering experienced). However, even though it is the trafficker who is liable to compensate the victim, in practice there is rarely full compensation whether because the trafficker has not been found, has disappeared or has declared him/herself bankrupt. Article 15(4) therefore requires that Parties take steps to guarantee compensation of victims. The means of guaranteeing compensation are left to the Parties, which are responsible for establishing the legal basis of compensation, the administrative framework and the operational arrangements for compensation schemes. In this connection, Article 15(4) suggests setting up a compensation fund or introducing measures or programmes for social assistance to, and social integration of, victims that could be funded by assets of criminal origin. Of relevance in this respect is the European Convention on the Compensation of Victims of Violent Crimes, pursuant to which when compensation is not fully available from other sources the State shall contribute to compensate those who have sustained serious bodily injury or impairment of health directly attributable to an intentional crime of violence, as well as the dependents of persons who have died as a result of such crime, even if the offender cannot be prosecuted or punished.

56 http://urn.fi/URN:ISBN:978-952-327-586-7
57 Centre of Expertise for Social Enterprises starts operations - Ministry of Economic Affairs and Employment (tem.fi)
58 Integration Center Monika - Monika-Naiset liitto ry (monikanaiset.fi)

67. Compensation fulfils multiple purposes: payment of reparation for injury, loss or harm caused by the offender, access to justice, empowerment of victims, as well as punishment and deterrence of traffickers. As such, compensation plays a crucial role in the fight against human trafficking, not only as an instrument of restorative justice, but also by way of prevention and recognition by States of human rights violations.

68. Victims often leave the country where they were exploited at the end of the criminal proceedings. This creates obstacles to making civil claims for compensation, which in addition are associated with a number of other barriers, such as high costs, unavailability of free legal aid and victim-support services, as well as the claimant bearing the burden of proof of the amount of the damage. Therefore, state parties should consider adopting a procedure through which victims are entitled to obtain a decision on compensation by the offender as part of the criminal trial, within a reasonable time.

69. As explained in GRETA's first report on Finland,[59] victims of THB can seek compensation for pecuniary and non-pecuniary damages from the perpetrator in criminal proceedings or in separate civil court proceedings. The compensation includes medical and funeral expenses, temporary handicap, permanent disability, loss of income and maintenance, physical and mental suffering, property damage, unpaid salaries (including for victims who worked in irregular employment or without a contract), fees collected by the perpetrator from sex buyers, and legal expenses. Compensation for physical and mental suffering is calculated in accordance with the Guidelines of the Personal Injury Commission,[60] which are not binding for the courts. According to Victim Support Finland, compensation for suffering in THB cases varies between EUR 4,000 and EUR 30,000 depending on the gravity of the case. The largest amount of compensation is awarded for unpaid salaries or for money the victim earned from forced prostitution and was forced to hand to the trafficker. In the absence of evidence of the amount of unpaid wages, this is usually calculated by trade unions on the basis of applicable collective agreements or minimum income requirements set by the Finnish Immigration Service.

70. Reference can be made to compensation awarded to victims of THB by two non-final judgments by Helsinki District Court. The first one concerns the exploitation of a foreign national in an ethnic restaurant between 2013 and 2017. The defendants did not pay a salary to the victim but sent EUR 300 per month to the victim's family in his country of origin. The defendants were sentenced in April 2023 to one year and eight months' suspended imprisonment for THB. The Court awarded all the amounts claimed by the victim, namely EUR 20,000 for suffering, EUR 165,658 for loss of income, and EUR 3,000 for temporary mental detriment. The second case concerns the exploitation of a woman in prostitution from 2017 to 2020. The defendant was sentenced to five years and three months' imprisonment for aggravated THB by a judgment issued in January 2023. The victim was awarded EUR 20,000 for suffering, EUR 145,666 for loss of income, and EUR 126,099 for financial lost.

71. GRETA was informed that victims' attempts to obtain compensation through enforcement proceedings are often unsuccessful as perpetrators' assets are rarely frozen during the criminal investigation (see paragraph 90). Even when some assets are seized, there is a risk that they may be used to reimburse the perpetrators' debts to third parties, such as a mortgage debt, before the victim can obtain a compensation decision in criminal proceedings. In cases where the perpetrator has committed tax fraud, which is usually discovered during investigations in labour trafficking cases, the tax authorities collect taxes due from the seized assets, based on a decision of an administrative court. Lawyers met by GRETA referred to recent cases where the victims did not receive the compensation awarded by the court due to the previously mentioned reasons.

72. There is no statistical data on compensation claimed and received from perpetrators in THB cases. GRETA met a lawyer specialised on THB and labour exploitation cases who noted that in all the cases which resulted in a conviction, the victims were awarded compensation by the criminal court. However, in only one case was the victim fully compensated by the perpetrator because the perpetrator's assets had been frozen.

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59 See paragraph 185 of GRETA's first report on Finland.

60 Available at: https://julkaisut.valtioneuvosto.fi/handle/10024/162880

In the other cases, the victims were partially compensated through enforcement proceedings and state compensation procedure.

73. In addition to claiming compensation in criminal proceedings, victims can bring a civil action to recover unpaid wages. However, this is rarely done because the victim would have to reimburse the other party's legal expenses in case of losing the case. As legal processes are unpredictable, long and burdensome, victims sometimes accept a smaller compensation from the perpetrator through the conciliation procedure. In case of insolvency of the employer, the victim can apply to the Wage Guarantee Fund to claim up to EUR 19,000 as unpaid wages. According to information provided by the trade union SAK, this amount is usually not enough to cover victims' unpaid wages. Pursuant to Section 2 of the Wage Guarantee Act, an employee sent to Finland by a foreign employer to do temporary work is not entitled to a wage guarantee.

74. As noted in paragraph 18, amendments to the Wage Guarantee Act that entered into force on 1 January 2023 provide that in case compensation for unpaid wages was awarded in criminal proceedings, the employee can make a wage guarantee application within three months of the date on which the judgement became final. If the victim has not received a final judgment concerning a criminal offence but there are reasonable grounds for considering that he/she was subjected to serious labour exploitation that prevented him/her from applying for the wage guarantee within three months after a wage became due for payment, the wage guarantee application would have to be made within 18 months from the termination of the employment relationship.

75. Victims of THB can also claim compensation from the State Treasury under the Act on Compensation for Crime Damage. State compensation may be awarded in relation to personal injury and suffering. Property damage and financial loss (e.g. loss of income) are compensated only in exceptional cases, i.e. if the victim suffered a significant damage (over EUR 2,000) and the helplessness of the victim due to their age, illness, disability or other such reasons was a contributing factor to the damage (Section 16). GRETA notes that in the wild berry picking case described in paragraph 94, the victims' request for compensation of their financial loss was rejected on this ground. Compensation for suffering is paid to victims whose right to sexual self-determination or whose freedom has been violated by an offence (Section 9). According to lawyers met by GRETA, this provision entitles victims of all forms of human trafficking to claim state compensation because human trafficking is considered as an offence against freedom. However, if the criminal act is qualified by the court not as THB but, for example, as aggravated usury or extortionate work discrimination, the victim cannot claim state compensation.

76. State compensation is not paid if the victim was not resident in Finland or in another EU Member State at the moment of launching the application for compensation or at the time of the crime, and if the damage is otherwise only slightly connected with Finland (Section 2 of the Act on Compensation for Crime Damage). However, formal residence is not required, and GRETA was told by Victim Support Finland that there had not been any cases where state compensation was denied to victims of THB exploited in Finland, regardless of the victim's residence status. Compensation for damages resulting from a crime committed in another EU country can also be claimed if the victim is a permanent resident of Finland and was residing abroad due to work, study or a similar reason at the time of offence, or if the compensation can otherwise be considered justified.

77. To receive state compensation, the victim must have reported the offence to the police. If the case was heard by a court, the victim must have claimed compensation from the offender. If the offender was not found or the offence was not heard by a court for another reason, the victim can still apply for state compensation. Victims are entitled to a reasonable compensation for the expenses related to applying for state compensation if they were granted legal aid for court proceedings in the matter or appointed a public legal aid lawyer. If the matter was not brought to the court, these expenses are reimbursed if the victim meet the financial criteria for being granted legal aid.

78. The total amount of state compensation shall not exceed EUR 63,000. The Act on Compensation from Crime Damage also provides for a maximum amount of compensation for some types of damages. For example, compensation for suffering shall not exceed EUR 3,600, which can be up to EUR 9,700 for the victim of a sexual offence and EUR 16,500 if the victim was a child at the time of the offence (Section 9). GRETA was told that in THB cases state compensation usually varies between EUR 10,000 and EUR 15,000, which are significantly lower than the compensation awarded by criminal courts.

79. According to data provided by the authorities, seven victims of THB were granted state compensation in 2019, two in 2020, one in 2021, four in 2022, three in 2023, and one in January 2024, all being victims of sexual exploitation. In total, EUR 125,300 was paid to victims of THB from the state funds. There is one pending case.

80. State compensation for personal injury or suffering is exempt from taxation. The compensation, is, however, taken into account as income affecting the amount of social assistance, unless the applicant has provided evidence of current or future use of the compensation for expenses arising from the crime, injury or damage, such as therapy costs.

81. While welcoming the amendments to the Wage Guarantee Act, GRETA is concerned by the fact that proceeds of crime are rarely frozen or seized in THB cases and victims' access to compensation is not guaranteed in practice. **Therefore, GRETA urges the Finnish authorities to make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:**

- **ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;**

- **systematically carrying out financial investigations to locate executable assets or income of offenders in THB cases with a view to freezing or seizing them to secure future compensation claims by victims (see paragraph 103), and ensuring that victims have effective access to those assets or income;**

- **ensuring that the length of the judicial proceedings (criminal and civil) to claim compensation from the perpetrator is reasonable;**

- **reviewing the eligibility criteria for state compensation, in particular the criterion of significant damage, with a view to making state compensation available to all victims of trafficking.**

82. **Further, GRETA considers that the Finnish authorities should develop a system for recording claims for compensation by victims of THB and the compensation awarded to them.**

7. Investigations, prosecutions, sanctions and measures (Articles 22, 23 and 27)

83. One of the purposes of the Convention is to ensure the effective investigation and prosecution of THB. Article 27(1) establishes that the investigation or prosecution of THB offences must not depend on victims' reports. The aim is to avoid traffickers' subjecting victims to intimidation so as to deter them from complaining to the authorities. Pursuant to Article 27(2), if the competent authority with which the complaint has been lodged decides that it does not itself have jurisdiction in the matter, then it must forward the complaint without delay to the competent authority of the Party in whose territory the offence was committed. Further, under Article 27(3), each Party shall ensure to non-governmental organisations and other associations, which aim at fighting trafficking in human beings or the protection of human rights, the possibility to assist and/or support the victim (subject to his or her consent) during criminal proceedings concerning the offence of trafficking in human beings.

84. Article 23 requires Parties to match their actions to the seriousness of the offences and lay down criminal penalties which are "effective, proportionate and dissuasive". Further, paragraph 3 of Article 23 places a general obligation on Parties to adopt appropriate legal instruments enabling them to confiscate or otherwise deprive offenders (e.g. by so called "civil" confiscation) of the instrumentalities and proceeds of human trafficking offences. As trafficking in human beings is nearly always engaged in for financial profit, measures depriving offenders of assets linked to or resulting from the offence are an effective anti-crime weapon. The confiscation of criminal assets is crucial for reinforcing the effect of the penalty, as well as ensuring the payment of compensation to the victim. The identified, seized and confiscated illegal profits of trafficking should be used to compensate victims of trafficking, directly or through a victim compensation fund.

85. Further, Article 22 of the Convention requires Parties to ensure that legal persons can be held liable for human trafficking offences committed for their benefit by any natural person, acting either individually or as part of an organ of the legal person who has a leading position within the legal person. Liability under this article may be criminal, civil or administrative.

86. There have been no changes to the criminal law provisions on THB and aggravated THB in Finland, criminalised respectively under Section 3[61] and Section 3(a)[62] of Chapter 25 of the Criminal Code (CC).

87. Pursuant to Chapter 9, Section 2, of the CC, a corporate fine can be imposed on a corporation 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 if the care and diligence necessary for the prevention of the offence have not been observed in the operations of the corporation. There are no statistics on the application of this provision, but a judge met by GRETA in Helsinki referred to a case of THB for the purpose of labour exploitation which resulted in a corporate fine of EUR 15,000 given by a judgment of November 2022. In the previously mentioned case concerning exploitation in an ethnic restaurant (see paragraph 70), the Helsinki District Court considered that a corporate fine would be disproportionate because the restaurant did not make money for some time due to the detention of the owner and the owner was convicted to pay compensation to the victims.

88. In Finland, plea bargaining is possible in THB cases, but not when there are aggravating circumstances.[63] The prosecutor can submit a proposal for judgment only if the victim has consented to this or has no claims in the case. Further, the prosecutor must deem that the case is justified to be handled through plea-bargaining procedure. GRETA was told that in practice plea bargaining is not used for THB cases.

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61 "(1) A person who (1) by taking advantage of the dependent status or vulnerable state of another person or by pressuring another; (2) by deceiving another person or by taking advantage of a mistake made by that person; (3) by paying remuneration to a person who has control over another person, or; (4) by accepting such remuneration takes control over another person, recruits, transfers, transports, receives or provides accommodation for another person for purposes of sexual abuse referred to in Chapter 20, Section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues shall be sentenced for *trafficking in human beings* to imprisonment for at least four months and at most six years. (2) A person who takes control over another person below the age of 18 years or recruits, transfers, transports, receives or provides accommodation for that person for the purposes mentioned in subsection 1 shall be sentenced for trafficking in human beings even if none of the means referred to in subsection 1(1) – (4) have been used."

62 "(1) If, in trafficking in human beings, (1) violence, threats or deceitfulness is used instead of or in addition to the means referred to in Section 3; (2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person; (3) the offence has been committed against a child below the age of eighteen years or against a person whose capacity to defend himself or herself has been substantially diminished, or; (4) the offence has been committed within the framework of an organised criminal group referred to in Chapter 6, Section 5, subsection 2 (564/2015) and the offence is aggravated also when considered as whole, the offender shall be sentenced for *aggravated trafficking in human beings* to imprisonment for at least two years and at most ten years. (2) Also a person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole."

63 Pursuant to the Criminal Procedure Act, plea bargaining is possible only when the maximum sentence provided in law for the suspected offence is six years' imprisonment or less (Chapter 1, Section 10). The maximum sentence is six years' imprisonment for basic THB and ten years' imprisonment for aggravated THB.

89. As noted in GRETA's second report, the Coercive Measures Act outlines a range of special investigation techniques that can be used in the investigation of THB (i.e. surveillance, covert human intelligence sources, telecommunications interception, search of premises, search of data contained in a technical device, financial investigations).[64] GRETA was informed that surveillance is very often used in THB investigations.

90. Chapters 6 and 7 of the Coercive Measures Act and Chapter 1 of the Police Act contain provisions on the identification, tracing, freezing and seizure of property, including property into which the proceeds of illicit activities have been converted. Every police department has its own financial crime unit, assisted by the Financial Intelligence Unit of the National Bureau of Investigation. The confiscation of proceeds of crimes is regulated by Chapter 10 of the CC, according to which both confiscation and extended confiscation are possible in THB cases. Confiscated property is transferred to the state budget. During the reporting period, there were two judgments in THB cases resulting in the confiscation of assets, delivered in 2019 and 2020. GRETA was also informed of the seizure of around EUR 900,000 in a case involving the exploitation of foreign workers in berry picking, some half a million euros in a case involving victims from China, as well as tens of thousands of euros in a case concerning a construction company (see paragraph 95 for more details). However, according to a HEUNI study, proceeds of crime are frozen or seized only occasionally in THB cases because the criminal investigation is often complex and the authorities are unwilling to further complicate it.[65]

91. The number of investigations into THB cases has been on the rise in recent years: 79 in 2019, 111 in 2020, 129 in 2021 and 152 in 2022 (of which 47 involved labour exploitation, 5 sexual exploitation, and 4 other forms of trafficking).[66] According to information provided by the authorities, out of 278 criminal reports registered by the police as THB in 2021 and 2022, 184 concerned an offence committed in Finland (of which 92 involved labour exploitation, 33 sexual exploitation, 37 forced marriage, six forced criminality, one forced begging, and 10 other inhuman or degrading circumstances), and 85 criminal reports concerned an offence committed abroad (of which 17 involved labour exploitation, 25 sexual exploitation, 17 forced marriage, two child trafficking, and two other inhuman or degrading circumstances).

92. The number of THB cases submitted by the police to prosecutors was 10 in 2019, 19 in 2020 and 15 in 2021.[67] Furthermore, the Border Guard started five investigations into THB cases in 2019-2023, all of which resulted in prosecutions. As regards the number of actual prosecutions for THB, there were two in 2019 (both in sexual exploitation cases), five in 2020 (four in sexual exploitation cases and one in a labour exploitation case), six in 2021 (two in sexual exploitation cases, three in labour exploitation cases, and one in a case concerning another form of trafficking) and six in 2022 (two in sexual exploitation cases and four in labour exploitation cases).[68] The difference in the numbers of investigated and prosecuted THB cases is explained by the Finnish authorities by the fact that cases involving asylum seekers who were exploited abroad are very often closed due to difficulties in collecting evidence. Nevertheless, this rationale fails to explain the reasons for the disparity between the number of investigations and prosecutions when it comes to cases of trafficking where the exploitation took place in Finland.

93. The number of convictions for THB has decreased compared to the period covered by GRETA's second report: in 2019, there were two convictions for THB for sexual exploitation, with punishments ranging from three to 10 years' imprisonment; in 2020, there were four convictions for THB for sexual exploitation, with punishments ranging from under one year to three years' imprisonment; in 2021, there were two convictions (one for sexual exploitation and one for another form of exploitation), with punishments ranging from one to three years' imprisonment; and in 2022, there were four convictions (two for sexual exploitation and two for labour exploitation), with punishments ranging from one to five years' imprisonment.[69] No

64 See paragraph 206 of GRETA's second report on Finland.
65 Anniina Jokinen et al. (HEUNI), Review of actions against labour trafficking in Finland, 2023, page 59.
66 By way of comparison, there were 30 investigations into THB cases in 2015, 71 in 2016, 71 in 2017, and 79 in 2018.
67 The number of THB cases submitted to the prosecutors was 7 in 2015, 4 in 2016, 5 in 2017 and 13 in 2018.
68 By way of comparison, there were eight prosecutions in THB cases in 2016, five in 2017 and eight in 2018.
69 By way of comparison, there were six convictions in THB cases in 2016, two in 2017 and seven in 2018.

information is available if the penalties were effectively enforced or suspended. The number of charges dismissed were one in 2019, one in 2020 and eight in 2021.

94. During the reporting period, the Supreme Court adjudicated one THB case, summarised below:

"Wild berry picking" case

- **Date of the judgments:** Middle Finland District Court judgment: 19 January 2018; Vaasa Appellate Court decision: 26 February 2020; Supreme Court decision: 26 January 2022.
- **Facts of the case:** The defendant, a Finnish citizen, recruited 26 persons from rural areas of Thailand through local recruiters to work in Finland as wild berry pickers for his three companies. The defendant and his companies officially invited the victims to come to Finland to work as seasonal workers, however there were no employment contracts. Each victim had taken a loan of approximately EUR 900 from the defendant to pay the travel costs (EUR 1,672 per person), which was later deduced from the income they earned in Finland. Most of the victims also had debts in Thailand because they had taken an extra loan to cover the rest of the travel costs. Once the victims were in Finland, the defendant took away their passports and return tickets. The victims worked 12-15 hours per day without any days off, were accommodated in inhumane conditions and had to pay for their accommodation, food, working equipment and transport. The victims worked under these conditions from 9 or 13 July until 28 September 2016. At the end of this period, most of the victims had earned only between EUR 100 and EUR 500.
- **Sentence:** The District Court found the defendant guilty of 26 THB offences and sentenced him to one year and eight months' suspended imprisonment. The Appellate Court found the defendant guilty of one THB offence covering all the 26 victims and lowered the sentence to one year and four months' suspended imprisonment. The Supreme Court found the defendant guilty of 26 THB offences and increased the sentence to one year and 10 months' unsuspended imprisonment. A business prohibition was imposed to the defendant, but no corporate fine was imposed to his companies.
- **Compensation:** Each victim claimed between EUR 1,380 and EUR 2,400 as compensation for loss of income. The District Court ordered the defendant and his companies to pay each victim between EUR 1,500 and EUR 2,000. Each victim also claimed EUR 6,000 for suffering, which was awarded by the District Court. Since the compensation was not paid due to the insolvency of the defendant and his companies, the victims applied to the State Treasury, which awarded each victim EUR 3,500 for suffering but declined to pay compensation for loss of income on the ground that the amount of their loss was not significant (see paragraph 75).
- **Assistance to victim**: The 26 victims were admitted to the Assistance System on 28 September 2016, received free legal aid, returned to Thailand and received assistance to travel back to Finland to testify.

95. At the time of the evaluation visit, several investigations into possible cases of THB for the purpose of labour exploitation were ongoing:

- A police investigation started in 2022 into a possible exploitation of more than 100 wild berry pickers from Thailand by two companies: a Finnish berry company and a Thai company recruiting berry pickers. Most of workers returned to Thailand after being interviewed in Finland.

- In the spring of 2023, the National Bureau of Investigation (NBI) completed an investigation into a suspected case of aggravated THB in the construction sector. A construction company based in a neighbouring country was charged with aggravated THB committed against 21 persons who were lured to Finland from Estonia, Latvia and Ukraine with promises of steady work, but were instead subjected to forced labour and threatened with violence. The workers were registered without their knowledge as so-called "light entrepreneurs", a bogus self-employment method increasingly used to exploit foreign workers.[70] The same method was allegedly used in two other cases under investigation: one concerning two foreign nationals and two local greenhouse entrepreneurs suspected of exploiting dozens of Vietnamese workers in greenhouses, and the other concerning Ukrainian workers exploited on a large construction site in 2022.

[70] In 2022**,** the Finnish regional labour inspectorates conducted over 2,300 inspections related to the use of migrant labour, during which a total of 422 light entrepreneurs were discovered, mostly in the construction sector. Anna-Greta Pekkarinen & Anniina Jokinen (HEUNI), Patterns of exploitation, 2023, page 44.

- In a case detected in 2022, the Police interviewed 12 Chinese workers as possible victims of THB, brought to work in Finland in different sectors (health care, massage, etc.).

96. A decision issued by the Deputy Chancellor of Justice in December 2021 (paragraph 47) highlighted serious shortcomings in police investigators' capacity in recognising THB and related offences, especially in labour exploitation cases. Following this decision, the Chancellor of Justice received several complaints from persons alleging that the police did not launch an investigation into their complaints of labour exploitation. GRETA was given the example of a woman who had to work for free during several months under the threat that her husband would be fired and they would lose their residence permit. The National Police Board found that the decision of the police investigator not to initiate a pre-trial investigation was lawful because the woman had agreed to work for free. After having received several such cases, the Chancellor of Justice decided to open an investigation into whether the police internal supervision was strict enough and whether the supervisors were able to recognise THB.

97. A study on the application of the criminal provisions on THB and related offences (e.g. pandering, extortionate work discrimination, aggravated extortion, aggravated usury) between 2010 and 2020 was published in March 2022.[71] The study found that the nature of the THB offence and the purpose and contents of the related criminal provisions are not fully understood by judicial actors, which is due, among others, to the limited judicial practice concerning THB. According to the National Rapporteur on THB and lawyers met by GRETA, subtle and diverse means of psychological control by the perpetrator over the victim are often unidentified or ignored by judicial actors. Another issue is the lack of clarity of the concept of forced labour and its divergent interpretation by courts.[72] Lawyers stressed the need for detailed guidelines on the collection of evidence in labour exploitation cases. GRETA notes with concern that the qualification of THB as another offence deprives victims of THB of access to certain rights, such as residence permit (paragraph 218), legal aid (paragraph 47) and state compensation (paragraph 75). Moreover, related offences are less severely punished and have a short statute of limitations. GRETA was also informed that in most cases THB is not recognised at the beginning of the pre-trial investigation but only at a later stage of criminal process, which is problematic because a late identification makes the collection of evidence more difficult and affects victims' timely access to services, which is crucial for ensuring that the victims remain in the country and can testify.

98. The length of criminal proceedings is another major concern in Finland, undermining THB victims' access to justice and hampering the establishment of criminal liability. GRETA was informed that in labour exploitation cases the statute of limitations for secondary offences often expires during the criminal process due to delays in the investigation,[73] which means that if there is not enough evidence for a severe crime with a longer statute of limitations, such as THB, the perpetrator cannot be prosecuted at all. In the above-mentioned 2021 decision, the Deputy Chancellor of Justice examined the length of the pre-trial investigation in 34 ongoing THB cases and concluded that in 20 cases the pre-trial investigation had been unduly delayed.[74] Consequently, the Deputy Chancellor issued 12 reprimands to the police for unlawful delay of the investigation and drew attention of the police or prosecutors to the obligation on the timely conduct of the investigation in 15 cases. According to statistics provided by the Finnish authorities, the average duration of the pre-trial investigation in THB cases was 10.63 months in 2019, 8.3 months in 2020 and 14.32 months in 2021. According to lawyers met by GRETA, the proceedings usually take between three and four years from the filing of a complaint until the final verdict, except when the defendant is in pre-trial detention and the case has to be processed faster. In the labour exploitation case described in paragraph 70, the procedure from the launch of the pre-trial investigation until the district court judgement lasted six years and one month and the State had to pay compensation to the victim because of the length of the criminal procedure. During the visit, GRETA was also given the example of a THB case where the pre-trial investigation had started in 2016. At the time of the visit, the trial was about to start at District Court.

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71 Kristiina Koivukari et al., Trafficking in human beings and associated crimes: Application of the criminal provisions, 4 March 2022 (in Finnish).

72 See Anniina Jokinen et al. (HEUNI), Review of actions against labour trafficking in Finland, 2023, page 61.

73 Ibidem, page 47.

74 The pre-trial investigation lasted four years and four months in one case, four years in three cases, and three and half years in three other cases. In the remaining cases the investigation lasted between six months and two years and eight months.

99. The guidelines of the National Police Board on "Intervening in THB and similar offences and helping victims of human trafficking", updated in 2020, state that the pre-trial investigations in THB cases should be completed promptly. A victim is entitled to receive compensation from the State for the excessive length of judicial proceedings and may also submit a complaint on this issue to the Parliamentary Ombudsman or the Chancellor of Justice. Furthermore, according to a new law that entered into force on 1 October 2023, certain crimes against children, including THB, should be dealt with urgently.

100. The reasons evoked by the Finnish authorities for the prolonged investigations include the complexity and international nature of THB offence, delays by other authorities in processing investigators' requests for assistance, limited investigative resources, the inexperience of investigators regarding THB, and staff turnover.[75] There are also concerns about the capacity of prosecutors and courts to deal with THB cases in a timely manner due to the lack of resources they face.

101. As noted in GRETA's second report, the purchase of sexual services from a person, while having reasons to suspect that the person concerned is a victim of THB or pandering, is criminalised under Chapter 20, Section 8, of the CC.[76] Following the entry into force of this provision in 2015, a total of 31 cases were submitted to prosecutors (five in 2015, one in 2016, six in 2017, seven in 2018, nine in 2019, none in 2020, two 2021, none in 2022, and one in 2023). In 13 cases, charges were brought against the perpetrators. There were 11 convictions in 2018 and all the offenders were sentenced to a fine.

102. GRETA is concerned by the low number of prosecutions and convictions in THB cases and the excessive length of criminal proceedings. Consequently, **GRETA urges the Finnish authorities to strengthen the criminal justice response to human trafficking, and in particular to:**

- **ensure that human trafficking offences are proactively and promptly investigated, making use of special investigation techniques in order to gather material, documentary, financial and digital evidence, so that there is less reliance on testimony by victims or witnesses;**

- **ensure that human trafficking offences, including for the purpose of labour exploitation, are classified as such every time the circumstances of a case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted;**

- **ensure that the length of court proceedings in THB cases is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ).[77]**

103. **Further, GRETA considers that the Finnish authorities should take steps to:**

- **ensure that effective co-ordination and information exchange exist among the different actors;**

- **continue providing training and encouraging the specialisation of investigators, prosecutors and judges to deal with human trafficking cases (see also paragraphs 134 and 135);**

- **allocate sufficient human and financial resources to the police and the prosecution services in order to be able to conduct proactive and effective investigations in trafficking cases and to prioritise cases of human trafficking;**

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75 See Venla Roth and Mia Luhtasaari, Action Plan against Trafficking in Human Beings, pages 29 and 38; and the Deputy Chancellor of Justice's report on investigation of THB cases, December 2021, pages 65 and 66.

76 GRETA's second report on Finland, paragraph 193.

77 https://rm.coe.int/cepej-2018-26-en-rapport-calvez-regis-en-length-of-court-proceedings-e/16808ffc7b

- **ensure that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible (see also paragraph 81).**

8. Non-punishment provision (Article 26)

104. Pursuant to Article 26 of the Convention, Parties must provide for the possibility of not imposing penalties upon victims of THB for their involvement in unlawful activities, to the extent that they have been compelled to do so. As previously stressed by GRETA, the criminalisation of victims of THB not only contravenes the State's obligation to provide services and assistance to victims, but also discourages victims from coming forward and co-operating with law enforcement agencies, thereby also interfering with the State's obligation to investigate and prosecute those responsible for THB.[78] Furthermore, GRETA has noted that the absence of a specific provision on the non-punishment of victims of trafficking entails a risk of differential treatment, depending on the prosecutor in charge of the case.

105. As explained in GRETA's previous reports, under Chapter 17, Section 7, of the CC, a foreigner who has committed an immigration offence due to the fact that he or she has been subjected to THB, or that he or she is an asylum seeker, shall not be punished for it. Further, Chapter 6, Section 12, of the CC provides for the possibility of not prosecuting or punishing persons for offences they have committed in cases where the act is deemed comparable to an excusable act. There is also a general principle that criminal responsibility may be avoided in cases where the person had no real choice to act differently.

106. By way of example of the application of the non-punishment principle, the authorities referred to a case in which two women who had been prosecuted for aiding and abetting human trafficking were acquitted by the District Court in 2022 because it was assessed that they had been mentally coerced to commit the offence.

107. In September 2022, the Non-Discrimination Ombudsman published a study on the implementation of the principle of non-punishment of victims of THB.[79] This study, commissioned by the Ministry of Justice, identified numerous obstacles, including lack of experience of applying this principle and insufficient attention paid to the exploitation underlying the crime committed by the victim. The recommendations made by the study include better investigating cases in which a person may have been compelled to commit an offence, and providing instructions and training on the application of the non-punishment principle to police investigators and prosecutors. According to representatives of civil society and the judiciary met by GRETA, this principle is not well known among criminal justice actors and is rarely applied. The low number of identified victims of THB for the purpose of forced criminality is also noted in the Action Plan, which refers to a 2020 study on women prisoners conducted by the Criminal Sanctions Agency, according to which several women who may have been compelled to commit crimes while being victims of THB were identified in Finnish prisons.[80]

108. GRETA was informed that in September 2022, the Non-Discrimination Ombudsman held a seminar on the principle of non-punishment for the judiciary. The authorities noted in their comments on GRETA's draft report that the principle of non-punishment will be addressed in a handbook for investigation of THB offences to be issued in 2024. This will be followed by training sessions for law enforcement officers and other stakeholders within the criminal justice system.

78 See GRETA's 2nd General Report, paragraph 58.
79 Jani Hannonen and Heini Kainulainen, Principle of Non-Punishment of Victims of Human Trafficking, 2022 (in Finnish).
80 Venla Roth and Mia Luhtasaari, Action Plan against Trafficking in Human Beings, 2021, page 19.

109. **Noting positively the authorities' plans to provide relevant training, GRETA considers that the Finnish authorities should take further steps to ensure that the non-punishment principle can be applied to all offences that victims of THB were compelled to commit, develop relevant guidance for police officers and prosecutors, and include the non-punishment principle in the training of the police, prosecutors and judges**.

9. Protection of victims and witnesses (Articles 28 and 30)

110. Under Article 28 of the Convention, Parties must take the necessary measures to provide effective and appropriate protection from potential retaliation or intimidation to victims and witnesses of human trafficking, as well as to members of civil society organisations supporting victims during criminal proceedings and, where appropriate, to victims' family members. Intimidation of victims and witnesses is nearly always aimed at suppressing evidence against defendants. Effective protection can be of various types (physical protection, relocation, identity change…) and depends on the assessment of the risks that victims and witnesses run. In addition, Article 28(3) provides that a child victim shall be afforded special protection measures, taking into account the best interests of the child. Regarding the period during which the protection measures are to be provided, the Convention aims in a non-exhaustive manner at the period of investigation and of the proceedings or the period following them. The period in which protection measures have to be provided depends on the threats to the persons concerned. Moreover, because trafficking in human beings is often international and some countries are small, Article 28(5) encourages Parties to enter into agreements or arrangements with other countries so as to implement Article 28.

111. Further, Article 30 of the Convention requires Parties to adapt their judicial procedure so as to protect victims' privacy and ensure their safety, including special protection measures for child victims. While the measures provided for in Article 28 address extra-judicial protection, the measures referred to in Article 30 are concerned with the procedural measures to be introduced. The following means can be used, in accordance with the European Convention on Human Right and the case-law of the European Court of Human Rights, to achieve the objectives of Article 30: non-public hearings, audio-visual technology, recordings of testimony, and anonymous testimony.

112. In Finland, Section 38b of the Reception Act provides that the assistance measures for a victim admitted to the Assistance System shall be provided based on an individual assessment of the victim's needs and taking into account the security of the victim. The assessment is done by the Assistance System in consultation with the victim and any other actors supporting the victim, such as NGOs, subject to the victim's consent. The Assistance System has the right to inform the police if there is a reasonable ground to suspect that the life, health or freedom of the victim is in grave danger (Section 37).

113. According to Chapter 11, Section 9a, of the Criminal Investigation Act, the criminal investigation authority shall assess without undue delay if the injured party needs special protection during the criminal investigation and the court proceedings. The Ministry of the Interior has a handbook on conducting the assessment.[81] However, GRETA was informed that investigating officers often consider themselves unable to make such an assessment, especially at the beginning of the investigation when it is often most needed. Victim Support Finland noted that in many criminal proceedings, THB victims and their families are subjected to intimidation, but usually the police do not take any action as it is rarely a direct threat from the perpetrator. Threats are often phrased indirectly or given through a third party who "warns" the victim of possible consequences of their actions.

114. Pursuant to Chapter 17, Section 24, of the Code of Judicial Procedure, the questioning of a victim may be video-recorded and the recording used as evidence in a trial in the following cases: if the victim is under 15 years of age or mentally impaired; if the victim is between the ages of 15 and 17 years and in need of special protection or was subjected to a sexual offence referred to in Chapter 20 of the CC; or if there is a risk that the hearing in the proceedings would endanger the health of the victim of a sexual offence referred

[81] The 2016 handbook on conducting an assessment of the victim's protection needs is available only in Finnish at: https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75016/Kasikirja_lopullinen.pdf?sequence=1&isAllowed=y

to in Chapter 20 of the CC. The use of the recording is possible only if the defendant had an appropriate opportunity to put questions to the victim. At the time of the evaluation visit, GRETA was informed that it was uncommon to use the recording of police interviews in THB cases in court. A new law entered into force on 1 October 2023, extending the scope of application of Section 24 to victims of all forms of THB if there is a risk that the hearing of the victim at the court would endanger their health or cause similar and significant disadvantage.

115. GRETA was informed that in most THB cases the interviews of the victims, especially those who are particularly vulnerable, are conducted by investigators of the national THB team who are trained on how to interview victims. Around 10% of these interviews are recorded. The team records interviews with children, very traumatised victims and victims who intend to leave Finland before the court hearing. There are rooms suitable for interviewing such victims at all police stations. The interview is usually conducted in the presence of the victim's lawyer and a support person. In the observation room, there is the prosecutor, the investigation leader, the defendant's lawyer and, in very rare cases, the defendant him/herself. The court may also allow the victim to be heard behind a screen or via video conference.[82] GRETA was informed that all court buildings are equipped for conducting hearings of victims via video conference.

116. GRETA was informed that victims of THB are usually interviewed twice at the pre-trial stage, once in the district court and once at the appellate stage. A recent legislative amendment to the Code of Judicial Procedure (Section 6 of Chapter 22) makes it obligatory to record the testimony of witnesses in all criminal and civil cases at the District Court for their use at the appellate stage. However, the authorities indicated that this law can only be implemented in 2025 due to the delay in the procurement of video recording equipment for courts.

117. Under the Act on the Publicity of Court Proceedings in General Courts, a court may restrict the presence of the public during court proceedings (Section 15) and order the identity of the victim and/or trial documents to be kept secret (Sections 6, 9 and 24). The defendant or his/her representative or lawyer do not have the right of access to contact information of a witness, an injured party or a person who has reported an offence, if such access would compromise their safety, interests or rights (Section 12). However, there have reportedly been safety issues in some THB cases because discussions in the courtroom regarding the victim's travel costs to attend the trial had revealed their place of residence to the defendant.

118. Pursuant to Chapter 4, Section 19, of the Criminal Investigation Act, in certain serious offences, including THB, the victim has the right, at their request, to be notified when the accused or the prisoner is released, escapes or leaves the prison for some other reasons. However, Victim Support Finland noted that police officers do not systematically ask the victim if they want to be informed of the perpetrator's release.

119. There has been a witness protection programme in Finland since 2015, but GRETA was not provided with information on whether it has been used to protect victims of THB.

120. **GRETA welcomes the recent legislative changes limiting the number of interviews of victims of THB and considers that the Finnish authorities should make full use of all available measures to protect victims and witnesses of THB from potential retaliation or intimidation during the investigation, as well as during and after court proceedings, including by avoiding, to the extent possible, cross-examination of victims of trafficking in the physical presence of the defendant and the repeated questioning of victims of trafficking.**

82 Chapter 17, Sections 51 and 52, of the Code of Judicial Procedure.

10. Specialised authorities and co-ordinating bodies (Article 29)

121. Under Article 29(1) of the Convention, Parties have to adopt the necessary measures to promote specialisation of persons or entities in anti-human-trafficking action and victim protection. Each country must have anti-trafficking specialists in sufficient numbers and endowed with appropriate resources. The staff of specialised authorities and coordinating bodies should, as far as possible, include both women and men. To combat trafficking effectively and protect its victims, it is essential that proper training is provided to relevant officials.

122. In February 2021, the National Police Board set up a national THB investigation team at Helsinki Police Department. The team consists of 28 police officers, trained on THB, who are divided into three investigation groups: two of them operate nationally, focusing on sexual exploitation and on labour exploitation, and the third one specialises in labour exploitation in the Helsinki area. The groups comprise experts in financial crimes, violent and sexual crimes, surveillance and covert operations, and cybercrime. The national groups focus on nationwide or cross-regional THB crimes. The other police departments are responsible for investigating THB cases in their respective regions, with the support of the national team whenever needed.

123. In addition, a specialist team on THB intelligence and analysis was set up in 2021 within the National Bureau of Investigation to provide up-to-date statistics and analysis and engage in international co-operation by co-ordinating joint operations, such as Europol EMPACT actions (see paragraph 137), and handling international exchange of information. The team consists of four staff (two analysists, a team leader and a co-ordinator).

124. Further, the national THB network was established in 2020. It consists of three police officers from each of the 11 police departments in Finland and representatives of the Border Guard and the Police University College. The network functions as a platform for sharing information on new legislation, trends, experience and training opportunities. The members of the network meet two to four times per year.

125. The setting up of the national THB investigation team was welcomed by all of GRETA's interlocutors. At the same time, many interlocutors raised concerns about the serious lack of police resources and the future of the THB investigation team which functions on the basis of a temporary allocation of funds from the Government. In this regard, GRETA notes the new Government's engagement to ensure that the police have sufficient resources throughout the country (see paragraph 20).

126. In 2021, the National Prosecution Authority established a network of prosecutors dealing with THB cases to enable the sharing of experience, best practices, and information on training and studies on THB. The network consists of 20 prosecutors from different regions of Finland. Its members meet twice a year and organise a thematic seminar once a year.

127. In the Helsinki District Court, there is a team of 14 judges to whom THB, sexual abuse and domestic violence cases are assigned. Two of the judges are team leaders with the responsibility of following the case-law of the European Court of Human Rights and domestic case-law about THB, and disseminating knowledge and information on THB among the other judges.

128. As for training on human trafficking, GRETA was informed that since 2019, the Police University College's e-learning platform has an online training package on the identification and investigation of THB which can be followed by any police officer. Further, a course on combating THB was launched at the Police University College in the autumn of 2021 and is ongoing. By the summer of 2021, each police officer was required to complete an online course on dealing with foreigners, which includes a module on the identification of THB. Furthermore, the Police University College and different police departments arrange training sessions and seminars on THB and how to deal with vulnerable victims of crime. A special training on child victims is organised every year jointly for police and health and welfare professionals.

129. An online training module on THB for Border Guard officers was produced as part of the EU-funded project IHME (2017-2019). In 2019, the Border Guard, in co-operation with HEUNI and the Assistance System, organised a training event for border control and crime prevention personnel focusing on detecting THB.

130. In October 2022, the Office of the Prosecutor General and the University of Helsinki held training on sex trafficking and pimping. In April 2023, the National Court Administration organised training on cases of THB and related offences, which was attended by around 30 judges. Further, HEUNI organised in March and May 2023 training courses on THB for prosecutors, judges and lawyers which covered the issue of psychological control of perpetrators over victims of THB.

131. In 2019, the Association of Finnish Municipalities organised a training event on THB for municipal social workers. The City of Helsinki organised training on THB for its staff as part of the training event "Undocumented Persons – Risks and Assistance" that took place in February 2019. In the spring of 2023, the Finnish Institute for Health and Welfare, in co-operation with the Assistance System, prepared an online training programme including four modules on THB for social welfare professionals (a general module about THB, a module about the provision of social and health services, a module about the Assistance System, and a module about the referral of victims of THB). All social workers and social counsellors have been encouraged to complete these modules.

132. GRETA was also informed that within a multi-sectoral co-operation project against sexual violence and human trafficking (SEIVE), funded by the Ministry of Justice and carried out by Victim Support Finland since December 2021, 1,474 professionals, including law enforcement, social, health care and child protection authorities as well as other professionals who may encounter victims of THB in their work were trained on identification, victim support and other aspects of human trafficking.

133. Specialised NGOs and lawyers supporting victims of THB noted that there is better understanding of THB among professionals thanks to training, awareness-raising events and information in the media on the subject. However, they were of the opinion that knowledge on THB amongst relevant professionals remains insufficient, especially among judges.

134. **GRETA welcomes the steps taken to develop specialisation amongst police investigators, prosecutors and judges to deal with THB cases, and considers that the Finnish authorities should ensure the sustainability of the national THB investigation team and further promote specialisation amongst relevant professional groups (see also paragraph 103).**

135. **While welcoming the efforts made to train professionals on human trafficking, GRETA considers that the Finnish authorities should take additional steps to ensure that all relevant professionals are periodically and systematically trained on THB. The training should be integrated in the regular training curricula of relevant professional groups (see also paragraph 103).**

11. International co-operation (Article 32)

136. Article 32 of the Convention requires parties to co-operate to the widest extent possible to prevent and combat THB, to protect and to provide assistance to victims, and to investigate and prosecute cases of THB. International co-operation between parties to the Convention is also essential for enabling access to effective remedies for victims of trafficking. Parties must co-operate with one another "to the widest extent possible". This principle requires them to engage in extensive co-operation with one another and to minimise impediments to the smooth and rapid flow of information and evidence internationally. As regards international co-operation in criminal matters for the purposes of investigations or proceedings, the

Convention neither cancels nor replaces relevant international or regional instruments[83] on mutual legal assistance and extradition, reciprocal arrangements between Parties to such instruments and relevant provisions of domestic law concerning international co-operation.

137. Intelligence sharing through Europol is done daily by the Finnish police, which also take part in the operational actions planned as part of Europol's project on human trafficking, EMPACT/THB. By way of example, on 8 and 9 August 2022, an EMPACT/THB inspection focusing on agriculture was carried out on Åland. The operation was led by the Regional State Administrative Agencies in co-operation with the police. During the two days of inspections, seven employers known to use foreign labour were inspected, but the inspections did not reveal any indications of human trafficking.

138. Since 1 June 2021, the National Bureau of Investigation (NBI) has issued 10 European Investigation Orders and four mutual legal assistance requests related to THB. These orders and requests concerned data retention, search of premises, conduct of interrogations, banking intelligence, hearing of victims and witnesses, interception of telecommunications, and seizure or freezing of assets. The data from the NBI does not describe the overall situation in Finland as there might be orders and requests made by other authorities, such as prosecutors.

139. The authorities gave the example of a Joint Investigation Team (JIT) concluded with the Czech Republic in a case concerning sexual exploitation of Czech women in Finland and other Nordic countries. The joint investigation led to three separate investigations on aggravated pandering and sex trafficking, with over 70 identified victims. The authorities also referred to a JIT concluded with Romania and to ongoing discussions with Hungary and Croatia in this matter.

140. Finland participates in the Working Group on THB which was established in June 2022 by the Council of Nordic Ministers to support and strengthen cross-border co-operation against THB.

141. The Ministry for Foreign Affairs has continued to provide funding for projects directly related to THB or indirectly contributing to the prevention of THB: EUR 337,600 was provided for a substance abuse and THB prevention project in Burundi (2023-2026), EUR 1,043,480 for another project on child protection and youth empowerment (2022-2025) in Burundi, EUR 504,000 for a project on improving migrants' rights and access to justice in Bangladesh (2023-2026), EUR 446,800 for a project on empowerment of vulnerable girls in Nepal (2023-2026), and EUR 224,325 for another project on enhancing well-being of migrant workers in Nepal (2022-2025). Furthermore, the Ministry allocated EUR 120,000 to an ongoing project on the best practices to prevent child trafficking and violence against children in the Council of the Baltic Sea States (CBSS) member countries.

142. **GRETA welcomes the Finnish authorities' participation in multilateral and bilateral international co-operation related to combating THB, as well as the funding of projects in countries of origin of victims of trafficking, and invites them to continue their efforts in this regard.**

[83] For example, the European Convention on Extradition, the European Convention on Mutual Assistance in Criminal Matters and its protocols, Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member states, the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

12. Cross-cutting issues

a. gender-sensitive criminal, civil, administrative and employment proceedings

143. As noted in the Committee on the Elimination of Discrimination against Women (CEDAW) General recommendation No. 33 on women's access to justice, discrimination against women, based on gender stereotypes, stigma, harmful and patriarchal cultural norms and gender-based violence, which affects women in particular, has an adverse impact on the ability of women to gain access to justice on an equal basis with men.[84] The Council of Europe Gender Equality Strategy 2018-2023 notes that while accessing justice might be difficult for everyone, it is even more so for women, due to gender inequality in society and in the justice system, and therefore one of the objectives of the Strategy is to ensure the equal access of women to justice.[85] GRETA notes that in the case of THB, gender stereotypes, prejudices, cultural barriers, fear and shame impact women's access to justice, and these barriers may persist during investigations and trials. This is particularly true for some groups of women, such as victims of gender-based violence, migrant, refugee and asylum-seeking women, ethnic minority women and women with disabilities. On the socio-economic level the obstacles include lack of awareness of one's legal rights and legal procedures or of how to access legal aid, which can stem from gender differences in educational levels, and access to information. A further obstacle may be the lack of financial resources, including the means to pay for legal representation, legal fees, judicial taxes, transportation to courts or childcare.[86] Such obstacles, and remedies to them, are listed in a Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, as well as in the publication "Women's Access to Justice: Guide for Legal Professionals".[87]

144. Pursuant to Chapter 11, Section 9a, of the Criminal Investigation Act, the individual assessment of the necessary protection measures for a victim of crime conducted in the criminal investigation shall take into account the personal characteristics of the victim, including their sex, gender identity and sexual orientation. If the victim needs special protection based on that assessment, he or she may request to be interviewed by a person of the same gender (Chapter 7, Section 21) and assisted by a female interpreter. GRETA was informed that female interpreters and interviewers are used for interviews with female asylum seekers unless there is a specific reason for not doing so.

145. On 25 June 2020, the Government adopted an Action Plan for Gender Equality for 2020-2023, which contains several actions relating to THB.[88] Further, the Government's Action Plan to Combat Violence against Women[89] was published on 22 October 2020. The implementation of these plans is co-ordinated, respectively, by the Ministry of Social Affairs and Health and the Ministry of Justice. Finland has also adopted two action plans related to the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention"), covering the periods 2018-2021 and 2022-2025.[90] As part of the implementation of these plans, a training package for all police officers in the fight against domestic violence and violence against women was carried out by the Police University for 2021-2022, which included both e-learning and face-to-face education.[91]

146. **GRETA invites the Finnish authorities to further promote a gender-responsive approach to access to justice for victims of THB, including through gender mainstreaming and training.**

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84 CEDAW General recommendation No. 33 on women's access to justice, paragraph 8, CEDAW/C/GC/33 of 3 August 2015.

85 Council of Europe Gender Equality Strategy 2018-2023, pages 24-26, https://rm.coe.int/prems-093618-gbr-gender-equality-strategy-2023-web-a5/16808b47e1

86 Council of Europe training manual for judges and prosecutors on ensuring women's access to justice, page 13 available at https://rm.coe.int/training-manual-women-access-to-justice/16808d78c5

87 https://rm.coe.int/factsheet-womens-access-to-justice/16808ff44e

88 Government action plan for gender equality 2020–2023. See pages 41 and 51.

89 http://urn.fi/URN:ISBN:978-952-259-835-6

90 http://urn.fi/URN:ISBN:978-952-00-3972-1 and http://urn.fi/URN:ISBN:978-952-00-9704-2.

91 Reporting form submitted by the Finnish authorities, received on 28 February 2023 by the Secretariat of the monitoring mechanism of the Istanbul Convention.

b. child-sensitive procedures for obtaining access to justice and remedies

147. Pursuant to Chapter 4, Section 7, of the Criminal Investigation Act, children shall be treated in the course of the criminal investigation in the manner adapted to their age and stage of development. To the extent possible, investigation measures directed at children shall be assigned to investigators particularly trained for the purpose. When necessary, the criminal investigation authority shall consult with a physician or another expert on whether investigation measures may be directed at a child. When needed, the court shall appoint a legal guardian to protect the interests of the child until the conclusion of the criminal proceedings (Criminal Investigation Act, Chapter 4, Section 8).

148. GRETA was informed that children under the age of 15 are interviewed in the course of the pre-trial investigation by specially trained police officers. These interviews are video recorded, and the recording is used during the trial *in lieu* of the child's testimony in court. As explained in paragraph 114, interviews with children between the ages of 15 and 17 years can also be recorded and used as evidence in the trial, if the child needs special protection, especially considering the child's personal circumstances and the nature of the crime, or if the child was subjected to a sexual offence. If the child is over 17 years, when there is a risk that the hearing in the court might endanger the victim's health, the recording of the interview can be used at trial. If the child has to testify during the trial, this is done through video conferencing.

149. All police departments have child friendly rooms to interview children and record the interviews. In addition, at the five University Hospitals in Finland, there are centres specialised in hearing child victims of crime, called Forensic Child and Adolescent Psychiatry Units (or Barnahus units) where interviews are conducted by experts with special training. The Barnahus project (2019–2025)[92] aims to have the Barnahus model implemented in Finland in a permanent manner. For this purpose, a Barnahus website was created, and an online education about the Barnahus model[93] was made available to relevant professionals. This project is co-ordinated by the National Institute for Health and Welfare and funded by the Ministry of Social Affairs and Health. There is also a European Union/Council of Europe Joint Project ("Barnahus in Finland – Ensuring child-friendly justice through the effective operation of the Barnahus-units in Finland" 2021-2024) set up to support the Finnish authorities in addressing the needs and challenges identified since the launch of their Barnahus project. A research paper published under that project pointed to the need for further training of the relevant professionals on interviewing child victims of abuse and exploitation and better understanding of the impact of the trauma on the child victim.[94]

150. GRETA refers to the conclusions of the UN Committee on the Rights of the Child (CRC), adopted on 26 May 2023, regarding the lack of a legislative framework for ensuring multisectoral co-ordination and quality standards for forensic interviews in a child-friendly environment. The CRC urged the Finnish authorities to provide a legal basis for the co-ordination of intersectoral and child-friendly services, and to strengthen and standardise the national implementation of the Barnahus units to ensure that all children who are victims of violence, including sexual abuse and sexual exploitation, have access to multidisciplinary support, medical assessment and trauma focused therapy.[95]

151. **GRETA welcomes the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies, and invites the Finnish authorities to continue their efforts to ensure that child victims of THB are in practice afforded special protection measures, including through enhancing the co-operation of different authorities (police, prosecutors, social and healthcare authorities) and making full use of the Barnahus units in cases of THB.**

92 See Barnahus website: www.barnahus.fi (mainly in Finnish).
93 Verkkokoulut: Kaikki kurssit (thl.fi).
94 Marianne Mäenpää et al., Analysis of current practices and identification of training gaps and needs of target groups, July 2022, pages 39-40.
95 CRC, concluding observations on the combined fifth and sixth reports of Finland, 2 June 2023, paragraphs 22 and 23.

c. role of businesses

152. The Finnish government has taken a number of steps to implement the UN Guiding Principles on Business and Human Rights (UNGPs). A guide on socially responsible public procurement,[96] published by the Ministry of Economic Affairs and Employment in 2017, describes through practical examples how human rights and other corporate responsibility issues can be taken into account at different stages of the procurement process. The guide describes what kind of requirements are laid down for responsible procurement in the Act of Public Procurement and other relevant acts, and the approaches to social responsibility adopted by different contracting entities. In September 2020, the Finnish Government adopted Finland's first National Public Procurement Strategy,[97] which aims at promoting corporate social responsibility in the form of co-operation between public administration and the private sector.

153. The Government has commissioned several studies to examine the current state and future needs of the Finnish legislation and to form a picture about companies' actions related to human rights. A judicial analysis on the possibility of enacting a Corporate Social Responsibility Act in Finland[98] was published in September 2020. According to the analysis, business operations are already subject to various due diligence obligations, which require companies to assess and prevent risks associated with their operations. In 2021, a project examined the human rights performance of 78 Finnish companies in relation to the expectations set out in the UNGPs. The results of the assessment show that although Finnish companies are generally committed to respecting human rights, the practical integration of human rights responsibility and related monitoring into the core activities of companies is still largely at an early stage.[99] In 2022, the Ministry of Economic Affairs and Employment published a memorandum on the national due diligence obligation,[100] which examined the options for the content of due diligence obligation in national legislation, the effect of such an obligation on human rights and companies, and the conditions for its implementation.

154. One of the objectives of the IKUT-project (2020–2022) mentioned in paragraph 62 was to increase awareness of THB among private sector operators and to involve businesses more extensively in the prevention of human trafficking. Under this project, a webinar and several training courses on the prevention of THB were conducted for various businesses. Further, commissioned by the Ministry of Finance, HEUNI produced in 2021 a guide for risk manag ement in national supply chains for public procurement agencies in Finland, and a practical risk assessment tool that Finnish companies can use to uncover and address labour exploitation.[101] The guide provides information on the exploitation of migrant workers and THB in Finland, and advice on how to react when cases of labour exploitation are suspected or encountered. The guide also proposes measures for the prevention of exploitation at different stages of the procurement procedure.

155. **GRETA welcomes the attention to preventing human trafficking in business supply chains, and invites the Finnish authorities to continue their engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights[102] as well as Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation,[103] with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking, support the rehabilitation and recovery of victims, and provide access to effective remedies.**

96 Guide on socially responsible public procurement, 21 November 2017.
97 National public procurement strategy, 9 September 2020.
98 Ernst & Young Oy, Judicial Analysis on the Corporate Social Responsibility Act, 2 September 2020.
99 Report on the status of human rights performance in Finnish companies, 2021.
100 Memorandum on the due diligence obligation – Review of the national corporate social responsibility act, 2022.
101 Guide for risk management in national supply chains (2021), Risk assessment tool (2021).
102 http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf
103 Recommendation CM/Rec(2016)3 of the Committee of Ministers to member States on human rights and business, adopted by the Committee of Ministers on 2 March 2016 at the 1249th meeting of the Ministers' Deputies; Recommendation CM/Rec(2022)3 of the Committee of Ministers to member States on preventing and combating trafficking in human beings for the purpose of labour exploitation and Explanatory Memorandum, adopted by the Committee of Ministers on 27 September 2022 at the 1444th meeting of the Ministers' Deputies.

d. measures to prevent and detect corruption

156. Trafficking in human beings may be engaged in by organised criminal groups, which frequently use corruption to circumvent the law and money laundering to conceal their profits, but it can occur in other contexts. Consequently, other Council of Europe legal instruments are also relevant to combating human trafficking, in particular those designed to combat corruption, money laundering and cybercrime.

157. The Council of Europe body with the main role to play in the fight against corruption is the Group of States against Corruption (GRECO). The latest GRECO evaluation report on Finland notes high levels of public confidence in the Police in Finland and identifies several areas where further improvements should be made.[104] This includes adopting a dedicated anti-corruption strategy/policy and codes of conduct for the Police and the Border Guard, adopting practical measures for the implementation of these codes, notably through dedicated training, providing for stricter internal oversight, establishing an obligation for police officers and border guards to report corruption, and providing dedicated guidance and training on whistle-blower protection for all levels of hierarchy and chains of command in the Police and the Border Guard.

158. The National Anti-Corruption Strategy and Action Plan 2021–2023,[105] adopted in 2021, aim to strengthen awareness and improve the ability to detect cases of corruption. The implementation of the Action Plan is monitored by a steering group appointed by the Ministry of Justice. Measures taken to implement this Strategy include the publication of codes of ethics by the Police, the Border Guard and the Ministry of Finance, and the setting-up of induction and in-service training on integrity matters. The Finnish Police have recently introduced a confidential internal channel on ethical matters through which police officers may report on misconduct. However, GRECO's compliance reports indicate that several recommendations remain to be implemented by the Finnish authorities.[106]

159. According to the Finnish authorities, there are no proven cases of corruption related to THB. GRETA was informed that in October 2022 an advisor at the Ministry of Economic Affairs and Employment was detained on suspicion of bribe and abuse of public office in connection with a THB case involving a berry processing company (see paragraph 95). According to media reports, the advisor played a key role in planning measures to combat labour exploitation at the Ministry. He served as the chairperson of a ministry-appointed negotiating committee on preventing exploitation and took part in drafting a law adopted in 2021 to improve the position of foreign berry pickers in Finland (see paragraph 168).[107] The authorities indicated in their comments on GRETA's draft report that the case was still under investigation and the advisor had been suspended from his official duties.

V. Follow-up topics specific to Finland

1. Data collection and research

160. In its second evaluation report, GRETA urged the Finnish authorities to develop and maintain a comprehensive and coherent data collection system on THB.

161. As noted in GRETA's second report, several agencies and organisations collect data on THB.[108] Both the Assistance System and the National Police Board produce an annual national situation report on THB issues, containing statistics. Further, the Immigration Service is responsible for collecting statistics on residence permits. The statistics are not comparable, as not all victims who have filed a case with the police contact the organisations offering assistance or apply for a residence permit and vice versa.

104 GRECO's 5th evaluation round report on Finland, 23 March 2018.
105 https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163398/VN_2021_68.pdf?sequence=1&isAllowed=y
106 See GRECO's Compliance Report, adopted on 29 October 2020 and GRECO's Second Compliance Report, adopted on 2 December 2022.
107 https://www.helsinkitimes.fi/22437-official-at-finnish-ministry-suspected-of-accepting-bribes-abusing-public-office.html
108 GRETA's second report on Finland, paragraphs 40-42.

162. There has been some improvement in the data collection on THB. For instance, since 2021, the police statistics on investigated cases of THB are disaggregated by forms of exploitation. In order to improve data collection and analysis, the Action Plan on THB foresees the development of shared operating models, including definitions used as the basis for statistics, and a statistical database of the Assistance System. The legislative amendment in 2022 giving the Assistance System the exclusive competence to formally identify victims of THB should lead to an improvement in data collection on victims. In April 2023, the Assistance System started an 18-month project aimed at improving the data collection and processing by digitalising the process and extending the range of data collected. The project is mostly funded by the EU Internal Security Fund (ISF). However, there continues to be a lack of statistics on the assistance provided to victims by social and health care services and on victim compensation from perpetrators, and data on residence permits issued to victims of THB is not disaggregated. In their comments on GRETA's draft report, the Finnish authorities clarified that no statistics on services provided to victims of THB by social and health care services is compiled in Finland due to two reasons. Firstly, the organisation of health care and social welfare services does not necessitate specifying whether the need for services arises from human trafficking or other forms of mistreatment or abuse. Secondly, the handling of social welfare and health care data is strictly regulated, requiring substantial justification before it can be utilised for statistical purposes.

163. **GRETA considers that the Finnish authorities should continue to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including specialised NGOs, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination).**

164. A great deal of research and studies on human trafficking issues have been conducted during the reporting period, mostly with the financial support of the Finnish authorities. They concern trends and modus operandi in human trafficking,[109] labour exploitation,[110] trafficking in children and young persons,[111] the non-punishment principle,[112] the application of criminal provisions concerning THB and related offences,[113] reflection period,[114] issuing of residence permits,[115] the supported and safe housing of victims of THB,[116] and the organisation of employment services for victims of THB.[117] Research has also been conducted on related areas, such as children missing from child protection institutions,[118] the accommodation of foreign workers and its supervision,[119] and corporate social responsibility (see paragraph 153).

165. **GRETA welcomes the research conducted on different aspects of THB and invites the Finnish authorities to continue to support and carry out research on THB-related issues, in particular internal trafficking, forced criminality, exploitation in the domestic work sector, and the misuse of information and communication technology for the commission of THB.**

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109 Anna-Greta Pekkarinen & Anniina Jokinen (HEUNI), Patterns of exploitation, 2023.

110 Anniina Jokinen et al. (HEUNI), Review of actions against labour trafficking in Finland, 2023; Mika Raunio et al. (Migration Institute of Finland), Regional Resilience and Work-Based Immigration. Foreign Workforce in the Greenhouse Industry in the Närpes Region, 24 January 2023 (in Finnish). See also reports mentioned in footnote 122.

111 Elina Kervinen and Natalia Ollus (HEUNI), Trafficking in children and young persons in Finland, 2019.

112 Jani Hannonen and Heini Kainulainen, Principle of Non-Punishment of Victims of Human Trafficking, 2022 (in Finnish).

113 Kristiina Koivukari et al., Trafficking in human beings and associated crimes: Application of the criminal provisions, 4 March 2022 (in Finnish)

114 Anniina Jokinen et al. (HEUNI), Report on reflection periods given to victims of human trafficking and suspicions of trading in sexual services as grounds for denial of admittance or stay, 23 May 2023 (in Finnish).

115 Heini Kainulainen & Anni Valovirta (the Non-Discrimination Ombudsman), Residence permit practices concerning victims of trafficking in human beings, 2021 (in Finnish).

116 Sari Lampela and Tupu Ruuska (Finnish institute for health and welfare), Report on the supported and safe housing of victims of human trafficking, Discussion paper 27/2021, 2021 (in Finnish)

117 Anniina Jokinen et al. (HEUNI), From exploitation to fair working life. Report on the organisation of employment services for victims of human trafficking with foreign background in Finland, 2022.

118 Maija Haapala et al., Lost in Finland - Towards a national snapshot of children missing from child protection foster care, 2023 (in Finnish).

119 Ministry of Economic Affairs and Employment of Finland, Ministry of Social Affairs and Health, Working group for developing the monitoring and supervision of the accommodation conditions of foreign workers, Accommodation of foreign workers and its supervision, 16 June 2022 (in Finnish).

2. Measures to prevent and combat trafficking for the purpose of labour exploitation

166. As demonstrated by the statistics in paragraphs 11 and 12, THB for the purpose of labour exploitation remains the most common form of THB in Finland. During the reporting period, labour exploitation has received an increased attention in Finland and several legislative, policy and practical measures have been taken to better combat it. On 11 June 2020, the Government adopted a strategy and an action plan for tackling the grey economy and economic crime for 2020-2023,[120] which focuses on prevention, more effective access to information and co-operation between different agencies. The action plan comprises several projects related to the prevention of labour exploitation, such as the Finnish Police University College's project on operational models described in paragraph 174.[121] Further, on 9 March 2023, the Government adopted a Strategy to Prevent and Combat Labour Exploitation.[122] An action plan based on this strategy is under preparation.[123]

167. The Aliens Act was amended in October 2021 with a view to preventing the exploitation of migrant labour and encouraging victims to report suspected exploitation to the authorities. Pursuant to Section 54b added to this Act, if there is a justified reason to suspect that an employer neglected their obligations to a significant degree or otherwise exploited a migrant worker who already held a residence permit in Finland that includes the right to work, the worker can apply for an extended permit for one year or a certificate of expanded right to work, which allows to look for a new employer in any sectors or start a business. Issuance of such a permit or certificate does not require a secure income, a criminal complaint, the existence of a criminal investigation or any documentary evidence on the matter.[124] 42 permits have been granted based on Section 54b (17 in 2022 and 25 until November 2023). GRETA was also informed by the Ministry of Economic Affairs and Employment that all employer-specific residence/work permits were removed from the Aliens Act, except for seasonal workers. The amendments to the Seasonal Workers Act that entered into force on 17 June 2021 allow an employee to file an application for adding a new employer to their current seasonal work permit.[125]

168. Another legislative development was the adoption of the Law on the Legal Status of Foreigners who Collect Natural Products (the so-called 'Berry Law'), which came into force in June 2021. The law defines the rights of the wild products pickers and the obligations of companies purchasing natural products. It outlines in more detail the monitoring, compliance and associated penalties for negligence, and prohibits companies from charging for recruitment services. However, GRETA was informed that the measures taken under this law were not sufficient to prevent abuses and the government was discussing the possibility of giving wild products pickers the status of employees under the Seasonal Work Act, so that their working conditions could be inspected by labour inspectors. **GRETA would like to be kept informed of developments in this respect.**

169. A reform of Chapter 5 of the Aliens Act on the employment-based immigration entered into force on 23 February 2023. This reform introduced a risk-based processing model, which enables the Immigration Service to allocate additional resources for a more detailed examination of the residence permit applications where the risk of labour exploitation is higher (depending on the sector of employment or country of origin of the applicant). The model has been used since January 2024.

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120 Government Resolution on a Strategy and an Action Plan for Tackling the Grey Economy and Economic Crime for 2020-2023.

121 The following reports were prepared as part of this action plan: Kimmo Kuukasjärvi et al., (the Finnish Police University College), Report on the lack of exchange of information and analysis of the gaps in multi-authority action in the supervision of labour immigration, 2021 (in Finnish); Anna-Greta Pekkarinen et al., (HEUNI), Report on the methods of preventing the exploitation of migrant labour in different countries, 7 October 2021 (in Finnish); Mika Raunio et al., (Migration Institute of Finland), Preventing the exploitation of foreign labour Support needs and knowledge gaps of the authorities , 11 January 2022 (in Finnish).

122 https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164758/VN_2023_28.pdf?sequence=1&isAllowed=y

123 Government resolution helps prevent and combat labour exploitation in Finland (valtioneuvosto.fi)

124 Government Proposal of this amendment states that a written statement or verbal account of the victim should be considered as sufficient proof for granting the extended permit, if their account includes sufficient details indicating exploitation. For more details, see https://migri.fi/en/residence-permit-or-certificate-due-to-exploitation-by-employer.

125 Changing employers made easier for seasonal workers - Ministry of the Interior (intermin.fi)

170. Another positive development is the inclusion of THB among the offences that labour inspectors are required to report to the police, as a result of the amendment of the Act on Occupational Safety and Health Enforcement and Co-operation on Occupational Safety and Health at Workplaces that entered into force on 15 November 2021. GRETA notes with satisfaction the significant increase in the number of labour inspectors specialised in supervision of the use of foreign labour in 2021 when 14 new inspectors were recruited to work for occupational health and safety administration. There are currently 25 specialised inspectors working for the latter administration, however, their number remains insufficient, according to the Finnish Trade Unions (SAK).

171. The training programme of labour inspectors comprises a basic optional online training session on THB. Work is underway to prepare more in-depth training on THB for labour inspectors. Despite some improvements since 2019,[126] there is also a need to further strengthen co-operation among relevant authorities and to use more frequently joint inspections with the police, especially outside of major cities where berry pickers and seasonal workers operate.

172. GRETA's attention was drawn to the situation of persons in bogus self-employment, who, like wild berry pickers, fall outside the competence of labour inspectors (see paragraph 95). Awareness of the risks related to bogus self-employment needs to be raised among police officers and labour inspectors. Furthermore, as noted in the Action Plan for Combating THB, on-site supervision of domestic work, which is a high-risk sector for THB, remains difficult under the current legislation, because neither it nor its interpretation provide suspected labour exploitation as sufficient grounds to enter premises protected by the inviolability of the home.[127]

173. Over the reporting period the Finnish authorities have commissioned several reports on labour exploitation (see paragraph 164). One of these reports concern the accommodation of foreign workers and its supervision.[128] It was prepared by a working group set up with the aim of seeking ways to prevent abuses in the accommodation of foreign workers. According to the report, this phenomenon is wide-ranging, extending to the operating areas of many different authorities. The report proposed further measures to prevent abuses, including the establishment of regional multi-authority working groups to enhance co-operation between the authorities. The report recommended that employers and authorities be provided with guidance and training related to THB and labour exploitation and foreign workers be provided with more information on these matters. The report also highlighted the need for housing policy to be connected more closely to labour immigration so that the amount of affordable housing meets the needs for labour.

174. As part of a project funded under the Action Plan for tackling the grey economy and implemented by the Finnish Police University College in 2021–2022,[129] a co-operation model for the prevention of the exploitation of migrant workers through multi-authority co-operation was developed.[130] Under the same project, HEUNI prepared a review of how Finland has tackled the exploitation of migrant workers and labour trafficking.[131] The project also developed a mobile application for migrant workers, which shares information about the rights and obligations of employees and avenues for help, in 26 languages.[132]

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126 The co-operation and information sharing between police and labour inspectorate has improved and the number of joint inspections with the police has increased since 2019. For example, in 2022, the Finnish regional labour inspectorates conducted over 2,300 inspections related to the use of migrant labour and nearly one-fifth were joint inspections with the police, tax authority, and/or border guard. Anna-Greta Pekkarinen & Anniina Jokinen (HEUNI), Patterns of exploitation, 2023, page. 44.

127 Most of the inspections are document-based, since the inspectors are not allowed to enter into domestic premises unless there is reason to suspect that the worker's life or health is in danger and the monitoring cannot be conducted in any other way. See Anna-Greta Pekkarinen & Anniina Jokinen (HEUNI), Patterns of exploitation, 2023, page 33.

128 Ministry of Economic Affairs and Employment of Finland, Ministry of Social Affairs and Health, Working group for developing the monitoring and supervision of the accommodation conditions of foreign workers, Accommodation of foreign workers and its supervision, 16 June 2022 (in Finnish).

129 The project Creating policy models for the police to support the planned management of multi-authority action.

130 The model is presented in the following report published in June 2022 that also outlines the key results of the project: Kimmo M. Kuukasjärvi et al., Prevention of labour exploitation and human trafficking in multi-authority action, 2022 (in Finnish).

131 Anniina Jokinen et al. (HEUNI), Review of actions against labour trafficking in Finland, 2023.

132 Work Help Finland - Ministry of the Interior (intermin.fi)

175. Civil society organisations have also strengthened their efforts to combat labour exploitation. By way of example, the Finnish Trade Unions SAK and its member unions run an employee rights hotline for migrant workers.[133] The hotline seeks specifically to help migrant workers who are not trade union members and those who are in Finland temporarily, such as seasonal and posted workers. SAK updated its services for migrant workers in 2021, launching a new website "Fair Play At Work",[134] which features an "ABC guide to working in Finland" in 20 languages and a chatbot answering questions on these topics. Victim Support Finland produced an animated video[135] on employees' rights in 16 languages. In the summer of 2021, Victim Support Finland introduced a hotline with advice on working conditions, housing and available legal remedies,[136] especially for seasonal workers, which offers services in Finnish, Swedish, English and Russian. The service is accessible in other languages with remote interpreting. The hotline received 76 calls concerning 265 presumed victims of THB or related forms of exploitation in 2021–2023. In 2022 the same NGO drew up a brochure on working in Finland in 24 languages.[137] HEUNI prepared in February 2023 an online package of information for the companies to know what elements to take into account when recruiting an employee from abroad.[138]

176. Since 2019, the Finnish Refugee Council has been co-ordinating the Sauma project, through which working life coaching is provided to migrants looking for work and information, and support is provided to employers. The project collaborates with companies and its aim is to provide support from recruitment until the employee has adjusted to working in Finland.[139] GRETA was informed of several other projects to increase the vocational rehabilitation of migrants, such as the Mahku project (2015–2020) to improve the rehabilitation services provided to immigrants by the Finnish Social Insurance Institution Kela, and a joint project of Victim Support Finland, trade union PAM, the Finnish Hospitality Association MaRa and a group of Finnish companies, offering employment in responsible companies in the restaurant sector to the Nepalese cooks in order to help them get away from the exploitative working conditions they were subjected to.

177. **While welcoming the measures taken to prevent and combat THB for the purpose of labour exploitation, in particular the strengthening of the mandate and resources of labour inspectors, the development of a multi-agency co-operation model, and the adoption of several legislative changes, such as the 'Berry Law', and policy documents, GRETA considers that the Finnish authorities should:**

- **further enhance co-operation between the relevant agencies by ensuring that the necessary exchange of information is made possible despite the existing confidentiality rules and by conducting more frequently joint inspections in sectors with a heightened risk of human trafficking;**

- **continue increasing the number of labour inspectors specialised in supervision of the use of foreign labour, and ensure that training is provided to labour inspectors to enable proactive identification of human trafficking cases;**

- **adopt further measures, including legislative amendments, in order to protect domestic workers and wild products pickers against human trafficking, and to better combat bogus self-employment;**

- **keep under review the application of the new Section 54b of the Aliens Act in order to ensure that it is applied in such a way that it encourages employees to report exploitative working conditions without fear of losing their residence permit;**

133 https://www.sak.fi/en/working-life/immigrants
134 https://tyoelamanpelisaannot.fi/en/
135 https://www.riku.fi/en/various-crimes/labor-exploitation/
136 https://www.riku.fi/en/advisory-service-for-seasonal-workers/
137 https://tem.fi/tyoskentely-suomessa
138 HEUNI, Principles and recommendations for responsible international recruitment, 2023.
139 https://pakolaisapu.fi/sauma/

- **continue to raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation.**

3. Identification of victims of trafficking

178. In its second evaluation report, GRETA urged the Finnish authorities to ensure that all victims of trafficking are properly identified, including by introducing a National Referral Mechanism (NRM), providing relevant frontline officials with guidance, training, and toolkits to be used in the identification process and improving the proactive detection of victims of THB and the sharing of information between relevant actors.

179. The Action Plan to Combat THB envisaged the introduction of an NRM in the period 2021–2022, but the process was slowed down because of delays for securing the necessary funding. The NRM is currently being prepared through a two-year project funded by the EU Internal Security Fund (ISF). The project was launched in March 2023 and is implemented by the intersectoral working group that prepared the current Action Plan on THB in co-operation with OSCE. Four thematic multi-disciplinary workshops were organised under this project in 2023. The project also includes the preparation of a toolkit, material resources and guidelines for all the relevant frontline actors, including those working for child protection services. The preparation of the NRM is to be finalised by spring 2024, after which training will be conducted for all relevant actors on the identification and assistance of victims of THB.

180. As a result of the amendments to the Social Welfare Act, the responsibility for organising health care, social welfare and rescue services was transferred from 309 existing municipalities to 21 newly established wellbeing services counties as of 1 January 2023.[140] Counties have a crucial role to play regarding victims' access to assistance, but this role and the division of duties between the counties, the Assistance System and the reception centres need to be clarified in the upcoming NRM.

181. As noted in paragraph 15, following an amendment to Section 35 of the Reception Act that entered into force on 1 January 2023, the Police, the Border Guard and the Immigration Service can no longer formally identify a victim of THB. The Assistance System is the only authority competent to formally identify a victim of THB, which is done through the admission of the victim to the Assistance System. Decisions about admission are made by the Director of the Joutseno Reception Centre and can be challenged in an administrative court. Out of 126 negative decisions made in 2023, five have been challenged before the court. Further, this amendment disconnected formal identification and assistance to victims from the criminal investigation. Therefore, identified victims have the right to receive assistance regardless of a criminal complaint or the initiation, continuation and outcome of the criminal proceedings.[141]

182. As noted in GRETA's second report,[142] all asylum unit employees of the Immigration Service have at their disposal guidance and instructions on identification, which include instructions on how the possibility of THB should be taken into account in asylum interviews and at the decision-making phase. In September 2020, the Asylum Unit began to provide the European Asylum Support Office's THB training module to its senior advisers in charge of asylum interviews. The Asylum Unit also offers training on THB specifically tailored to new case workers dealing with asylum cases. In 2022, the training unit of the Immigration Service released a THB online training course, which was made mandatory for all the personnel of the Immigration Service. According to GRETA's interlocutors, the Immigration Service's capacity to identify victims of THB has improved. In 2019-2022, 40% of referrals of victims of THB to the Assistance System (611 out of 1,523 referrals) were made by the reception centres for asylum seekers and the Immigration Service: 157 referrals in 2019 (out of 303 referrals), 158 in 2020 (out of 394 referrals), 135 in 2021 (out of 300 referrals), and 161 in 2022 (out of 526 referrals). However, research conducted by the National Rapporteur shows that

140 There are 21 wellbeing services counties, and the division into counties is mainly based on the division into regions. The region of Uusimaa is divided into four wellbeing services counties. The municipality of Helsinki continues to be responsible for organising health, social and rescue services as a separate county. Wellbeing services counties - Ministry of Social Affairs and Health (stm.fi);

141 https://intermin.fi/-/ihmiskaupan-uhreja-autetaan-rikosprosessin-etenemisesta-riippumatta?languageId=en_US

142 GRETA's second report on Finland, paragraph 100.

there were gaps in identifying vulnerable people, including THB victims, among persons returned in 2019 to South European countries.[143] Civil society actors pointed out that the risk of re-trafficking is not well assessed before deciding to apply the Dublin procedure to victims of THB. The National Rapporteur gave the example of a victim of THB and her one-year-old child who were, at the time of the visit, under the risk of being transferred to another EU country in application of the Dublin procedure[144] regardless of the fact that she had already been returned once and sexually exploited in that country. The case is pending before the Supreme Administrative Court.

183. GRETA stresses that the application of the Dublin procedure to victims of trafficking runs contrary to the obligation to assist and protect such victims. GRETA recalls that Article 10, paragraph 2, of the Convention stipulates that if the competent authorities have reasonable grounds to believe that a person has been a victim of THB, that person shall not be removed from its territory until the identification process has been completed by the competent authorities. GRETA stresses the State's obligation to identify victims of trafficking among asylum seekers who are subject to the Dublin Regulation procedure, in order to avoid any risk of reprisals from traffickers or re-trafficking and to ensure that the State's obligations to provide a recovery and reflection period, assistance and protection to victims in accordance with Articles 12 and 13 of the Convention, are fulfilled. In this context, GRETA notes that Article 17.1 of the Dublin Regulation III permits States to unilaterally take responsibility for the determination of an asylum claim, even where the objective responsibility criteria allow for a request to be submitted to another Member State of the EU. **GRETA urges the Finnish authorities to review the application of the Dublin Procedure to presumed victims of THB and to conduct risk assessments in order to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked.**

184. The GRETA delegation visited Turku Reception Centre for asylum seekers, run by the Red Cross. The Centre has a capacity of 550 places. At the time of the visit, around 250 places were occupied by persons who fled Ukraine and 21 by unaccompanied children. The average duration of stay in the Centre is about six months, the time for the Immigration Service to process their international protection application. All the staff of the Centre have received training on how to recognise vulnerabilities. While previously most of THB cases detected in the Centre concerned Nigerian women trafficked in other European countries, recently detected victims are mainly Somalian women exploited abroad.

185. In the reporting period most of the identified victims (64%) who were trafficked in Finland were subjected to labour exploitation. The National Rapporteur noted that unlike labour exploitation, efforts to proactively detect cases of sexual exploitation remain limited. The Aliens Act includes a provision which gives grounds for denying the entry of a foreigner if there are reasonable grounds to suspect that they may sell sexual services (Section 148). Although this provision is rarely applied,[145] its mere existence has long been criticised because it hampers the detection of human trafficking and increases the vulnerability of migrants selling sex.[146] Long criminal proceedings and unpredictability of their outcome (see paragraphs 96-98), as well as fear of deportation, are other reasons why many victims of human trafficking among persons engaged in prostitution do not want to turn to the police.

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143 See Päivi Keskitalo et al., Monitoring the Enforcement of Removals from the Country, Observations from 2014-2019, 6 July 2020, pages 19 and 23.

144 According to the statistics provided to GRETA, from 1 January 2019 to 22 May 2023, there have been 143 Dublin decisions where there was a THB reference, of which 125 decisions concerned applicants who had already received international protection from another EU country.

145 In 2015–2021, the police and border guards made 75 decisions on denial of admittance or stay on the grounds of selling sexual services: 4 in 2015, 5 in 2016, 15 in 2017, 17 in 2018, 12 in 2019, 7 in 2020, and 15 in 2021.

146 See the National Rapporteur's 18 October 2022 statement on residence permit and Anniina Jokinen et al., Report on reflection periods given to victims of human trafficking and suspicions of trading in sexual services as grounds for denial of admittance or stay, 23 May 2023 (in Finnish).

186. In 2022, forced marriage was the most common form of exploitation of the female victims admitted to the Assistance System (72 victims).[147] Almost two thirds had been subjected to a forced marriage in their country of origin. Most of victims originated from Iraq, Somalia, Afghanistan and Iran. There were at least nine Finnish nationals among the victims.

187. As noted in paragraph 107, THB for the purpose of forced criminality is under-identified. Only 2% of the victims admitted to the Assistance System in 2019-2022 were victims of forced criminality.

188. The number of victims referred by social workers of municipalities to the Assistance System is very low.[148] Many victims had been in contact with social services but had not been detected by them. The National Rapporteur has recently called on the authorities to develop models for the wellbeing services counties for identifying victims of human trafficking and referring them to assistance. According to the National Rapporteur, the partially unclear legislation and insufficient guidance have led to varying practices for the identification and assistance of victims in the municipalities.[149] Civil society actors also stressed the need for additional resources so that social services can play their role in the detection of victims.

189. While welcoming the legal changes disconnecting the identification of victims from the opening of criminal investigation, GRETA is concerned by the delay in setting up the NRM. **Consequently, GRETA considers that the Finnish authorities should take further steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Convention, in particular by:**

- **introducing without further delay a National Referral Mechanism which defines the roles and responsibilities of different stakeholders and promotes a multi-agency approach to victim identification by involving a range of frontline actors, including NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;**

- **providing frontline staff of wellbeing services counties with sufficient human and material resources, operational indicators, guidance, training and toolkits in order to increase their capacity to identify possible victims of trafficking;**

- **improving the proactive detection of victims of THB and the sharing of information between relevant actors, in particular as regards THB for the purpose of sexual exploitation and forced criminality and trafficking of Finnish citizens.**

4. Assistance to victims

190. In its second report, GRETA urged the Finnish authorities to ensure that the assistance provided to victims of THB is adapted to their specific needs and is guaranteed to all victims of THB across the country, regardless of the service provider and the place of residence.

191. The Reception Act lays down provisions on the tasks and obligations of the Assistance System, administered by the Finnish Immigration Service, and details the services to which a person identified as a victim of THB is entitled, which includes guidance, safe residential arrangements, social and health care services, legal advice and assistance, a subsistence allowance, interpretation and translation services, and assisted voluntary return to the country of origin.

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147 The number of victims of forced marriage admitted into the Assistance System was 20 in 2018, 52 in 2019, 45 in 2020, 63 in 2021, 72 in 2022, 25 in 2023 (until 26 May).

148 Social workers of the municipalities referred 10 persons to the Assistance System in 2019 (out of 303 referrals), 10 persons in 2020 (out of 394 referrals), 11 persons in 2021 (out of 300 referrals) and 14 persons in 2022 (out of 526 referrals).

149 See National Rapporteur's 27.04.2023 statement "Status of human trafficking victims must be improved in the coming government term".

192. In addition to the previously mentioned amendment to the Reception Act resulting in the disconnection of the provision of assistance to victims of THB from the opening of a criminal investigation, since January 2023 all the services of municipalities have been transferred to the wellbeing services counties. This is expected to facilitate victims' access to services, especially housing, as the victim is not assisted by one municipality but by a county which covers a much bigger territory.

193. However, the Assistance System is understaffed[150] while the number of victims admitted has considerably grown during the reporting period (see paragraphs 11-12). On 30 June 2022, there were 1,184 persons in the Assistance System: 949 victims (including 565 women and 30 child victims) and 235 underaged children of the victims.

194. As explained in GRETA's second report,[151] victims of THB who have a municipality of residence in Finland are assisted by wellbeing services counties (the municipality of their residence prior to January 2023), while those without a municipality of residence in Finland (such as asylum seekers, undocumented migrants, or persons who stay in Finland on the basis of a visa) are assisted by the Assistance System of the Immigration Service.[152] Both the Assistance System and the wellbeing services counties can provide assistance directly or purchase services from public and private service providers, including NGOs. Some victims are initially assisted directly by the Assistance System but after being granted a residence permit, they are registered in a municipality, and start receiving assistance from the wellbeing services county. According to certain interlocutors, the change of status of the victim (resident or non-resident of a municipality or asylum seeker) sometimes leads to the change of social worker and service providers (doctors, therapists, etc.), which creates difficulties for the victims, especially the most traumatised ones.

195. Some victims are assisted by the wellbeing services counties without being admitted into the Assistance System, but there are no centralised statistics on their number.[153] This is for example the case of undocumented migrants who refuse to get into contact with the police or the Assistance System for fear of deportation in case their situation is not recognised as THB. These persons can receive assistance from the counties without being identified as a victim of THB. While the admission of an undocumented victim of THB into the Assistance System may help them receive a residence permit, GRETA was told that there have been discussions on whether victims who already have a municipality of residence would benefit from being accepted into the Assistance System, as the wellbeing services counties offer the same services under the Social Welfare Act. On the other hand, if the victim is admitted into the Assistance System, the police may start the investigation immediately for THB instead of another offence. It should also be noted that the wellbeing services counties can apply to the State funding for the reimbursement of some services provided to victims, such as housing, only if the victims are admitted into the Assistance System. That said, reimbursement from the State is claimed to a low extent.[154]

196. GRETA's second report pointed to the considerable variation in the availability and quality of assistance to victims of THB between municipalities.[155] During the evaluation visit, many of GRETA's interlocutors raised this issue again and stressed the need to provide training and guidelines for persons working in the social and health care sector across Finland. The discussions GRETA delegation had with state authorities and civil society representatives show that the division of duties between the wellbeing services counties and the Assistance System needs to be clarified and the co-ordination and information sharing improved.

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150 At the time of the evaluation visit, the Assistance System had 12 staff: one social worker and 11 social advisors.

151 GRETA's second report on Finland, paragraph 117.

152 The percentage of the victims who had a municipality of residence at the time of admission into the Assistance System was 24% in 2020, 30% in 2021, 21% in 2022 and 43% in 2023 (until 26 May).

153 According to the official statistics, between 1 January 2022 and 30 April 2023, the City of Helsinki special services for immigrants assisted 150 identified or possible victims of THB. On 23 May 2023, 136 identified or possible victims were receiving assistance from those services. However, it is not indicated how many of these victims were not admitted into the Assistance System.

154 See Venla Roth and Mia Luhtasaari, Action Plan against Trafficking in Human Beings, 2021, page. 26. GRETA was informed that the Municipality of Helsinki received EUR 254,495 in 2019 and EUR 463,078 in 2020 as reimbursement for specialised services provided to victims of THB.

155 GRETA's second report on Finland, paragraph 119.

197. Civil society representatives indicated that their role in identifying, assisting, and referring victims to public services is widely recognised by the authorities, however this has not translated into providing them with sufficient resources despite the increasing number of victims of THB supported by them. For example, the number of THB victims actively supported by Victim Support Finland increased from 260 in the autumn of 2019 to around 920 persons in 2023, but the number of its permanent staff remained at three. This compromises its ability to efficiently provide assistance to victims. In their comments on GRETA's draft report, the Finnish authorities noted that in 2023 the Ministry of Justice allocated EUR 300,000 to Victim Support Finland to support victims of THB.

198. Safe housing services that meet the needs of victims of THB is not always ensured.[156] Only victims of THB whose situation includes intimate partner violence have access to shelters for victims of domestic violence, which also accept male victims. Other adult victims are placed in asylum reception centres, private accommodation or NGO shelters, depending on whether there is a safety issue. The Rose Home operated by the Christian NGO Samaria, visited by GRETA during the second evaluation, remains the only shelter accommodating exclusively female victims of THB and their children. There are no specialised shelters for male victims of THB.

199. GRETA visited a shelter for female victims of domestic violence run by the NGO Monika.[157] At the time of the visit, the shelter, which consists of 14 studio type apartments, was fully occupied by 14 adults, including one THB victim, and 16 children. GRETA was told that there were nine other domestic violence shelters in the Helsinki area with free places, but Monika's shelter is more demanded because it is safer and accepts women only. It is the only domestic violence shelter with a secret address and has cameras outside its buildings like other shelters. In 2022, the shelter accommodated 19 victims of THB and had an occupation rate of 88%. The NGO Monika has a person trained on THB. Staff of domestic violence shelters have been trained on THB by the Finnish Institute for Health and Welfare, which provided in early 2022 specific training on shelters and victims of THB, and also prepared online training on THB for social welfare and health care professionals.

200. **GRETA urges the Finnish authorities to take further steps to comply with their obligations under Article 12 of the Convention and ensure that all victims of trafficking, including men, are provided with accommodation that is safe and suitable for their needs.**

201. **Further, GRETA considers that the Finnish authorities should further develop and strengthen the assistance measures offered to victims of human trafficking, and in particular:**

- **provide adequate financial and human resources to the National Assistance System for victims of human trafficking and increase co-operation between the latter and the wellbeing services counties in order to ensure the quality and continuity of assistance services provided to victims, regardless of the place and status of residence;**

- **provide training and guidelines on the assistance of victims of human trafficking to relevant staff of the wellbeing services counties;**

- **provide adequate funding to NGOs to whom the provision of specialised assistance to victims of human trafficking is delegated.**

156 See the 2022 report of the Non-Discrimination Ombudsman to the Parliament, page 73. See also Sari Lampela and Tupu Ruuska (Finnish Institute for Health and Welfare), Report on the supported and safe housing of victims of human trafficking, Discussion paper 27/2021, 2021 (in Finnish).

157 This shelter was also visited by GRETA during the second evaluation (see GRETA's second report on Finland, paragraph 125).

5. Measures to prevent trafficking of children, identify child victims of trafficking and assist these children

202. In its second report, GRETA urged the Finnish authorities to enhance their efforts in the area of prevention of child trafficking, by paying increased attention to unaccompanied and separated children arriving in Finland. GRETA also called on the authorities to ensure that the NRM contains rules and procedures on the identification and referral to assistance of child victims of THB.

203. In 2019 Finland published its Action Plan for the prevention of violence against children 2020-2025,[158] which contains 93 actions, including six in the chapter on trafficking in children and related exploitation. One of the actions is the preparation of an NRM which takes into account the special needs of child victims of THB and children of victims. The other actions concern ensuring the timely access to services for child victims and the children of victims, improvement of the statistics on child and young victims of THB and increasing awareness of trafficking in children among children, their families, and state officials. The Action Plan to combat THB which was adopted two years later foresees four actions specifically targeting children: incorporation of anti-trafficking action focusing on children in the work to develop centres of expertise and support; inclusion of information about THB in the education of professionals working with children; paying particular attention to child trafficking in the design of the models to be developed to increase the investigation of THB offences; and incorporation of anti-trafficking action into the implementation of the intersectoral child strategy. During the reporting period, Finland also published its first National Child Strategy[159] (23 February 2021) and its first Action Plan for the Lanzarote Convention[160] (26 April 2022).

204. GRETA welcomes the adoption of the above-mentioned strategic documents but is concerned by the lack of progress in the setting-up of an NRM and delays in the identification of child victims of THB. Child victims are often identified only when they have become adults. According to GRETA's interlocutors, the relevant professionals' degree of awareness of child trafficking remained overall insufficient, despite training and guidelines provided by IOM to social and healthcare professionals under the project called "Caring for Trafficked Persons in Finland" (HOIKU) (2017-2019), funded by the Funding Centre for Social Welfare and Health Organisations of the Ministry of Social Affairs and Health.[161] Insufficient resources allocated to the child welfare services hampers the detection of child victims and their access to assistance, a point of concern which was also raised by the UN Committee on the Rights of the Child (CRC) in its recent report on Finland.[162]

205. A total of 81 child victims of THB were admitted into the Assistance System in 2019-2023:[163] 14 in 2019, 10 in 2020, 28 in 2021, 21 in 2022 and 8 in 2023 (until 26 May). A slight majority of the victims were boys (43 victims). The 2019 statistics are not disaggregated by form of exploitation but in other years the most frequent form of exploitation was labour exploitation (43 victims), followed by forced marriage (12),[164] sexual exploitation (9), and forced begging (2). Only two victims identified in 2022 and one victim identified in 2023 were exploited in Finland. The statistics of 2019-2021 are not broken down by country of exploitation, however, GRETA was told that most victims had been exploited abroad. [165]

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158 https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162554/STM_2020_34_J.pdf?sequence=1&isAllowed=y

159 https://www.lapsenoikeudet.fi/en/campaign/national-strategy-for-children/

160 https://valtioneuvosto.fi/en/-/1271139/the-prevention-of-child-sexual-abuse-requires-the-contribution-of-all-adults-the-action-plan-lists-ways-to-do-this

161 For activities conducted under the HOIKU project, see GRETA's second report on Finland, paragraphs 36, 64, 107, 139, and 236 and Counter Trafficking | IOM Finland, UN Migration | IOM Finland.

162 CRC, concluding observations on the combined fifth and sixth reports of Finland, 2 June 2023, paragraphs 22 and 26.

163 The number of child victims of THB admitted into the Assistance System was two in 2015, 22 in 2016 and 14 in 2017.

164 In addition to the cases where children were married before their arrival in Finland, according to a report issued by HEUNI, there have also been cases involving daughters sent to their parents' country of origin to be wed, or men traveling abroad in search of an underaged bride. Anna-Greta Pekkarinen & Anniina Jokinen (HEUNI), Patterns of exploitation, 2023, page 63.

165 The statistics do not provide information on the nationality of the victims except for 2022 and 2023. 29 child victims admitted into the Assistance System in 2022 and 2023 were from Afghanistan, Democratic Republic of the Congo, Rwanda, Syria, Somalia, Morocco, Rwanda, Thailand, and Vietnam.

206. During the evaluation visit, both the National Rapporteur and the Ombudsman for Children expressed great concerns regarding children who run away from child protection institutions. In March 2023, an NGO conducted a survey[166] which shows that these children are at high risk of THB and other forms of abuses: 25% of the girls who participated in the survey and had run away from the child protection institutions had experienced sexual violence, 19% had traded sex for drugs or accommodation, and 17% indicated that they had been exploited while absconding. 55% of police officers and 70% of the staff of the child protection facilities who took part in the survey knew that runaway children had traded sex for drugs, accommodation, or other things. Over 1,000 such cases per year are directed by social workers to the police for assistance to find the child. In 2019 the National Police Board renewed its instructions for the police concerning the procedure in detecting missing persons. These instructions outline in detail all available measures that should be taken in these situations. The authorities have also referred to the instructions issued in March 2022 by the Ministry of Social Affairs and Health, the National Police Board and the Emergency Response Centre Agency to clarify the roles and responsibilities of all the relevant actors (in particular the police, emergency response centres and social services) in cases of children who have run away from child protection institutions. However, GRETA notes that the measures taken are inadequate to protect runaway children and identify those who have fallen victims to THB, and stresses that co-operation between the police and social workers needs to be strengthened.

207. The rules concerning the provision of care and housing for child victims of THB have remained unchanged, except for the replacement of municipalities by wellbeing services counties as service providers for children with a municipality of residence. Children who have a municipality of residence and need state protection are accommodated and cared for by the social welfare authorities, whereas unaccompanied asylum-seeking children are housed and cared for at asylum reception facilities for unaccompanied children. The Assistance System provides support and consultation to reception centres and covers some of the expenses for additional services offered to child victims (e.g. therapy). If an unaccompanied child victim does not have a municipality of residence in Finland and is not an asylum seeker, the Assistance System is responsible for providing assistance, in co-operation with the child protection authorities, who can decide on the urgent placement of the child. The Assistance System is responsible for covering the costs of the actions. All children admitted to the Assistance System – including children with no municipality of residence – are entitled to the kind of healthcare services that are provided to other residents of the municipality. In addition, these children are entitled to social services in accordance with the Social Welfare Act.[167]

208. During the reporting period most child victims of THB were asylum seekers and were accommodated in reception centres for unaccompanied children. GRETA visited such a centre in Espoo (the Espoo Group Home and Supported Housing Unit). With a capacity of 24, at the time of the visit, the centre was accommodating 20 children (mostly from Afghanistan and Somalia). All children are interviewed by staff trained by the Immigration Service on how to recognise THB. The centre refers each year a few possible victims of THB to the Assistance System. Child asylum seekers stay in the centre until the completion of the asylum application process, which takes around six months. However, unaccompanied children who fled Ukraine as the result of Russia's aggression stay at the centre one year before they can be assigned to a municipality of residence. The centre provides various services to children, including Finnish language lessons. During the reporting period no child has disappeared from the centre.

209. As noted in GRETA's second report, every child asylum seeker who arrives in the country unaccompanied is assigned a representative.[168] Under the Competent Representative project, launched in autumn 2019 and implemented by the Ministry of Economic Affairs and Employment in co-operation with the Immigration Service, an online training programme with a component on THB was created to ensure that representatives for unaccompanied children have sufficient knowledge of matters affecting their wellbeing. From August 2020 to October 2023, this programme was fully completed by 100 representatives and partially completed by 50 representatives. It is mandatory for the new representatives to follow this or an equivalent training programme.

166 Maija Haapala et al., Lost in Finland - Towards a national snapshot of children missing from child protection foster care, 2023 (in Finnish).
167 For more details, see Helping victims of child trafficking and the children of trafficking victims - Ihmiskauppa.
168 GRETA's second report on Finland, paragraph 68.

210. **GRETA urges the Finnish authorities to:**

- **take further actions for reducing the risk of children going missing from state care, by sensitising them to the risks of human trafficking and sexual abuse, and providing them with secure accommodation, appropriate services and a sufficient number of appropriately trained supervisors;**

- **ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children absconding from institutional care, children trafficked for forced criminality, unaccompanied children and children recruited and/or exploited online.**

211. **Furthermore, GRETA considers that the Finnish authorities should take additional steps to prevent trafficking of children, identify child victims of trafficking and provide appropriate assistance to them, and in particular to:**

- **ensure that the National Referral Mechanism under preparation contains rules and procedures on the identification and referral to assistance of child victims of THB, taking into account the special circumstances and needs of child victims, involving child specialists and ensuring that the best interests of the child are the primary considerations in all proceedings relating to child victims of THB and children at risk;**

- **provide further training and tools to frontline professionals working with children on the identification of child victims of THB for different forms of exploitation;**

- **strengthen the capacity and resources of the child welfare services;**

- **raise children's awareness of the risks of human trafficking (including recruitment and abuse through Internet/social networks), paying particular attention to children in institutional care or leaving institutions, and unaccompanied children.**

6. Recovery and reflection period

212. In its second report, GRETA urged the Finnish authorities to ensure that all police and border guard officers are issued with clear instructions stressing the need to apply the recovery and the reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators.

213. GRETA was informed that since the autumn of 2018, the previous practice of granting a recovery period of 30 days to victims of THB who are legally resident in Finland and informing the police about these victims after the expiry of the recovery period has been abandoned.[169] The police is only informed about a victim who is legally resident in Finland if the victim consents to it or for the purpose of preparing measures to protect the victim against threats to his or her safety.

214. As for victims irregularly present in Finland, a reflection period can be issued by the Police, the Border Guard or the Assistance System for no less than 30 days and no more than six months. During this period the victim must take a decision on whether to co-operate with the authorities (Section 52b of the Aliens Act). In practice the Police and the Border Guard rarely issue a reflection period as they are instructed to refer all THB victims to the Assistance System, and they expect the latter to grant the reflection period. A report based on interviews with relevant professionals and THB victims, issued by HEUNI in May 2023,[170] notes that the criminal investigation authorities are not aware of the possibility to grant a reflection period to victims of THB.

169 See GRETA's second report on Finland, paragraph 147.

170 Anniina Jokinen et al., Report on reflection periods given to victims of human trafficking and suspicions of trading in sexual services as grounds for denial of admittance or stay, 23 May 2023 (in Finnish).

215. The Assistance System issued 23 reflection periods in 2019, 23 in 2020, 16 in 2021, 14 in 2022 and two in 2023 (until 26 May), which indicates an increase compared to 15 reflections periods issued by the Assistance System in the period 2015-2018, but remains low considering the number of persons admitted into the Assistance System. In 2019-2021, the Police issued four reflection periods and the Border Guard none. The Assistance System is obliged to inform the police about the name and registration number of victims granted a reflection period in order for the police to know that the victim resides in Finland legally.

216. The procedure and rules on the reflection period are detailed in the guidelines of the National Police Board on "Intervening in human trafficking and similar offences and helping victims of human trafficking", which stress that the right to a reflection period must be respected even if this may jeopardise the pre-trial investigation.

217. **While welcoming the abandoning of the practice of informing the police about victims who are legally resident in Finland and the increase in the number of reflection periods issued, GRETA considers that the Finnish authorities should take further measures to ensure that all foreign victims of trafficking in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking are offered a recovery and reflection period.**

7. Residence permits

218. The legislation related to residence permits remains as described in GRETA's second report on Finland (see paragraphs 155-156 of that report). Section 52a, Subsection 1, of the Aliens Act provides that temporary residence permits for victims of THB may be issued if the residence of the victim in Finland is justified on account of the pre-trial investigation or court proceedings concerning THB and the victim is prepared to co-operate with the authorities, and on condition that the victim no longer has any ties with those suspected of THB. Pursuant to Section 52a, Subsection 3, of the Aliens Act, a continuous residence permit may be issued if a victim of trafficking is in a particularly vulnerable position. A continuous residence permit may also be issued to a victim of THB on humanitarian grounds, such as their vulnerable position (Section 52 of the Aliens Act).[171]

219. From 1 January 2019 to 22 May 2023, the Permit and Nationality Unit of the Immigration Service granted 70 temporary residence permits and 20 continuous residence permits (both initial permits and extensions) to victims of THB under Section 52a of the Aliens Act. During the same period, the Asylum Unit granted 12 temporary residence permits and 11 continuous residence permits to victims of THB under Section 52a of the Aliens Act. In addition, the Asylum Unit of the Immigration Service took 641 decisions in cases of asylum applications which included a reference to THB; of them, 360 decisions (47% of all decisions) granted international protection (either asylum or secondary protection) and 89 decisions (14%) granted a residence permit on humanitarian grounds under Section 52 of the Aliens Act and 192 decisions (30%) were negative.

220. In 2021 the National Rapporteur carried out a study of the residence permit practices concerning victims of THB.[172] The study showed that few victims of THB met the requirements for obtaining a continuous residence permit under Section 52a, Subsection 3, of the Aliens Act because the threshold for considering that a victim of THB is in a particularly vulnerable position was set very high. Furthermore, the study indicated that assessment of vulnerability was not consistent. Even serious and long-lasting sexual violence did not always lead to receiving a residence permit as a victim of THB or due to humanitarian grounds.[173] The study also revealed that if the pre-trial investigation had been terminated or if the prosecutor had decided to

171 Section 52 of the Aliens Act provides that "Aliens residing in Finland are issued with a continuous residence permit if refusing a residence permit would be manifestly unreasonable with regard to their health, ties to Finland or on a discretionary basis on other humanitarian grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable position."

172 Heini Kainulainen and Anni Valovirta, Residence permit practices concerning victims of trafficking in human beings, 2021.

173 The National Rapporteur's 18 October 2022 statement on residence permit.

discontinue the pre-trial investigation or not to prosecute, the applicant usually did not receive a residence permit as a victim of THB.

221. The internal guidelines "Handling a case of a presumed victim of THB in the Immigration Service's procedures" was issued on 30 January 2020, which was, however, not enough to change the residence permit practice, according to the National Rapporteur. The latter recommends that Section 52a of the Aliens Act be amended so that a vulnerable position, instead of a particularly vulnerable position, is sufficient for being granted a residence permit. Further, the Immigration Service must ensure that vulnerability would be assessed carefully, and the threshold would not be raised too high.

222. The above-mentioned study revealed cases in which the victim was not granted a residence permit because his/her presence after being interviewed was not considered necessary by the police. GRETA notes that this approach disregards the victim's rights as the injured party, such as the right to press charges if the prosecutor fails to do so. The National Rapporteur recommends that the prerequisites for a temporary residence permit should be changed to ensure that victims can remain in Finland for the entire duration of the criminal procedure and exercise their rights as a plaintiff.[174] Furthermore, the start of a pre-trial investigation should be a sufficient ground for receiving a temporary residence permit and no statement should be requested from the police on the necessity of the victim's presence and/or the co-operation of the victim with the authorities.[175]

223. GRETA was informed by the Immigration Service that the process of receiving a temporary residence permit for a victim of THB takes six to eight months, during which the victim is not entitled to work. The cost of a residence permit application is EUR 400, which is returned to the applicant should he/she be granted the residence permit. For the victims who are admitted to the Assistance System, the latter pays the cost of the application if the victim cannot pay it. If the victim applies at the same time for asylum, there is no fee to pay.

224. **GRETA urges the Finnish authorities to take additional measures to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including on grounds of their personal situation, by amending the Aliens Act, providing the relevant staff of the Immigration Service with additional instructions and training, and ensuring the issuing of residence permits within a reasonable time.**

174 Ibidem.

175 The 2022 report of the Non-Discrimination Ombudsman to the Parliament, page 88.

Appendix 1 – List of GRETA's conclusions and proposals for action

The position of the proposals for action in the text of the report is shown in parentheses.

Topics related to the third evaluation round of the Convention

Right to information

- While welcoming the steps already taken, GRETA considers that the Finnish authorities should strengthen the systematic provision of information to victims of trafficking. Information in oral and written form should be provided in a language the victim understands, and interpreters working with the Police and the Immigration Service should be sensitised to the issue of human trafficking. The authorities in contact with victims of trafficking, especially law enforcement officers and the social and healthcare professionals, should be systematically trained and instructed on how to properly explain to victims of THB their rights, taking into account the victims' age, cognitive skills and psychological state (paragraph 42).

Legal assistance and free legal aid

- GRETA considers that the Finnish authorities should take further steps to guarantee effective legal assistance and legal aid for victims of THB, by ensuring that:
  - a lawyer is appointed as soon as there are reasonable grounds for believing that a person is a victim of human trafficking, before the person concerned has to decide whether or not to co-operate with the authorities and/or make an official statement;
  - the Bar Association is encouraged to offer training on THB to lawyers with a view to ensuring that trafficking victims are systematically appointed a specialised lawyer (paragraph 53).

Psychological assistance

- GRETA considers that the Finnish authorities should guarantee timely access of victims of trafficking to psychological assistance to help them overcome their trauma and achieve a sustained recovery and social inclusion (paragraph 58).

Access to work, vocational training and education

- GRETA welcomes the efforts made to facilitate the employment of victims of THB and invites the Finnish authorities to continue taking steps to provide access to the labour market for victims of THB and their economic and social inclusion, including by providing training to staff of employment services on how to support victims of human trafficking and encouraging social enterprises to employ victims of THB (paragraph 65).

Compensation

- GRETA urges the Finnish authorities to make additional efforts to guarantee effective access to compensation for victims of THB, in particular by:
  - ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigations with a view to supporting compensation claims in court;
  - systematically carrying out financial investigations to locate executable assets or income of offenders in THB cases with a view to freezing or seizing them to secure future compensation claims by victims, and ensuring that victims have effective access to those assets or income;

- ensuring that the length of the judicial proceedings (criminal and civil) to claim compensation from the perpetrator is reasonable;
- reviewing the eligibility criteria for state compensation, in particular the criterion of significant damage, with a view to making state compensation available to all victims of trafficking (paragraph 81);

➢ GRETA considers that the Finnish authorities should develop a system for recording claims for compensation by victims of THB and the compensation awarded to them (paragraph 82).

Investigations, prosecutions, sanctions and measures

➢ GRETA urges the Finnish authorities to strengthen the criminal justice response to human trafficking, and in particular to:

- ensure that human trafficking offences are proactively and promptly investigated, making use of special investigation techniques in order to gather material, documentary, financial and digital evidence, so that there is less reliance on testimony by victims or witnesses;
- ensure that human trafficking offences, including for the purpose of labour exploitation, are classified as such every time the circumstances of a case allow this, and lead to effective, proportionate and dissuasive sanctions for those convicted;
- ensure that the length of court proceedings in THB cases is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1 of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 102);

➢ GRETA considers that the Finnish authorities should take steps to:

- ensure that effective co-ordination and information exchange exist among the different actors;
- continue providing training and encouraging the specialisation of investigators, prosecutors and judges to deal with human trafficking cases (see also paragraphs 134 and 135);
- allocate sufficient human and financial resources to the police and the prosecution services in order to be able to conduct proactive and effective investigations in trafficking cases and to prioritise cases of human trafficking;
- ensure that property used to commit THB, or which can reasonably be considered to constitute proceeds of this crime, is seized to the greatest extent possible (paragraph 103).

Non-punishment provision

➢ Noting positively the authorities' plans to provide relevant training, GRETA considers that the Finnish authorities should take further steps to ensure that the non-punishment principle can be applied to all offences that victims of THB were compelled to commit, develop relevant guidance for police officers and prosecutors, and include the non-punishment principle in the training of the police, prosecutors and judges (paragraph 109).

Protection of victims and witnesses

➢ GRETA welcomes the recent legislative changes limiting the number of interviews of victims of THB and considers that the Finnish authorities should make full use of all available measures to protect victims and witnesses of THB from potential retaliation or intimidation during the investigation, as well as during and after court proceedings, including by avoiding, to the extent possible, cross-examination of victims of trafficking in the physical presence of the defendant and the repeated questioning of victims of trafficking (paragraph 120).

Specialised authorities and co-ordinating bodies

- GRETA welcomes the steps taken to develop specialisation amongst police investigators, prosecutors and judges to deal with THB cases, and considers that the Finnish authorities should ensure the sustainability of the national THB investigation team and further promote specialisation amongst relevant professional groups (paragraph 134).

- GRETA considers that the Finnish authorities should take additional steps to ensure that all relevant professionals are periodically and systematically trained on THB. The training should be integrated in the regular training curricula of relevant professional groups (paragraph 135).

International co-operation

- GRETA welcomes the Finnish authorities' participation in multilateral and bilateral international co-operation related to combating THB, as well as the funding of projects in countries of origin of victims of trafficking, and invites them to continue their efforts in this regard (paragraph 142).

Gender-sensitive criminal, civil, administrative and employment proceedings

- GRETA invites the Finnish authorities to further promote a gender-responsive approach to access to justice for victims of THB, including through gender mainstreaming and training (paragraph 146).

Child-sensitive procedures for obtaining access to justice and remedies

- GRETA welcomes the steps taken to ensure child-sensitive procedures for obtaining access to justice and remedies, and invites the Finnish authorities to continue their efforts to ensure that child victims of THB are in practice afforded special protection measures, including through enhancing the co-operation of different authorities (police, prosecutors, social and healthcare authorities) and making full use of the Barnahus units in cases of THB (paragraph 151).

Role of businesses

- GRETA welcomes the attention to preventing human trafficking in business supply chains, and invites the Finnish authorities to continue their engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights as well as Council of Europe Committee of Ministers Recommendations CM/Rec(2016)3 on human rights and business and CM/Rec(2022)21 on preventing and combating trafficking in human beings for the purpose of labour exploitation, with a view to raising awareness of the important role and responsibility of businesses to prevent human trafficking, support the rehabilitation and recovery of victims, and provide access to effective remedies (paragraph 155).

Follow-up topics specific to Finland

Data collection and research

- GRETA considers that the Finnish authorities should continue to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including specialised NGOs, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination (paragraph 163);

- GRETA welcomes the research conducted on different aspects of THB and invites the Finnish authorities to continue to support and carry out research on THB-related issues, in particular internal trafficking, forced criminality, exploitation in the domestic work sector, and the misuse of information and communication technology for the commission of THB (paragraph 165).

Measures to prevent and combat trafficking for the purpose of labour exploitation

- While welcoming the measures taken to prevent and combat THB for the purpose of labour exploitation, in particular the strengthening of the mandate and resources of labour inspectors, the development of a multi-agency co-operation model, and the adoption of several legislative changes, such as the 'Berry Law', and policy documents, GRETA considers that the Finnish authorities should:
  - further enhance co-operation between the relevant agencies by ensuring that the necessary exchange of information is made possible despite the existing confidentiality rules and by conducting more frequently joint inspections in sectors with a heightened risk of human trafficking;
  - continue increasing the number of labour inspectors specialised in supervision of the use of foreign labour, and ensure that training is provided to labour inspectors to enable proactive identification of human trafficking cases;
  - adopt further measures, including legislative amendments, in order to protect domestic workers and wild producys pickers against human trafficking, and to better combat bogus self-employment;
  - keep under review the application of the new Section 54b of the Aliens Act in order to ensure that it is applied in such a way that it encourages employees to report exploitative working conditions without fear of losing their residence permit;
  - continue to raise awareness among the general public as well as, in a targeted manner, among migrant workers, about the risks of THB for the purpose of labour exploitation (paragraph 177).

Identification of victims of trafficking

- GRETA urges the Finnish authorities to review the application of the Dublin Procedure to presumed victims of THB and to conduct risk assessments in order to prevent victims being returned to the country where they first applied for asylum, but where they face the risk of being re-trafficked (paragraph 183);

- GRETA considers that the Finnish authorities should take further steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Convention, in particular by:
  - introducing without further delay a National Referral Mechanism which defines the roles and responsibilities of different stakeholders and promotes a multi-agency approach to victim identification by involving a range of frontline actors, including NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;
  - providing frontline staff of wellbeing services counties with sufficient human and material resources, operational indicators, guidance, training and toolkits in order to increase their capacity to identify possible victims of trafficking;
  - improving the proactive detection of victims of THB and the sharing of information between relevant actors, in particular as regards THB for the purpose of sexual exploitation and forced criminality and trafficking of Finnish citizens (paragraph 189).

Assistance to victims

- GRETA urges the Finnish authorities to take further steps to comply with their obligations under Article 12 of the Convention and ensure that all victims of trafficking, including men, are provided with accommodation that is safe and suitable for their needs (paragraph 200);

- GRETA considers that the Finnish authorities should further develop and strengthen the assistance measures offered to victims of human trafficking, and in particular:
  - provide adequate financial and human resources to the National Assistance System for victims of human trafficking and increase co-operation between the latter and the wellbeing services counties in order to ensure the quality and continuity of assistance services provided to victims, regardless of the place and status of residence;
  - provide training and guidelines on the assistance of victims of human trafficking to relevant staff of the wellbeing services counties;
  - provide adequate funding to NGOs to whom the provision of specialised assistance to victims of human trafficking is delegated (paragraph 201).

Measures to prevent trafficking of children, identify child victims of trafficking and assist these children

- GRETA urges the Finnish authorities to:
  - take further actions for reducing the risk of children going missing from state care, by sensitising them to the risks of human trafficking and sexual abuse, and providing them with secure accommodation, appropriate services and a sufficient number of appropriately trained supervisors;
  - ensure that relevant actors take a proactive approach and increase their outreach work to identify child victims of THB, by paying particular attention to children absconding from institutional care, children trafficked for forced criminality, unaccompanied children and children recruited and/or exploited online (paragraph 210);

- GRETA considers that the Finnish authorities should take additional steps to prevent trafficking of children, identify child victims of trafficking and provide appropriate assistance to them, and in particular to:
  - ensure that the National Referral Mechanism under preparation contains rules and procedures on the identification and referral to assistance of child victims of THB, taking into account the special circumstances and needs of child victims, involving child specialists and ensuring that the best interests of the child are the primary considerations in all proceedings relating to child victims of THB and children at risk;
  - provide further training and tools to frontline professionals working with children on the identification of child victims of THB for different forms of exploitation;
  - strengthen the capacity and resources of the child welfare services;
  - raise children's awareness of the risks of human trafficking (including recruitment and abuse through Internet/social networks), paying particular attention to children in institutional care or leaving institutions, and unaccompanied children (paragraph 211).

Recovery and reflection period

- While welcoming the abandoning of the practice of informing the police about victims who are legally resident in Finland and the increase in the number of reflection periods issued, GRETA considers that the Finnish authorities should take further measures to ensure that all foreign victims of trafficking in respect of whom the authorities have reasonable grounds to believe that they are victims of trafficking are offered a recovery and reflection period (paragraph 217).

Residence permits

- GRETA urges the Finnish authorities to take additional measures to ensure that victims of trafficking can fully benefit from the right to obtain a residence permit, including on grounds of their personal situation, by amending the Aliens Act, providing the relevant staff of the Immigration Service with additional instructions and training, and ensuring the issuing of residence permits within a reasonable time (paragraph 224).

Appendix 2 - List of public bodies and civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior
- Ministry of Justice
- Ministry for Foreign Affairs
- Ministry of Social Affairs and Health
- Ministry of Education and Culture
- Ministry of Economic Affairs and Employment
- National Police Board
- Border Guard
- Immigration Service
- National Assistance System for Victims of Human Trafficking
- Office of the Prosecutor General
- Supreme Court
- Helsinki Police Department
- Helsinki District Court
- City of Helsinki
- National Rapporteur on Trafficking in Human Beings (Non-Discrimination Ombudsman)
- Ombudsman for Children
- Office of the Chancellor of Justice
- Parliament (Legal Affairs Committee, Administration Committee, Employment and Equality Committee)
- Finnish Bar Association
- District Court of Southwest Finland and Turku Court of Appeal
- Western Finland Prosecution District
- Southwestern Finland Police Department
- Regional State Administrative Agency for Southwestern Finland

Intergovernmental organisations

- International Organization for Migration (IOM)
- European Institute for Crime Prevention and Control (HEUNI), affiliated with the United Nations[176]

[176] Operates under the auspices of the Government of Finland and the United Nations

NGOs and other civil society organisations

- Aurala Daycare Centre
- Central Organisation of Finnish Trade Unions (SAK)
- Finnish Red Cross
- Finnish Refugee Advice Centre
- Monica Multicultural Women's Association
- National Council of Women of Finland
- Pro-tukipiste (Pro Support Centre)
- Turun Valkonauha (Turku White Ribbon)
- Victim Support Finland

Government's comments

The following comments do not form part of GRETA's analysis concerning the situation in Finland

GRETA engaged in a dialogue with the Finnish authorities on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version.

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Finnish authorities on 11 April 2024 and invited them to submit any final comments. The comments of the authorities, submitted on 10 May 2024, are reproduced hereafter.

FINNISH GOVERNMENT

Final comments of the Government of Finland

on the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland

(third evaluation round)

The Government of Finland acknowledges receipt of the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland (third evaluation round), which was adopted by GRETA at its 50th meeting held on 18 - 22 March 2024.

Having regard to Article 38, paragraph 6 of the Convention and Rule 14 of GRETA's Rules of Procedure for evaluating implementation of the Convention, the Government has been invited to submit any final comment on the report.

Following the aforementioned invitation by GRETA, the Government acknowledges the report and the proposals therein, which will be carefully examined. The Government notes, moreover, the willingness of GRETA to understand the measures taken in Finland to implement the Convention and that these efforts made and steps taken in the action against trafficking in human beings have been acknowledged in the report.

The Government would like to express its appreciation to GRETA as well as the Secretariat for their work in conducting the third evaluation round on the implementation of the Convention by Finland. The Government appreciates the continuous dialogue that it has been able to engage in with GRETA and the spirit of openness and cooperation during the evaluation.

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