



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

**Recommendation CP/Rec(2019)05
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Finland**

*adopted at the 25th meeting of the Committee of the Parties
on 18 October 2019*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Finland on 30 May 2012;

Recalling Committee of the Parties' Recommendation CP(2015)1 of 15 June 2015 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland and the report of the Finnish authorities on measures taken to comply with this recommendation, submitted on 7 September 2017;

Having examined the second report concerning the implementation of the Convention by Finland adopted by GRETA at its 34th meeting (18-22 March 2019), as well as the comments of the Finnish Government received on 15 May 2019;

1. Welcomes the progress made by Finland since the first round of evaluation in the following areas:

- the further development of the legislative framework for combating trafficking in human beings (THB) through amendments to the Criminal Code and the International Protection Act;
- the efforts made to train a range of professionals on issues related to human trafficking and the identification of victims, including health-care staff and social workers;
- the opening of an office of the National Assistance System for victims of human trafficking in western Finland and the issuing of guidance to municipalities regarding the assistance to be given to victims of trafficking;

- the efforts to raise awareness of human trafficking among the general public and at-risk groups, including the issuing of guidance for employers and companies on risk management and prevention of THB for the purpose of labour exploitation;
- the measures taken to improve the provision of information to victims on the possibility to seek compensation, including through amendments to the Criminal Investigation Act, and the increase in public funding for providing legal advice to victims;
- the successful use made of existing legislation for prosecution of offences related to human trafficking committed by legal entities;
- the engagement in international co-operation against human trafficking, including through supporting projects in countries of origin of victims of trafficking.

2. Recommends that the Finnish authorities take measures to address the following issues for immediate action identified in GRETA's report:

- 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;
- develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including specialised NGOs, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database;
- enhance efforts in the area of prevention of child trafficking, by paying increased attention to unaccompanied and separated children arriving in Finland and ensuring that the State meets its obligation to provide a protective environment for them, including by:
 - ensuring that unaccompanied and separated children benefit from effective care arrangements, including safe and appropriate accommodation;
 - continue to sensitise and train frontline professionals working with such children, including staff of reception centres for asylum seekers and guardians;
 - systematically carrying out police investigations into disappearances of unaccompanied and separated children and strengthening follow-up and alert systems on reports of missing children;
- take steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Convention, in particular by:
 - introducing a National Referral Mechanism which defines the roles and responsibilities of different stakeholders and promotes a multi-agency approach to victim identification by involving a range of frontline actors, including NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;
 - effectively disseminating among frontline staff common operational indicators, guidance, training and toolkits to be used in the identification process. These indicators should be harmonised and shared between the various stakeholders concerned and be regularly updated in order to reflect the changing nature and purposes of human trafficking, such as the apparent increase in victims of THB for the purpose of forced marriage;

- improving the proactive detection of victims of THB, the gathering of intelligence and the sharing of information between relevant actors, in particular as regards sexual exploitation and victims among Finnish and other EU nationals;
- to ensure that the assistance provided to victims of THB is adapted to their specific needs are guaranteed to all victims of THB across the country, regardless of the service provider and place of residence. This should include measures to:
 - continue to provide training on the assistance of victims of THB to relevant municipal staff, such as social workers;
 - increase the number of specialised shelters for victims of THB; if necessary, the Act on Shelters should be reviewed to enable the setting up of shelters catering for male victims of trafficking;
 - provide adequate funding to NGOs to whom the provision of specialised assistance to victims of THB is delegated;
 - ensure the quality and confidentiality of interpretation services for victims of THB;
- to set up a National Referral Mechanism for the identification and referral to assistance of child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk. This should include steps to:
 - routinely consider the possibility of trafficking when interviewing asylum-seeking children;
 - proactively identify unaccompanied and separated asylum-seeking children who might have become victims of THB for the purpose of forced marriage
- 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;
- ensure that all victims of THB are covered by the Act on Compensation for Crime Damage, irrespective of residence status, and can benefit from free legal aid when applying for compensation;
- take further steps to ensure that the non-punishment provision is capable of being applied to all offences that victims of THB were compelled to commit, and to develop relevant guidance for police officers, prosecutors and judges.

3. Requests the Government of Finland to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by **18 October 2020**.

4. Recommends that the Government of Finland take measures to implement the further conclusions of GRETA's second evaluation report.

5. Invites the Government of Finland to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.