



G R E T A

Group of Experts on Action
against Trafficking in Human Beings

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

Third evaluation round

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

Replies submitted on 24 November 2022

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Introduction

In accordance with Article 38(1) of the Convention on Action against Trafficking in Human Beings (“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 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 (THB), 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. Moreover, victims of trafficking, by virtue of their status as victims of human rights violations, are entitled to effective remedies under the European Convention on Human Rights. Access to justice and effective remedies must be guaranteed, in a gender- and age-sensitive manner, to all victims of trafficking subject to the jurisdiction of State Parties, irrespective of their immigration status or presence on the national territory and notwithstanding their capacity or willingness to cooperate in any criminal investigation.

Access to justice and effective remedies is contingent on the fulfilment of a number of preconditions, including the 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, regularisation of the victim’s stay, the right to seek and enjoy asylum, and the application of the principle of *non-refoulement*. These preconditions, corresponding to different 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, rather than including once again questions related to the same provisions in the general questionnaire for the third evaluation round.

State Parties are requested to transmit to GRETA a reply to this questionnaire **within four months** from the date it was sent. The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties’ recommendation concerning the implementation of the proposals made in GRETA’s second evaluation report. State Parties should provide links, copies or extracts of relevant legislation, regulations, national action plans and case law mentioned in the reply to the questionnaire, in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

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

Part I - Access to justice and effective remedies

1. Right to information (Articles 12 and 15)

1.1 *How, at what stage and by whom are presumed victims and victims of THB informed of their rights, the relevant judicial and administrative proceedings, and the legal possibilities for obtaining compensation and other remedies, in a language that they can understand? Please provide copies of any information materials developed to inform victims of THB, including any materials specifically developed for child victims, in the languages in which they exist.*

A victim admitted to the Assistance system for victims of human trafficking has a right to counselling and guidance in accordance with the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (*laki kansainvälistä suojelua hakevan vastaanotosta sekä ihmiskaupan uhrin tunnistamisesta ja auttamisesta*, 746/2011; "vastaanottolaki"; the "Reception Act"; section 38a). Victims (whether presumed or identified) are informed of their rights and options in a language they understand. They receive guidance and advice on the right of residence, criminal proceedings and information on what kind of support measures they are entitled to. The Assistance system also helps and supports victims, as needed, to deal with various authorities and, for example, to obtain a legal counsel / lawyer.

The Finnish Immigration Service (FIS) provides training to staff of the reception centres on how to identify indications of THB so that the staff of the centres can provide counselling to a presumed victim and refer him/her to the Assistance system (with the consent of the victim). There is also information about THB on the internal website for the reception centres. All actors in Finland can consult the Assistance system in order to be able to give the victim counselling and guidance about his/her rights and possibilities.

If trafficking or presumed trafficking is first identified during an asylum interview, the applicant is also informed of the Assistance system and referral to the Assistance system is made with the consent of the applicant. Vulnerable applicants are also referred to social services or other help available at reception centres and as vulnerable applicants they are entitled to special procedural guarantees, which may mean for example legal advisers, in asylum procedure. Unaccompanied children (seeking asylum) are appointed legal guardians. Legal guardians also participate in training including comprehensive information related to the asylum process. Unaccompanied applicants are given information early on about the process and all the help available, and they are always entitled to legal advisers. Caseworkers who interview unaccompanied minors in the asylum procedure are well-experienced and trained to identify indications of trafficking, which is investigated ex officio.

If trafficking or presumed trafficking is first identified when the presumed victim applies for a residence permit in Finland, the Finnish Immigration Service informs the applicant of the Assistance system and refers the victim to the Assistance system with the consent of the victim.

On Åland, municipalities and the provincial public health care service (ÅHS, Ålands Hälsö- och sjukvård) are involved in the cooperation to assist victims of human trafficking who have a municipality of residence referred to under Finnish law.

Information about THB and the help available is available in English on the Assistance system website: <https://www.ihmiskauppa.fi/en>.

The website contains information, briefly in 14 languages and in Finnish, Swedish and English, both for those who may encounter victims and for the victims themselves. The website also has a contact form.

A lot of information is also available on the official website of the Finnish Immigration Service, such as (in English): <https://migri.fi/en/residence-permit-for-a-victim-of-human-trafficking>.

In criminal proceedings

Under the Criminal Investigation Act (*esitutkintalaki*, 805/2011), chapter 4, section 18, victims must be informed of their rights from the first contact with the criminal investigation authorities. Victims must be informed of available support services, protection measures, legal assistance, mediation, accompanied by a support person during proceedings, interpretation and translation of documents, avenues for claiming compensation and of the possibility to receive a per diem allowance, compensation for travel expenses and loss of income, when the victim is obliged to come to a trial in person. Furthermore, a victim who reports a crime to the police has the right to receive a written confirmation of this report. The police must also inform the victim of any measures to be undertaken on the basis of the report of an offence or on the basis of an offence of which the criminal investigation authority has otherwise been informed, and of the victim's right to seek compensation and, as necessary, advise the victim on how to apply for compensation (Criminal Investigation Act, chapter 11, section 9). The Ministry of Justice has produced a brochure "Rights of a Crime Victim" to be given to the victim by the police during the criminal investigation. The brochure is available in nine different languages. For child victims, the Ministry of Justice and the Ministry of Social Affairs and Health have produced a brochure Child as a Victim of Crime (*lapsi rikoksen uhrina -opas*, available only in Finnish and Swedish).

In addition, the victim has the right, at his or her request, to obtain information on the proceedings in the case, the time and place of the court hearing in the case and the decision issued in the criminal matter. In addition, the victim has the right to be informed of the criminal investigation authority's decision to discontinue the criminal investigation and the prosecutor's decision not to prosecute (Criminal Investigation Act, chapter 11 section 1 and Criminal Procedure Act (*laki oikeudenkäynnistä rikosasioissa*, 689/1997), chapter 1 section 9. The victim also has, on request, the right to be notified of the time and place of the hearing (Criminal Procedure Act, chapter 5, section 15).

The police and the Border Guard refer all detected victims of THB to the Assistance system for victims of human trafficking in accordance with the guidelines issued by the National Police Board or the Border Guard Headquarters. Every time these authorities interview the victim all the rights are repeated including right to legal assistance and protection. If the victim is unwilling to accept assistance from the Assistance system, he/she will be referred to Victim Support Finland. The police and Border Guard are obliged to offer legal assistance to persons subject to procurement as it may appear later that they are in fact victims of THB.

Victim Support Finland is a general victim support service in Finland, but it provides targeted support and assistance also for victims of human trafficking. Victims may receive information on their rights and on the judicial proceedings, possibilities obtaining compensation and other remedies through the services provided by Victim Support Finland.

Esitutkintalaki (805/2011): <https://www.finlex.fi/fi/laki/ajantasa/2011/20110805>

Förundersökningslag (805/2011): <https://www.finlex.fi/sv/laki/ajantasa/2011/20110805>

Criminal Investigation Act (805/2011) (unofficial translation):

https://www.finlex.fi/fi/laki/kaannokset/2011/en20110805_20150736.pdf

Laki oikeudenkäynnistä rikosasioissa (689/1997): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>

Lag om rättegång i brottmål (689/1997): <https://www.finlex.fi/sv/laki/ajantasa/1997/19970689>

Criminal Procedure Act (689/1997) (unofficial translation):

https://www.finlex.fi/fi/laki/kaannokset/1997/en19970689_20150733.pdf

Rights of a Crime Victim (in English):

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

Child as a Crime Victim (available only in Finnish and Swedish):

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

Victim Support Finland has a wide range of different kinds of information materials on their website: <https://www.riku.fi/en/>

In administrative proceedings

An authority shall, within its competence, provide its customers, as necessary, with advice on dealing with administrative matters and respond to questions and enquiries concerning the use of its services. Advice shall be provided free of charge (*hallintolaki*, 434/2003, Administrative Procedure Act, chapter 2, section 8).

Hallintolaki (434/2003): <https://www.finlex.fi/fi/laki/ajantasa/2003/20030434#O1L2P8>

Förvaltningslag (434/2003): <https://www.finlex.fi/sv/laki/ajantasa/2003/20030434>

Administrative Procedure Act (434/2003) (unofficial translation):

<https://www.finlex.fi/fi/laki/kaannokset/2003/en20030434.pdf>

Victim Support Finland reports that the information received by the victims of trafficking varies depending on the experience of their social worker or lawyer and is not always adequate. The situation may improve if proposed new legislation comes into force which would make it possible for the Assistance system for victims of trafficking to advise their clients in this regard, regardless of whether or not they have a home municipality in Finland.

1.2 How is the obligation to provide translation and interpretation services, when appropriate, met at different stages of the legal and administrative proceedings by different agencies?

A victim admitted to the Assistance system for victims of human trafficking has a right to interpretation and translation services (Reception Act; section 38a). When dealing with a victim, an interpreter or translation is always used if needed and a language that the victim understands is always used.

Interpretation is always available also in asylum procedures, at reception centres and in the hearings of the applicants at the Finnish Immigration Service.

In criminal proceedings

Everyone has the right to use Finnish or Swedish during a criminal investigation and court proceedings. The Saami have the right to use the Saami language in their homeland. The authorities must provide interpretation when needed. A victim speaking any other language has the right to use a language he or she masters in all situations related to the investigation of the offence. When needed, the authorities must arrange interpretation into a language the victim is proficient in. The authorities must arrange interpretation during criminal investigation and court proceedings also when the victim is a sign language user or if the victim needs interpretation due to another sensory or speech defect. The interpreter is subject to the non-disclosure obligation. The interpreter's fee is paid by the State. In the trial, if the court deems this appropriate, interpretation may be arranged using video conferencing or another suitable technical means of communication where the persons participating in the hearing have audio and visual contact with one another, or by telephone. Remote interpretation using, for example, video conferencing or telephone communication is also possible in the criminal investigation.

The victim may request to receive a translation of certain key documents in the case. An oral translation may be provided if, with regard to the legal safeguards for the victim, it is not necessary to provide a written translation of the document. In some cases, only a part or a summary of the document may be translated for the victim. During the criminal investigation, the victim has the right to receive a translation of a written confirmation of the report of an offence, a decision to discontinue the criminal investigation and, where necessary, of another document essential in the case. From the prosecutor, the victim may obtain a translation of a decision not to prosecute.

In court, the victim may receive a translation of the judgment, a notice concerning the time and place of the trial and, where necessary, of another document essential in the case.

The National Police Board has national translation and interpretation contracts. The police and the Border Guard must ascertain whether or not the party needs interpretation services and ensure that the party receives the interpretation that he or she needs.

Relevant provisions: Criminal Investigation Act, chapter 4, sections 12, 13 and 14 and Criminal Procedure Act, chapter 6 a, sections 2 and 3.

In administrative proceedings

An authority shall arrange for interpretation and translation in matters that an authority may consider on its own initiative if:

- 1) a party using the Romani language, sign language or another language is not proficient in the Finnish or Swedish language used by the authority; or
- 2) a party cannot be understood because of disability or illness.

The matter may be interpreted or translated into a language that the party can be considered to understand sufficiently in view of the nature of the matter.

For examining the matter or safeguarding the rights of a party, the authority may also arrange for interpretation and translation in other matters.

An administrative court shall arrange interpretation and translation if a person lacks the proficiency in the language used by the court under the Language Act (*kielilaki*, 423/2003) or cannot be understood due to illness or disability and:

- 1) an authority that processed the matter at an earlier procedural stage was required to arrange interpretation or translation pursuant to section 26, subsection 1 of the Administrative Procedure Act or to some other provision;
- 2) the court decides a matter of administrative litigation or other administrative judicial matter in the first instance that was filed on the initiative of an authority; or
- 3) a person is heard orally.

The court may arrange interpretation and translation in other cases for a special reason.

Relevant provisions: Administrative Procedure Act, section 26 and Administrative Judicial Procedure Act (*laki oikeudenkäynnistä hallintoasioissa*, 808/2019), section 52.

Laki oikeudenkäynnistä hallintoasioissa (808/2019): <https://www.finlex.fi/fi/laki/alkup/2019/20190808>
Lagom rättegång i förvaltningsärenden (808/2019): <https://www.finlex.fi/sv/laki/alkup/2019/20190808>
Administrative Judicial Procedure Act (808/2019) (unofficial translation): <https://www.finlex.fi/fi/laki/kaannokset/2019/en20190808.pdf>

The City of Helsinki reports that, in the Social Services and Health Care Division, interpretation and translation services are provided for all clients where necessary.

Victim Support Finland reports that translation services are mainly available, but they regularly encounter severe shortcomings in this regard, especially in the police. Persons who do not speak any national

language have been turned away from a police station on several occasions when they have tried to report a crime.

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

2.1 How, by whom and from what moment is legal assistance provided to victims of trafficking? How is legal assistance provided to children?

Under chapter 2, section 1(a), subsection 3 of the Criminal Procedure Act, the court may appoint a trial counsel for an injured party for the criminal investigation and, when the injured person has claims in a case in which the prosecutor has brought charges, for the criminal proceedings in a case concerning an offence against life, health or liberty if this is deemed to be justified with due consideration to the seriousness of the offence, the personal circumstances of the injured person and the other circumstances. Trafficking in human beings is an offence against personal liberty under chapter 25, sections 3 and 3(a) of the Criminal Code of Finland (*rikoslaki*, 39/1889), and thus victims of trafficking may be provided with legal assistance when the aforementioned conditions are fulfilled.

As stated above, a trial counsel may be appointed for an injured party already for the criminal investigations. Chapter 2, section 4 of the Criminal Procedure Act establishes that, subject to the criteria provided in section 13, subsection 1 of the Legal Aid Act (*oikeusapulaki*, 257/2002), the appointment of a counsel for the injured party may be made retroactively by a court to encompass the necessary measures already undertaken in the case.

Under chapter 2, section 2, subsection 1 of the Criminal Procedure Act, a person appointed trial counsel for the injured party under section 1(a) shall be a public legal aid attorney or an advocate. If there is no suitable public legal aid attorney or advocate available or there is another special reason for this, also a licenced legal counsel referred to in the Licenced Legal Counsel Act (*laki luvan saaneista oikeudenkäyntiavustajista*, 715/2011) may be appointed trial counsel. The person to be appointed trial counsel is to be reserved an opportunity to be heard on the appointment.

Under chapter 2, sections 3 and 9 of the Criminal Procedure Act, if the injured party in the offence referred to in section 1(a) is to be heard in person in order to clarify the case is deemed to need support in the criminal investigation and the criminal proceedings, an adequately qualified support person may be appointed for him or her on the conditions referred to in section 1(a). The support person shall provide personal support to the injured party in the criminal investigation and the trial, and assist him or her in the matters arising in the resolution of the case.

Legal assistance to children is provided under the same conditions as to adults.

The court appoints a trustee in the criminal investigation for a victim under the age of 18 years if there is justified reason to assume that the guardian, trustee or other legal representative of the child cannot objectively ensure the interests of the victim in the matter and the appointment of a trustee is not evidently unnecessary. The head of the pre-trial investigation submits an application to the court for the appointment of a trustee.

Victim Support Finland notes that as there are challenges in the identification of human trafficking crimes, pre-trial investigations are often opened as investigations of another crime, such as extortionate work discrimination in the case of labour trafficking. In these cases, the victim is entitled to free legal representation only if he or she has a very low income or no income at all.

2.2 Do all presumed victims of THB have access to legal assistance, irrespective of immigration status or type of exploitation?

Chapter 2, section 1(a), subsection 3 of the Criminal Procedure Act regulates the appointment of trial counsel for an injured party for the criminal investigation for the criminal proceedings in a case concerning an offence against life, health or liberty, there are no set conditions for the victim's immigration status or type of exploitation. All presumed victims of THB therefore have access to legal assistance, irrespective of immigration status or type of exploitation.

The Finnish Refugee Advice Centre reports that practices for granting extra-procedural legal advice to foreign victims of THB vary in Finland between legal aid offices and that legal aid is not always granted for the provision of legal advice to victims of THB.

2.3 What are the conditions for access to free legal aid for victims of THB, including children? For which types of proceedings is free legal aid available? Is free legal aid available to help victims claim compensation and execute compensation orders? Please provide the text of the relevant provisions.

Legal aid in accordance with the Criminal Procedure Act

As submitted in answer 2.1 above, victims of THB may be provided with legal assistance by being appointed a counsel as laid down in chapter 2, section 1(a), subsection 3 of the Criminal Procedure Act (please see answer 2.1 for the conditions). When a counsel is appointed for a victim, a fee and compensation shall be paid from State funds to a counsel pursuant to chapter 2, section 10 of the Act.

The conditions for access to free legal aid for child victims of THB are the same as for adult victims of THB.

Provisions of chapter 2, section 10 of the Criminal Procedure Act:

“(1) A fee and compensation shall be paid from State funds to a public defender and counsel for the injured party appointed under this chapter, applying as appropriate what is provided in sections 17 and 18 of the Legal Aid Act regarding the fees and compensation payable to counsel. A defendant who has been assigned a public defender and an injured person who has been assigned counsel are exempt from the obligation to pay fees referred to in section 4, subsection 1(3) of the Legal Aid Act. A defendant who has been assigned a public defender and an injured person who has been assigned counsel shall receive compensation for the expenses of the presentation of evidence through application of what is provided in section 4, subsection 2 of the Legal Aid Act. The provisions of the State Compensation for Witnesses Act (*laki valtion varoista maksettavista todistelukustannuksista*, 666/1972) apply to the payment of compensation to a support person appointed on the basis of this chapter, and to a witness summoned by a defendant who has been assigned a public defender or by an injured person who has been assigned counsel. (928/2008)

(2) The provisions in section 22 of the Legal Aid Act apply, as appropriate, to the liability of the opposing party to reimburse the State.

(3) The provisions in section 26 of the Legal Aid Act apply, as appropriate, to appeal of court orders referred to in section 4 and in this section.”

When a victim of THB has been appointed a counsel, the counsel may provide legal assistance for criminal investigations and criminal proceedings as laid down in chapter 2, section 1(a), subsection 3 of the Criminal Procedure Act (see answer 2.1).

Pursuant to chapter 2, section 7, subsection 2 of the Act, the appointment as counsel for the injured party made in accordance with the chapter shall be in force also in separate proceedings for the hearing of the civil claim of the injured party, opened by virtue of chapter 3, section 3. Hence, legal aid by the appointed counsel paid from State funds (free legal aid) referred to in the Criminal Procedure Act is available to help victims claim compensation during criminal proceedings.

Legal aid in accordance with the Legal Aid Act

If the conditions set out in chapter 2, section 1(a), subsection 3 of the Criminal Procedure Act are not met and consequently a counsel is not appointed under the Criminal Procedure Act, a victim of THB (including a child victim) could be entitled to legal aid under the Legal Aid Act. This type of legal aid is provided for free to persons without means. Others are liable to co-pay for the legal aid they are given.

Under section 2, subsection 1 of the Legal Aid Act, legal aid is provided to persons with a municipality of residence in Finland and to persons domiciled or habitually resident in another Member State of the European Union (EU) or the European Economic Area (EEA). However, under subsection 2, in addition, legal aid is provided regardless of the prerequisites laid down in subsection 1 if the matter is to be heard before a Finnish court or if there are special reasons for legal aid to be provided. Legal advice, as a part of legal aid, shall be provided regardless of the prerequisites laid down in subsection 1, if the conditions laid down in the Convention on International Access to Justice (Treaty Series of the Statutes of Finland 47/1988) are met.

Under section 1, subsection 1 of the Legal Aid Act, legal aid is provided at the expense of the State to persons who need expert assistance in a legal matter and who are unable to meet the costs of proceedings as a result of their economic situation.

The economic conditions (*means-testing*) are established in section 3. Legal aid is provided on application, for free or against a deductible, on the basis of the economic situation of the applicant. The economic situation of the applicant is estimated based on the funds available to him or her per month (*available means*) and his or her assets. The available means are calculated based on the monthly income, necessary expenses and maintenance liability of the applicant and his or her spouse, domestic partner or registered partner. If the applicant is a suspect or a defendant in a criminal case or if the spouses are opposing parties in a case or are separated by reason of irreconcilable differences, legal aid is determined based on the means of the applicant alone.

Legal aid is provided to a person whose available means and assets do not exceed the amount determined by the Government Decree on Legal Aid (*valtioneuvoston asetus oikeusavusta*, 388/2002). Further provisions on the income and expenses to be taken into account, the effect of maintenance liability on the calculation of available means, the consideration of assets and the basis for the determination of the deductible the legal aid recipient shall be issued by government decree.

Applicants are provided legal aid notwithstanding any restrictions arising from their available means if they prove that they cannot pay the cost of proceedings because the cost of living is higher in the EU or EEA Member State of their domicile or habitual residence than in Finland.

Under section 3(a) of the Legal Aid Act, no means-testing is necessary when minor legal advice is provided to the applicant by telephone or through another electronic means of communication. No deductible is collected for the provision of minor legal advice.

Pursuant to section 3(b), legal aid is not provided if the applicant has a legal expenses insurance that covers the matter at hand. However, in a matter heard by a court of law, the court may grant legal aid in so far as the costs exceed the maximum cover stated in the insurance policy. This requires that the applicant presents an account of the means-testing performed by the legal aid office and an account of the necessary measures required in the judicial proceedings as well as that there are special reasons for

granting legal aid, taking into account the person's need for access to justice and the nature and extent of the matter. In this event, the court shall determine a maximum number for the billable hours of the attorney. This number cannot exceed 30 hours at a time, unless the court due to the exceptional extent of the matter orders otherwise. A request for continuing legal aid must be made well before the determined number of billable hours has been exhausted.

However, if the applicant is entitled to legal aid for free based on his or her economic situation, legal aid may also be granted to cover the deductible stated in the insurance policy.

Under section 7, legal aid is not provided if:

- (1) the matter is of minor importance to the applicant;
- (2) it would be manifestly pointless in proportion to the benefit that would ensue to the applicant;
- (3) pleading the case would constitute an abuse of process; or
- (4) the matter is based on an assigned right and there is reason to believe that the purpose of the assignment was to receive legal aid.

Legal aid can be provided both for trial-related matters and other matters. The nature and significance of the matter affect the content of the legal aid. Legal aid may be provided for assisting victims to claim compensation and execute compensation orders. Pursuant to the section 1, subsection 2 of the Act, legal aid covers the provision of legal advice, the necessary measures and representation before a court of law and another authority, and the waiver of certain expenses related to the consideration of the matter, as provided in the Act.

More specifically, pursuant to section 5 of the Legal Aid Act, in a given matter, legal aid covers those measures of an attorney that are necessary in view of the nature and extent of the matter, the value of the object of the dispute and the circumstances as a whole. Legal aid may be restricted to cover predetermined measures only. A determination of this sort may be extended later, if necessary.

Legal aid covers the measures of the attorney for at most 80 hours. The court hearing the matter may, however, decide that legal aid shall be continued. This requires that the recipient presents an account of the necessary measures required in the proceedings as well as that there are special reasons for continuing legal aid, taking into account the person's need for access to justice and the nature and extent of the matter. In this event, the court shall determine a maximum number for the billable hours of the attorney. This number cannot exceed 30 hours at a time, unless the court due to the exceptional extent of the matter orders otherwise. A request for continuing legal aid must be made well before the determined number of billable hours has been exhausted.

Oikeusapulaki (257/2002): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020257>

Rättshjälpslag (257/2002): <https://www.finlex.fi/sv/laki/ajantasa/2002/20020257>

Legal Aid Act (257/2002) (unofficial translation):

https://www.finlex.fi/fi/laki/kaannokset/2002/en20020257_20110720.pdf

Valtioneuvoston asetus oikeusavusta (388/2002): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020388>

Statsrådets förordning om rättshjälp (388/2002): <https://www.finlex.fi/sv/laki/ajantasa/2002/20020388>

Government Decree on Legal Aid (388/2002; amendments up to 1008/2009 included) (unofficial translation): https://www.finlex.fi/fi/laki/kaannokset/2002/en20020388_20091008.pdf.

The Finnish Bar Association notes that the appointment of an attorney for an injured party does not cover the representation of victims of THB in the enforcement of judgments, which may affect victims' opportunities to claim their damages. The appointment of an attorney for an injured party also does not cover representation in matters such as complaints to the Parliamentary Ombudsman or to the Office of the Prosecutor General.

2.4 Are there lawyers specialised to provide legal aid and represent victims of THB in court? What regulations, if any, are applicable to the provision of such legal aid/representation?

There are no lawyers that are officially specialised to provide legal aid and represent victims of THB in court in Finland. However, there are a few lawyers and law firms that state providing legal aid or representing victims of THB in court as their special practice, or that have been profiled as specialised lawyers within the practice. For example, the Finnish Refugee Advice Centre, a non-governmental organisation, states on their website that their "... lawyers are specialists in investigating the situations of potential human trafficking victims and assist them in all of the processes related to their situation involving the Finnish authorities". There is no regulation to specifically apply to lawyers when they provide legal aid or represent victims of THB in court.

The Finnish Bar Association and the Finnish Refugee Advice Centre report that there are lawyers specialised in assisting victims of trafficking in human beings in Finland even though no professional specialisation programme is available.

2.5 How is the provision of legal assistance and free legal aid for victims of THB funded? Do victims have to pay a fee to obtain legal assistance or start a procedure, or are there other financial barriers in place? If yes, please specify the amount(s).

As submitted in answer 2.3 above, victims of THB may be provided with legal assistance by being appointed a counsel as laid down in chapter 2, section 1(a), subsection 3 of the Criminal Procedure Act. When this type of legal assistance is provided for a victim, a fee and compensation shall be paid from State funds to a counsel under chapter 2, section 10 of the Criminal Procedure Act.

If a victim of THB was not appointed a counsel under the Criminal Procedure Act and instead was granted legal aid under the Legal Aid Act, the following would apply. In accordance with section 12 of the Legal Aid Act, the legal aid office collects a legal aid charge when it grants legal aid or forwards a submission referred to in section 11(2) to the court for a decision. The amount of the charge shall be laid down by government decree. No charge is collected when legal aid is granted for the provision of minor advice. Provisions on the waiver of the charge due to lack of means may be issued by government decree. Pursuant to section 20 of the Government Decree on Legal Aid, the legal aid charge is EUR 70. No legal aid charge shall be collected if the applicant receives legal aid for free.

Legislative sources in Finnish and Swedish (original languages) and unofficial English translations:

Laki oikeudenkäynnistä rikosasioissa (689/1997): <https://www.finlex.fi/fi/laki/ajantasa/1997/19970689>

Lag om rättegång i brottmål (689/1997): <https://www.finlex.fi/sv/laki/ajantasa/1997/19970689>

Unofficial translation of the Criminal Procedure Act (689/1997; amendments up to 733/2015 included): https://www.finlex.fi/en/laki/kaannokset/1997/en19970689_20150733.pdf

Oikeusapulaki (257/2002): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020257#>

Rättshjälpslag (257/2002): <https://www.finlex.fi/sv/laki/ajantasa/2002/20020257>

Unofficial translation of the Legal Aid Act (257/2002; amendments up to 720/2011 included): https://www.finlex.fi/fi/laki/kaannokset/2002/en20020257_20110720.pdf

Valtioneuvoston asetus oikeusavusta (388/2002): <https://www.finlex.fi/fi/laki/ajantasa/2002/20020388>

Statsrådets förordning om rättshjälp (388/2002): <https://www.finlex.fi/sv/laki/ajantasa/2002/20020388>

Unofficial translation of the Government Decree on Legal Aid (388/2002; amendments up to 1008/2009 included): https://www.finlex.fi/fi/laki/kaannokset/2002/en20020388_20091008.pdf

Other useful sources:

The official website of the Public legal aid and guardianship districts:
<https://oikeus.fi/oikeusapu/en/index.html#>.

3. Compensation from the perpetrators (Article 15)

3.1 What measures are in place to enable courts to award compensation to victims of THB, including children, from the perpetrators as part of criminal proceedings? What is the role of prosecutors in this respect?

The victim may file a claim for damages in connection with criminal proceedings or in a separate civil proceeding. The prosecutor may, at the request of the victim, pursue claims for damages if this can take place without essential harm and the claim is not clearly unjustified.

According to the Finnish Bar Association, the prosecutor does not, as a general rule, pursue injured parties' claims for damages in proceedings concerning THB.

3.2 How is the amount of compensation calculated and are there specific criteria or models for calculating it? What types of injury/damage and costs are covered? Are there any circumstances/conditions that would lead to a reduction of the amount of compensation?

Compensations are based on the Tort Liability Act (*vahingonkorvauslaki*, 412/1974). The victim is entitled to full compensation for the injury and damages caused to him/her. Compensation is payable for personal injury (necessary medical costs and other costs, pain and suffering and other temporary handicap, permanent disability and loss of income and maintenance, funeral expenses) and property damage. Where the injury or damage has been caused by an act punishable by law or in the exercise of public authority, or in cases, where there are especially weighty reasons for the same, also economic loss that is not connected to personal injury or damage to property may be compensated. The victim is also entitled to compensation for the suffering caused by certain offences defined in the Tort Liability Act. The compensation for immaterial damages is based on the Guidelines of the Personal Injury Commission. However, those Guidelines are recommendations and they do not bind the courts. If the person sustaining the injury or damage has contributed to it, the compensation may be adjusted.

Victim Support Finland reports that compensation for suffering caused by a violation against the person in the case of human trafficking verdicts is usually set between EUR 5,000 and EUR 30,000 depending on the court's assessment of the gravity of the case (in practice, usually between EUR 4,000 and EUR 20,000 in labour trafficking cases).

3.3 How are compensation orders/verdicts enforced? What measures are in place to guarantee and ensure effective payment of compensation?

If the offender does not volunteer to pay compensation, the victim can apply for his or her compensation through debt recovery proceedings.

The victim may also be eligible for compensation from Government funds for damage caused by a crime committed in Finland. The compensation is based on the Act on Compensation for Crime Damage (*rikosvahinkolaki*, 1204/2005) and it is paid by the State Treasury (see answer 4.1).

Victim Support Finland reports that victims' attempts to obtain compensation through regular recovery proceedings are often unsuccessful as perpetrators are aware of how to hide their assets.

3.4 When foreign victims of THB are removed from or choose to leave the country where the exploitation took place, what measures are in place to enable them to obtain compensation and other remedies?

Under chapter 3, section 1 of the Criminal Investigation Act, the criminal investigation authority has the obligation to record without delay the report of an offence. The provision applies in all cases irrespective of where the offence was committed. Therefore, the victim may make a complaint before the criminal investigation authority in Finland even if the crime was committed in a country which is not a member of the European Union.

The criminal investigation authority may investigate an offence suspected of having been committed abroad if, in accordance with the provisions of chapter 1 of the Criminal Code of Finland, Finnish law may be applied to the offence and if conducting the criminal investigation in Finland is appropriate in view of investigative reasons and the determination of criminal liability. (Chapter 3, section 8, subsection 1 of the Criminal Investigation Act).

However, under chapter 3, section 8, subsection 2 of the Criminal Investigation Act, under certain conditions the criminal investigation authority has an obligation to pass on the complaint to the authorities of the State in which the offence was committed. This provision applies only in cases where the offence has been committed in the territory of another Member State of the European Union.

If the investigation is conducted in Finland, the procedure will take place according to the laws of Finland. The victim then has the right to the remedies that are available to all victims. The victim may file a claim for damages in connection with criminal proceedings or in separate civil proceedings. The prosecutor may, at the request of the victim, pursue claims for damages if this can take place without essential harm and the claim is not clearly unjustified.

A victim of human trafficking may be compensated from State funds for personal injury and suffering, as set out in the Act on Compensation for Criminal Damage, the Tort Liability Act, and the general principles of the Finnish law of torts. Compensation from State funds is secondary, and any other compensation received is deducted from the compensation. Victims who are resident in Finland can submit an application for State compensation to the State Treasury for a crime committed in another EU country. The State Treasury provides general advice on how to apply for compensation and assists in the preparation of the application. The State Treasury is also responsible for translating the documents and sending them to the competent authority. Under the Act on Compensation for Criminal Damage, State compensation for personal injury and suffering can be paid when the victim's stay abroad was due to work, study or other similar reasons, or the payment of compensation is otherwise considered justified (Act on Compensation for Crime Damage, sections 3, 33, 35 and 36).

3.5 What procedures are in place to ensure effective access to compensation for victims of THB for the purpose of labour exploitation? Can such victims bring civil claims for compensation and/or recovery of unpaid wages and social contributions on the basis of tort, labour, employment or other laws? Please specify the relevant measures. Can victims of THB working in irregular employment or without a contract claim unpaid wages and other compensation and if yes, how is the amount of unpaid wages and other compensation established?

An employee who is a victim of THB can claim before a court for damages based on a crime. In addition, they can claim before a court for their receivables based on an employment contract, such as unpaid wages. If the employer is insolvent, the employee may, under certain conditions, receive their claims based on a crime from state funds. Claims arising from an employment relationship are safeguarded up to a specific limit through the wage guarantee system. The form of employment or absence of a written employment contract does not affect the employee's right to claim these receivables.

Finnish labour legislation includes general principles of limitation and period for court proceedings. For example, under chapter 13, section 9, subsection 1 of the Employment Contracts Act (*työsopimuslaki, 55/2001*), employees' pay claims become statute-barred five years after the due date, unless the period of limitation has been interrupted before that time. The same period of limitation also applies to other claims referred to in the Act. However, the period of limitation concerning bodily injury caused to an employee is ten years (section 9, subsection 2), and after the termination of employment, a claim as referred to in subsection 1 will expire unless suit is filed within two years of the date on which the employment ended. If the provisions of the collective agreement on which the employee's claims are based are manifestly ambiguous, however, the claim will become statute barred as laid down in subsection 1 (section 9, subsection 3). An employee within the meaning of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards and measures against employers of illegally staying third-country nationals has the same right to claim against his or her employer as is the case with workers in general. Such a worker also has the possibility to authorise another person to claim for them in Finland.

On the applicability of labour legislation, see also the answer to question 11.1.

Työsopimuslaki (55/2001): <https://www.finlex.fi/fi/laki/ajantasa/2001/20010055>
Arbetsavtalslag (55/2001): <https://www.finlex.fi/sv/laki/ajantasa/2001/20010055>
Employment Contracts Act (55/2001) (unofficial translation):
<https://www.finlex.fi/en/laki/kaannokset/2001/en20010055.pdf>

The purpose of the Wage Guarantee Act (*palkkaturvalaki, 866/1998*) is to ensure the payment of employees' claims arising from an employment relationship in the event of the employer's insolvency. Employees are entitled to receive payment as wage guarantee from state funds of their claims arising from an employment relationship if the employer is unable to make the payments due to its insolvency.

To improve the position of victims of serious labour exploitation, a new provision is proposed for inclusion in the Wage Guarantee Act to better ensure the payment of claims of victims of serious labour exploitation as wage guarantee. According to the proposal, claims arising from an employment relationship ruled by a court as payable on the basis of certain criminal offences could be paid as wage guarantee. Such claims payable as wage guarantee would have to be applied for no later than within three months of the date on which the criminal conviction becomes final. It is further proposed that claims arising from an employment relationship could be paid as wage guarantee even if the applicant has not received a final judgment concerning a criminal offence if there are otherwise reasonable grounds to assess that the employee has been subjected to serious labour exploitation that has prevented the employee from applying for the wage guarantee within the normal application period of three months from each claim falling due. In these cases, the wage guarantee application would have to be made within 18 months from the termination of the employment relationship.

The amendment to the Wage Guarantee Act is currently being considered by Parliament.

Victim Support Finland estimates that the draft legislation proposal on pay security would not have a concrete impact due to short statutory limitations on wage claims through this mechanism, which are incompatible with the length of criminal proceedings.

3.6 What training is provided to build the capacity of relevant professionals, such as lawyers, law enforcement officers, prosecutors and judges, to enable victims of THB to obtain compensation and other remedies?

According to the Government Action Plan against Trafficking in Human Beings (2021-2023), Finland eliminates the barriers to the detection of human trafficking by developing its legislation and administrative practices and develops the activities of authorities towards a proactive approach in reaching and identifying

victims of human trafficking. Furthermore, the awareness of key authorities and other actors regarding human trafficking will be increased and their competences strengthened.

The actions to fulfil this aim include many training activities. These include organising training for staff in the fields of criminal investigation, criminal justice and criminal sanctions in order to identify victims of human trafficking and improve their standing. Training to promote the identification of victims will also be provided for the staff of Employment and Economic Development Offices (TE Offices) as well as for the staff in legal aid offices.

Training for criminal investigation authorities, prosecutors and public legal aid offices on human trafficking cases has already been provided in 2022. The aim is that training would be regular and continuous. In addition, human trafficking issues have been incorporated into the training plan of the judiciary.

In 2021, the Finnish police were able to set up a National THB Investigation Team. The team was placed in connection with Helsinki Police Department, but it serves the whole country. A total of 17 police officers were allocated for the task. At the same time, three additional officers were allocated to the National Bureau of Investigation which, in combination with existing resources, set up a specialist team on THB Intelligence and Analysis. These two teams work closely together with the THB Specialist's Network that had been established a year earlier and which consists of three police officers from each of the Police Departments. The result and impact of this investment will be carried out in the end of 2022.

Regarding the prosecutors, a peer network of special prosecutors and other prosecutors who prosecute cases of human trafficking has been established to allow prosecutors to share information and experiences as well as best practices in cases of human trafficking offences. The purpose of the network is to organise advanced specialised training on human trafficking on a regular basis for prosecutors who prosecute human trafficking cases.

4. State compensation (Article 15)

4.1 Do the eligibility criteria for State compensation schemes for victims of crimes exclude some victims of THB (e.g. due to irregular residence status, nationality, nature of the offence)? Does access to State compensation depend on the outcome of the criminal case and on failure to obtain compensation from the offenders?

If, at the time of the application for compensation, the victim has no place of residence in Finland or another EU member state, and the connection of the injury to Finland is otherwise minor, the victim is not entitled to State compensation. See the Act on Compensation for Crime Damage, section 2 (1204/2005, available only in Finnish).

Victims of crime may be entitled to receive state-funded compensation for damages suffered. Compensation is applied for at the State Treasury and it is, as a rule, paid for personal injury and suffering. In order to be able to receive compensation, the victim must have reported the offence to the police. If the case is heard by a court, the victim must also claim compensation for damages from the offender at the court. However, if the offender has not been found or the offence has not been treated in court for any other reason, the victim can still apply for compensation. The compensation from Government funds is secondary, and any other compensation received is deducted from the compensation. However, the victim does not have to try to obtain compensation from the offender first.

Information on compensation to crime victims by the State Treasury (in English):

<https://www.valtiokonttori.fi/en/service/compensation-to-crime-victims/#general-about-the-compensation-to-crime-victims-when-can-compensation-be-paid-from-government-funds>

4.2 How is the amount of State compensation calculated so as to address the gravity of the harm endured by the victim?

The State Treasury pays in compensation the amount that the court has ordered the offender to pay to the victim. In its ruling, the court considers the harm caused to the victim. However, for some injuries the Act on Compensation for Crime Damage provides for maximum amount of compensation paid by the State.

4.3 Is it possible for foreign victims of trafficking to submit claims for State compensation in your country after being returned or repatriated to their countries of origin? Please provide examples of any such cases and indicate the measures stipulating such a possibility.

See answer to question 4.1

4.4 Are victims seeking State compensation liable for lawyers' costs and fees? Are State compensation awards subject to taxation? Does the receipt of compensation have consequences for access to social security or other benefits?

Victims may be entitled to reasonable compensation for the expenses related to applying for compensation if they have been granted legal aid for court proceedings in the matter or appointed a public legal aid attorney or, if the matter has not been brought to court if they meet the financial criteria for being granted legal aid.

Under section 78 of the Income Tax Act (*tuloverolaki*, 1535/1992), damages or comparable compensation is not taxable income unless received instead of taxable income or as compensation for reduction in maintenance. Consequently, compensation paid, for example, for personal injury or suffering is exempt from taxation.

Under section 1 of the Social Assistance Act (1412/1997), social assistance is last-resort assistance under social welfare, the purpose of which is to ensure a person's or a family's living and help them to cope independently. Social assistance is used to ensure the person or family at least the minimum income needed for a life of human dignity.

The assessment of the impact of income on social assistance is always based on case-specific consideration.

Insurance compensation, damages and compensation based on a crime are usually taken into account in full as income affecting the amount of social assistance. The amount of insurance compensation, damages and compensation based on a crime taken into account as income is any amount exceeding EUR 50 for persons living alone and any amount exceeding EUR 100 for families receiving social assistance.

Compensation may, however, not be taken into account as income to the extent that 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 or replacing destroyed movable property.

5. Sanctions and measures (Article 23)

5.1 Please describe the legislative and other measures adopted by your country which allow to:

i) confiscate or otherwise deprive perpetrators of the proceeds of criminal offences, or property of an equivalent value to those proceeds;

The general provisions on confiscation (forfeiture) are in chapter 10 of the Criminal Code of Finland. These provisions concern all crimes, including THB.

Provisions on the confiscation of proceeds are in section 2 of chapter 10. Proceeds are defined in an extensive way and they cover, among other things, property derived directly from an offence and value of this property.

Also extended confiscation of proceeds as provided in section 3 of chapter 10 is possible in connection with THB. This means that also property derived from criminal activity (in addition to property derived from THB offence) may be confiscated.

As the unofficial translation in English of the provisions in the Criminal Code concerning confiscation are not up to date, a preliminary updated translation of the aforementioned sections of chapter 10 is below.

Section 2 (356/2016)

Confiscation of proceeds

Proceeds of crime, as defined below, shall be confiscated:

- 1) property derived directly from an offence,
- 2) property that has replaced property referred to in paragraph 1,
- 3) profit from property referred to in paragraphs 1 and 2,
- 4) value of property and profit referred to in paragraphs 1–3,
- 5) value of savings derived from an offence.

If no evidence can be presented as to the amount of the proceeds, or if such evidence can only be presented with difficulty, the proceeds shall be estimated, taking into consideration the nature of the offence, the extent of the criminal activity and other circumstances.

A confiscation order is imposed on the perpetrator, an accomplice, or a person on whose behalf or to whose benefit the offence was committed, where these have benefited from the offence.

A confiscation order may also be imposed on a person to whom proceeds or other property referred to in subsection 1, paragraphs 1–3 have been transferred to avoid confiscation or liability for compensation if this person knew or had reasonable grounds to suspect that the purpose of the transfer of the property was to avoid confiscation or liability for compensation, or if the person has received the property as a gift or otherwise free of charge. In this case, confiscation of the transferred property may be ordered in so far as it constitutes or corresponds to the proceeds derived from an offence, or confiscation of the value of such property may be ordered.

If a confiscation order concerning the same proceeds is imposed on two or more persons referred to in subsections 3 and 4, their liability is joint and several.

Confiscation of proceeds shall not be ordered in so far as the proceeds have been returned to the injured party or they have been or will be ordered to be reimbursed to the injured party by way of compensation or restitution. If no claim for compensation or restitution has been filed or if one is still pending when a request for confiscation is resolved, confiscation shall be ordered.

If property is frozen or subject to another comparable measure in a foreign state to secure the execution of a request for confiscation in Finland, the court shall, notwithstanding the provisions of subsection 6 and at the request of the person claiming compensation or

restitution, resolve the request for confiscation and transfer the claim for compensation or restitution to be considered in accordance with the procedure laid down for civil proceedings. In this case, the court shall also, at the request of the person claiming compensation or restitution, issue an intermediate judgment on the liability for compensation or restitution.

Provisions on the issuing of decisions referred to in Article 30(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing orders and confiscation orders are also laid down in the Act on the Application of Regulation on the Mutual Recognition of Freezing Orders and Confiscation Orders in the European Union (*laki jäädättämistä ja menetetyksi tuomitsemista koskevien päätösten vastavuoroista tunnustamista Euroopan unionissa koskevan asetuksen soveltamisesta*, 895/2020).

Section 3 (356/2016)

Extended confiscation of proceeds

If the offence committed is

- 1) an offence for which the most severe punishment provided by law is imprisonment for at least four years,
- 2) a receiving offence or money laundering,
- 3) smuggling,
- 4) a narcotics offence or contributing to a narcotics offence,
- 5) giving of a bribe, acceptance of a bribe, or giving of a bribe in business or acceptance of a bribe in business,
- 6) participation in the activities of an organised criminal group,
- 7) distribution of a sexually obscene picture, solicitation of a child for sexual purposes referred to in chapter 20, section 8b, subsection 2, or pandering,
- 8) endangerment of data processing, or
- 9) a punishable attempt at an offence referred to in paragraphs 1–8,

and the nature of the offence is such that the offence may give rise to economic benefit, confiscation of the property derived from criminal activity may be ordered; when considering whether confiscation shall be ordered, the court shall especially take into consideration whether the property is clearly derived from criminal activity that is not deemed to be of minor significance, whether the confiscation is necessary to prevent new offences, and whether a significant part of the income of the person concerned is repeatedly derived from criminal activity.

A confiscation order may be imposed on a person who is found guilty of an offence referred to in subsection 1, on an accomplice to such an offence, or on a person on whose behalf or to whose benefit the offence was committed.

Confiscation, either in whole or in part, of property specified in subsection 1 may also be ordered in respect of

- 1) a person whose relationship to a person referred to in subsection 2 of this section is one referred to in section 3, subsection 1 of the Act on the Recovery of Assets to Bankruptcy Estates (*laki takaisinsaannista konkurssipesään*, 758/1991) (close person), and
- 2) a private trader, a company, another corporate entity or a foundation whose relationship to a person referred to in subsection 2 of this section or to a person close to him or her is one referred to in section 3, subsection 2, paragraph 1 or 2 of the Act on the Recovery of Assets to Bankruptcy Estates,

if there is reason to believe that the property has been transferred to them in order to avoid confiscation or liability for compensation.

Confiscation referred to in subsection 3 above shall not be ordered if the property has been transferred more than five years before the commission of the offence referred to in subsection 1.

If the same confiscation order is imposed on two or more persons, their liability is joint and several.

ii) identify, trace, freeze or seize rapidly property which is liable to confiscation, in order to facilitate the enforcement of a later confiscation. Do these measures allow the identification, tracing and seizure of property into which the proceeds of illicit activities have been converted?

General provisions on the identification and tracing of property are laid down in the Police Act (*poliisilaki*, 872/2011) and in the Criminal Investigation Act. Under chapter 1, section 1 of the Police Act, preventing, detecting and investigating crimes and submitting cases to prosecutors for consideration of charges belong to the duties of the police. Under chapter 1, section 2 of Criminal Investigation Act, issues to be clarified in the criminal investigation include the possibilities for enforcement of forfeiture (*i.e.* confiscation) to be ordered as a consequence of the offence.

General provisions on the freezing (seizure) of property are in Coercive Measures Act (*pakkokeinolaki*, 806/2011). Provisions on freezing of a monetary value (seizure for security; in Finnish, *vakuustakavarikko*) are in chapter 6 and provisions on freezing of a particular object, property or document (seizure; in Finnish, *takavarikko*) in chapter 7 of the Act. Both measures can be used to secure a later confiscation (chapter 6, section 1 and chapter 7, section 1) and they can be obtained rapidly. Seizure for security is decided by a court, but an official with the power of arrest may order interim seizure for security if the matter does not brook delay (chapter 6, sections 2 and 3). Seizure is decided by an official with the power of arrest (chapter 7, section 7).

(NB: the term used in the unofficial translation of chapters 6 and 7 of the Coercive Measures Act is 'confiscation', but these measures concern pre-trial phase and mean freezing/seizure.)

To sum up, the provisions mentioned above allow the rapid identification, tracing, freezing and seizure of property, including property into which the proceeds of illicit activities have been converted.

Poliisilaki (872/2011): <https://www.finlex.fi/fi/laki/ajantasa/2011/20110872>

Polislag (872/2011): <https://www.finlex.fi/sv/laki/ajantasa/2011/20110872>

Police Act (unofficial translation, not up-to-date):

https://www.finlex.fi/en/laki/kaannokset/2011/en20110872_20131168.pdf

Pakkokeinolaki (806/2011): <https://www.finlex.fi/fi/laki/ajantasa/2011/20110806#L3P1>

Tvångsmedelslag (806/2011): <https://www.finlex.fi/sv/laki/ajantasa/2011/20110806>

Coercive Measures Act (unofficial translation, not up-to-date):

https://www.finlex.fi/en/laki/kaannokset/2011/en20110806_20131146.pdf

5.2 In what way do victims of THB benefit from seized and confiscated assets of perpetrators of THB? Do the confiscated assets go directly to victims, to a compensation fund or scheme for victims of trafficking or to other programmes for the assistance or support of victims of THB? Please provide information on seizures and confiscations of assets in THB cases and how they were used.

There is no obligation in the Convention according to which victims of THB should benefit from seized and confiscated assets. According to Art. 15(4), each Party shall adopt such legislative or other measures as may be necessary to guarantee compensation for victims in accordance with the conditions under its internal law. Funding by the assets resulting from measures provided in Article 23 (which include confiscation) is mentioned as an example and is thereby discretionary for Parties.

Under chapter 10, section 2, subsection 6 of the Criminal Code of Finland, victim compensation is primary to confiscation. Confiscation of proceeds shall not be ordered in so far as the proceeds have been returned to the injured party or they have been or will be ordered to be reimbursed to the injured party by way of compensation or restitution. If a claim for compensation or restitution is filed afterwards, this can be taken into account in the enforcement of forfeiture, either by correspondingly reducing the amount of the forfeiture or by ordering that the compensation or restitution is paid from State funds (chapter 10, section 11). These provisions are of national origin and they concern all crimes.

When confiscation, *i.e.* forfeiture to the State, has been enforced (either by selling the confiscated property or in some other way), the money obtained by the State is revenue of the State, which goes to the general national budget. All revenues of the State, including revenues from confiscation, are included in the State budget as provided in section 84 of the Constitution of Finland. Individual revenue items of the State, like revenues from confiscation, are not reserved for any specific purposes beforehand (some very specific minor exceptions exist based on national legislation). They are used as annual revenues of the State within the framework of general budgetary policy. Due to these reasons, it is not possible to provide information on the use of confiscated assets in THB or other cases.

Finland is strongly against binding international rules on earmarking of frozen and confiscated assets for any particular purpose. Binding rules on the use of different revenue items of the State, like revenues from confiscation, for a particular purpose would be contrary to the Constitution of Finland, and they would strongly interfere with the national budgetary system.

According to the Central Organisation of Finnish Trade Unions (SAK), employers of victims of THB ignore employers' societal obligations and the recovery of receivables is often unsuccessful. If there are other creditors, it is the victim of THB whose receivables end up not being recovered.

5.3 Is it possible to use plea bargaining or some other form of settlement in cases of THB? If yes, please provide the relevant provisions. What protections are in place for victims of THB to ensure that their right of access to justice and effective remedies is not compromised by the plea bargaining or settlement in the legal process?

Plea bargaining or restricting the criminal investigation on the basis of a confession

Plea bargaining or restricting the criminal investigation on the basis of a confession is limited to certain situations.

Under chapter 3 section 10a, subsection 1 of the Criminal Investigation Act, if the criminal investigation involves two or more offences for which the same person is suspected, and he or she has promoted the clarification of one or more suspected offences by confessing to them, the prosecutor may, if he or she deems this justified taking into consideration the nature of the case and the claims to be presented, the apparent expenses and time of proceeding with the case as well as the other circumstances, order on the request of the head investigator that not all the offences be subjected to a criminal investigation or the criminal investigation of them be discontinued.

If the criminal investigation is restricted on the basis of a confession in accordance with the abovementioned, the prosecutor may, at the same time, on the request of the head investigator and in respect of the suspected offences for which a criminal investigation is conducted, commit to requesting punishment in accordance with the mitigated scale of punishment referred to in chapter 6, section 8(a) of

the Criminal Code of Finland. The prosecutor may make the same commitment also when one suspected offence is under investigation, and the suspect in the offence has promoted this investigation by confessing to it in full or to an essential extent.

The criminal investigation may not be waived or discontinued nor may the commitment to request punishment in accordance with the mitigated scale of punishment be given, to the extent that the suspected offence is punishable by a sentence of imprisonment for more than six years or the suspected offence is one referred to in chapter 20, section 1, 4, 5, 6, 8(a) or 8(b) of the Criminal Code or chapter 21, section 4, 5, 6(a) or 7 – 15 of the Criminal Code of Finland or an important public or private interest requires that the criminal investigation be conducted.

The preconditions for the prosecutor to undertake measures for the submission and hearing of a proposal for judgment in the proceedings on the basis of a plea of guilty are set out in the Criminal Procedure Act, chapter 1, section 10. As mentioned above, plea bargaining is possible only when the maximum sentence provided in law for the suspected offence is imprisonment for six years, but not for an offence referred to in chapter 20, sections 1, 3-5, 9, 14-16 or 18 or in chapter 21, sections 4, 5, 6(a) or 7 – 15 of the Criminal Code of Finland (39/1889). In addition to this, the prosecutor must deem that the case is justified to be handled in plea bargaining process, taking into consideration the nature of the case and the claims to be presented, the expenses apparently resulting from, and the time required for, a hearing in said proceedings on one hand and in the procedure provided for the presentation of charges on the other, and possible questions of participation in the suspected offence or in an offence directly connected with it.

If these conditions are met, the prosecutor may submit a proposal for judgment when (Criminal Procedure Act, chapter 1, section 10, subsection 2):

- (1) the suspect in the offence in question or the defendant in the criminal case admits having committed the suspected offence and consents to the hearing of the case in the proceedings referred to in chapter 5(b);
- (2) the prosecutor and the suspect in the offence or the defendant in the criminal case are agreed on the imputable offence;
- (3) the injured party has stated in the criminal investigation that he or she has no claims in the case, or consents to the hearing of the case in the proceedings referred to in chapter 5(b).

In the proposal for judgment the prosecutor commits to requesting punishment in accordance with the mitigated scale of punishment referred to in chapter 6, section 8(a) of the Criminal Code of Finland. The prosecutor may also commit to waiving prosecution for one or more suspected offences under chapter 8, section 2 of the Criminal Procedure Act.

The proposal for judgment shall be drafted in writing and the parties shall sign and date it. The proposal shall note the information referred to in chapter 1, section 10, subsection 2 of the Criminal Procedure Act and the commitment of the prosecutor to request punishment in accordance with a mitigated scale of punishment. The prosecutor may, in the proposal for judgment, state his or her opinion on the type and amount of punishment to be imposed. What is provided in chapter 5, section 3 on the application for a summons applies in addition, as appropriate, to the contents of the proposal for judgment.

The Criminal Code of Finland provides a maximum sentence of imprisonment for six years for trafficking in human beings (chapter 25, section 3). Therefore, plea bargaining or restricting the criminal investigation on the basis of a confession is possible in these cases if the other conditions for plea bargaining mentioned above are met. Plea bargaining or restricting the criminal investigation on the basis of a confession is not possible in cases concerning aggravated trafficking in human beings, for which the maximum sentence provided in the Criminal Code is imprisonment for ten years (chapter 25, section 3a).

Relevant provisions: The Criminal Investigation Act, chapter 3, section 10a, The Criminal Procedure Act, chapter 1, sections 10 and 10a, and Criminal Code of Finland, chapters 20, 21 and 25. As regards the

provisions on the proceedings on the basis of a plea of guilty, reference is made to the Criminal Procedure Act, chapter 5b.

When it comes to plea bargaining, as mentioned above, in the proceedings, the prosecutor can only submit a proposal for judgment if the victim has stated in the criminal investigation that he or she has no claims in the case, or consents to the hearing of the case in the proceedings.

Conciliation

Conciliation in criminal matters is based on the Act on Conciliation in Criminal and Certain Civil Cases (*laki rikosasioiden ja eräiden riita-asioiden sovittelusta*, 1015/2005). Under chapter 1, section 2 of the Act, conciliation may be carried out only between parties that have personally and voluntarily expressed their agreement to conciliation and are capable of understanding the meaning of conciliation and the solutions arrived at in the conciliation process. Before the parties agree to conciliation, they must be explained their rights in relation to conciliation and their position in the conciliation process. Each party has the right to withdraw its agreement at any time during the conciliation process. Underage persons must give their agreement to conciliation in person. In addition, an underage person's participation in conciliation requires that his/her custodian or other legal representatives agree to it. Legally incompetent adults may participate in conciliation if they understand the meaning of the case and give their personal agreement to conciliation.

Under chapter 1, section 3 of the Act, conciliation may deal with crimes that are assessed as eligible for conciliation, taking into account the nature and method of the offence, the relationship between the suspect and the victim and other issues related to the crime as a whole. Conciliation of a crime requires that the suspect confirms the main facts of the course of events and that conciliation is in the best interests of the victim. Crimes involving underage victims must not be referred to conciliation if the victim needs special protection because of the nature of the crime or because of his/her age. If a crime cannot be referred to conciliation, issues related to compensation of the damage caused by it must not be referred to conciliation either.

When it comes to conciliation, it is only possible to carry out conciliation if the victim has expressed his/her agreement to conciliation and when the crime is assessed to be eligible for conciliation, taking into account, inter alia, the relationship between the suspect and the victim. In addition, conciliation must be in the best interest of the victim.

Victim Support Finland reports that in some situations in labour trafficking cases, where there is a simultaneous civil case regarding unpaid wages, the victims have felt pressured by lawyers and labour unions to accept compensations that are much smaller than the actual calculated unpaid wage.

5.4 What is the average duration of court proceedings in THB cases? In which circumstances are such cases given priority? Do you have a system to fast-track human trafficking-related prosecutions in order to improve the trial process and reduce the burden on victims and witnesses, including children? What safeguards are in place to ensure that judges deal with cases of THB without undue delay?

Statistics on the duration of proceedings in cases concerning trafficking in human beings and aggravated trafficking in human beings (Criminal Code of Finland, chapter 25, sections 3 and 3a) are divided into different phases:

Year	Criminal Investigation (months)	Consideration of Charges (months)	Court proceedings (months)
2018	9.39	3.95	9.9
2019	10.63	8.31	9.3
2020	8.3	4.02	4.4
2021	14.32	6.08	9.5

There are no provisions on prioritising THB cases over other cases. In general, the criminal investigation shall be conducted without undue delay (Criminal Investigation Act, chapter 3 section 11). In trial, if the case is not dismissed at once, the court shall issue a summons without delay. After the conclusion of the preparation, the case is to be transferred without delay to the main hearing (Criminal Procedure Act, chapter 5, sections 8 and 12).

There are special provisions concerning cases involving underage suspects or accused persons. If a person under the age of eighteen is suspected in an offence or if a person under the age of fifteen is suspected of a criminal act, the criminal investigation shall be conducted urgently. In these cases, the prosecutor shall decide urgently whether to bring charges. If charges are brought, they shall be done so also without delay. If a defendant under the age of 18 has been charged with an offence which, when committed in the circumstances mentioned in the charge, is punishable by imprisonment for more than six months, the main hearing shall be held within 30 days of the time when the criminal case became pending. In September 2022, the Government of Finland submitted a proposal to Parliament (HE 144/2022 vp) proposing that certain crimes against persons under the age of eighteen, including human trafficking, should be dealt with urgently, corresponding to the legislation already concerning suspects. (Criminal Investigation Act, chapter 3, section 11, Criminal Procedure Act, chapter 1, section 8a and chapter 5, section 13).

The Act on Compensation for the Excessive Length of Judicial Proceedings (*laki oikeudenkäynnin viivästymisen hyvittämisestä*, 362/2009) entered into force at the beginning of 2010. The Act lays down provisions on the right of a party to receive compensation out of State funds for the excessive length of judicial proceedings. A private party is entitled to receive reasonable compensation out of State funds if the excessive length of judicial proceedings is considered to violate the right of a party to a trial within a reasonable time (section 3). The Act includes also other more detailed provisions on, for example, the assessment on the length and amount of compensation the party may receive.

Excessive length of proceedings may also be submitted to the authorities for the oversight of legality. There are two supreme overseers of legality in Finland: the Chancellor of Justice, who reports to the Government and to Parliament, and the Parliamentary Ombudsman. In 2021, the Deputy Chancellor of Justice gave a decision on criminal investigations in cases concerning trafficking in human beings. The Deputy Chancellor of Justice went through a total of 50 police criminal investigations. Most of the investigations had been delayed. There had been unnecessary delays in many police departments. In the decision, inter alia, the Deputy Chancellor of Justice issued 12 reprimands to the police concerning unfounded and unlawful delays in the criminal investigation. The Deputy Chancellor of Justice requested the National Police Board to submit information on the duration of criminal investigations of human trafficking offences and related offences from 1 January 2022 to 30 June 2022 and information on the number of investigations on 1 July 2022 that have been pending for more than 12 months for each police department. In addition, the Deputy Chancellor of Justice requested an account of the criminal investigations that had been pending for more than 18 months and the reasons for their postponement.

The decision by the Deputy Chancellor of Justice (only in Finnish):

https://oikeuskansleri.fi/documents/1428954/107303574/ratkaisu_poliisin_ja_syyttajien_menettely_seka_ihmiskaupan_tutkinta_OKV_1233_70_2021.pdf/813dd725-6cd2-6709-be57-65f4d7802958/ratkaisu_poliisin_ja_syyttajien_menettely_seka_ihmiskaupan_tutkinta_OKV_1233_70_2021.pdf?t=1643186314353

Laki oikeudenkäynnin viivästymisen hyvittämisestä (362/2009):

<https://www.finlex.fi/fi/laki/ajantasa/2009/20090362>

Lag om gottgörelse för dröjsmål vid rättegång (362/2009):

<https://www.finlex.fi/sv/laki/ajantasa/2009/20090362>

Act on Compensation for the Excessive Length of Judicial Proceedings (362/2009) (unofficial translation):

https://www.finlex.fi/en/laki/kaannokset/2009/en20090362_20110465.pdf

Victim Support Finland considers the long duration of criminal proceedings the issue that most severely undermines THB victims' access to justice in Finland.

5.5 How do you ensure that sanctions for THB offences are effective, proportionate and dissuasive?

Human trafficking offences are serious offences that violate the fundamental and human rights of the victims. This is also evident from the penalty scales laid down in Finland for human trafficking offences.

Under chapter 25, section 3 of the Criminal Code of Finland, trafficking in human beings is punishable by imprisonment for a minimum of four months and a maximum of six years, and under chapter 25, section 3(a) of the Criminal Code, aggravated trafficking in human beings is punishable by imprisonment for a minimum of two years and a maximum of ten years. Wide scales of punishment make it possible to take into account the concrete degree of seriousness of the offence. Independent judges cannot be guided, they impose a penalty within the framework of the penalty scale provided for by law and the criteria for imposing a sentence laid down in chapter 6 of the Criminal Code. Judges are trained to ensure that their knowledge of human trafficking offences and their understanding of their nature is adequate and appropriate for sentencing activities. A party dissatisfied with the punishment can appeal to a higher court. The punishment alone does not in itself have a deterrent effect on new offences, but the content of the enforcement of the prison sentence, which is aimed at promoting the future offence-free life of the convicted person, is also important.

Rikoslaki (39/1889): <https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001>

Strafflag (39/1889): <https://www.finlex.fi/sv/laki/ajantasa/1889/18890039001>

Criminal Code (39/1889) (unofficial translation):

https://www.finlex.fi/fi/laki/kaannokset/1889/en18890039_20150766.pdf

6. Ex parte and ex officio applications (Article 27)

6.1 What is the procedural position of a victim of THB in criminal proceedings? What steps are taken to assist victims of THB, including children, to enable their rights, interests and views to be presented and considered during the criminal proceedings against offenders? Who is entitled to assist victims of THB in court? Can victims of THB be represented by NGOs in criminal proceedings?

A victim of a crime is considered an injured party in the proceedings. The injured party is usually the holder of the legal interest violated or endangered by the offence or a person who has immediately incurred a civil claim through the offence. The injured party has the right to demand punishment for the suspect. The injured party may also present a civil claim, in practice often a claim for damages, to be handled in connection with the criminal charge (Criminal Procedure Act, chapter 3, section 1). The procedural rights are available to all victims who take part in the proceedings as parties to proceedings.

Various steps are taken to assist victims of human trafficking. Victims, as injured parties, are heard and may present their views in the criminal investigation and in trial. Victims of human trafficking may receive free legal aid (see answers to question 2). Counsel assigned to a party and a support person assigned to an injured party has the right to be present when his or her client is being questioned unless the head investigator prohibits this for weighty investigative reasons. The investigator may, on request, allow the presence also of another person supporting a party or witness to be present in the questioning, if this does not hamper the clarification of the offence or endanger the secrecy obligation (Criminal Investigation Act, chapter 7, section 12).

Parties in the criminal investigation and other persons participating in the criminal investigation shall be treated in a sensitive manner (Criminal Investigation Act, chapter 4, section 6). In the criminal investigation, a person under the age of 18 years shall be treated in the manner required by his or her

age and level of development. Particular care shall be taken so that criminal investigation measures do not cause him or her unnecessary inconvenience at school, at work or in other environments important to him or her. To the extent possible, investigation measures directed at persons under the age of 18 years shall be assigned to investigators particularly trained in this function. When necessary, the criminal investigation authority shall consult with a physician or other expert on whether investigation measures may be directed at a person under the age of 18 years.

An advocate, a public legal aid attorney or a licenced legal counsel who has obtained the licence referred to in the Licenced Legal Counsel Act (*laki luvan saaneista oikeudenkäyntiavustajista*, 715/2011) may serve as an attorney or legal counsel in the proceedings (Code of Judicial Procedure, chapter 15, section 2). In addition, the Non-discrimination Ombudsman may assist or order an official to assist a potential victim of trafficking in human beings in safeguarding his or her rights or, if necessary, obtain legal aid for this purpose (Act on Non-discrimination Ombudsman, section 7).

Victims cannot be represented by NGOs in criminal proceedings. A lawyer who works in an NGO and fulfils the criteria set out above can obviously represent victims in criminal proceedings.

6.2 If the authorities fail to discharge their obligation to effectively investigate and prosecute suspected cases of trafficking, what possibilities for redress exist for victims of THB and their families? To what extent have victims of trafficking, including children, access to complaint mechanisms, such as Ombudsman institutions and other national human rights institutions?

The victim may complain about the procedure of the criminal investigation authority if he or she deems that the authority has acted erroneously or neglected its duties. A written complaint shall be submitted to the unit of the authority who is deemed to have acted erroneously or to a higher-ranking authority.

A complaint about the prosecutor's decision not to prosecute can be submitted to the Prosecutor General, who has the right to initiate a new consideration of charges. Complaints about another decision or procedure of the prosecutor that the victim deems erroneous may also be submitted to the Prosecutor General (*laki Syyttäjänlaitoksesta*, 32/2019, Act on the National Prosecution Authority, chapter 11).

Complaints about the procedures of authorities may also be submitted to the Parliamentary Ombudsman or the Chancellor of Justice (*laki eduskunnan oikeusasiamiehestä*, 197/2002, Parliamentary Ombudsman Act, section 2, and *laki valtioneuvoston oikeuskanslerista*, 193/2000, Act on the Chancellor of Justice of the Government, section 3).

In some situations, a victim may also bring a charge for an offence. Under chapter 1 section 14 of the Criminal Procedure Act, the injured party may himself or herself bring a charge for an offence only if the prosecutor has decided to waive prosecution or the criminal investigation authority or the prosecutor has decided that no criminal investigation shall be conducted or it shall be interrupted or concluded.

The Human Rights Centre notes that, due to the vulnerable position of victims of THB, the significance of oversight by the Chancellor of Justice and the Parliamentary Ombudsman on their own initiative is emphasised, as victims of THB do not necessarily know their rights or dare to approach the authorities. The identification of victims of THB must be developed further because, if victims of THB are not identified appropriately, this may jeopardise their access to their rights.

6.3 What reporting and complaint mechanisms are in place for victims of trafficking who are in an irregular migration situation and/or in detention?

Provisions on court procedure in remand cases are included in chapter 3 of the Coercive Measures Act (*pakkokeinolaki* 806/2011), whereas sections 4, 5 and 15 of the said chapter contain provisions related to

time limits and, concerning the request for remand, bringing a request for remand up for consideration and a new remand hearing.

There is no upper time limit for remand. It is possible to continue a remand as long as the prerequisites for the remand exist and as long as the remand is not contrary to the prohibition of unreasonable remand (chapter 2, section 13 of the Coercive Measures Act). However, when the court decides on remand, it shall set a time limit for the bringing of charges (chapter 3, section 14 of the Coercive Measures Act). The court may extend that time limit.

A person on remand may, under chapter 3, section 19 of the Coercive Measures Act, file an extraordinary appeal against the decision by which he or she has been remanded or the order by which his or her remand has been extended. The extraordinary appeal is not subject to a time limit. The extraordinary appeal shall be heard urgently.

Chapter 3, section 17 of the Coercive Measures Act lays down provisions on the release of a remanded person. The starting point is mentioned in subparagraph 3: An official with the power of arrest shall order the release of a remanded person immediately when the prerequisites for keeping him or her in remand no longer exist. If that doesn't happen the remanded person may take the case to court for a new remand hearing (section 15(1)). In that case, the court shall order the release if the prerequisites for keeping him or her in remand no longer exist. There are also some other cases where the court decides on release and these are mentioned in section 17(2).

See also answer to question 6.2.

6.4 *Can victims of THB bring claims against the State or its officials for:*

i) direct involvement in THB;

Yes. There are no limitations to the right to bring claims against a public official in case there is a suspicion of an offence concerning trafficking in human beings. The Constitution of Finland (*Suomen perustuslaki*, 731/1999) includes specific provisions on prosecution of ministers, the Chancellor of Justice and the Ombudsman (see sections 114 - 117).

Suomen perustuslaki (731/1999): <https://www.finlex.fi/fi/laki/ajantasa/1999/19990731>

Finlands grundlag /731/1999): <https://www.finlex.fi/sv/laki/ajantasa/1999/19990731>

Constitution of Finland (731/1999): <https://www.finlex.fi/fi/laki/kaannokset/1999/en19990731.pdf>

ii) failure to prevent THB or protect them from THB? Have there been cases where State agents or persons acting on behalf, or at the direction, of the State were found responsible for engagement in THB and/or failure to prevent it or protect victims from THB by third parties? Please provide information on any prosecutions against diplomatic and consular staff for alleged involvement in THB.

The Criminal Code of Finland includes provisions on violation of official duty and negligent violation of official duty (chapter 40, sections 9 and 10). Under these provisions, it is possible to bring a claim against an official if he or she has violated an official duty in accordance with the law.

6.5 *What steps have been taken to strengthen and maintain the capacity of prosecutors to effectively prosecute trafficking cases?*

Under the Government Action Plan against Trafficking in Human Beings (2021-2023), Finland has designated, from among the special prosecutors, those special prosecutors who are well versed in human trafficking offences to provide expert advice to the criminal investigation authorities and other prosecutors.

Finland has also established a peer network of special prosecutors and any other prosecutors who prosecute cases of human trafficking to allow prosecutors to share information and experiences as well as best practices in cases of human trafficking offences.

In addition, Finland has organised advanced specialised training on human trafficking on a regular basis for prosecutors who prosecute human trafficking cases.

7. Non-punishment provision (Article 26)

7.1 Please indicate what measures are taken to ensure that victims of THB, including children, are not punished for their involvement in unlawful activities (criminal, civil, administrative offences), to the extent they were compelled to do so, providing any concrete examples of their implementation.

To implement the Government Action Plan against Trafficking in Human Beings (2021-2023), the Ministry of Justice commissioned the Non-Discrimination Ombudsman to review the status quo relating to the fundamental principle of the legal system of imposing no punishment for a crime a person is compelled to commit (principle of non-punishment). Exploitation in criminal activities is a form of human trafficking where a trafficking victim is compelled to commit offences on behalf of the exploiter. In Finland, a victim of trafficking in human beings who has been compelled to commit an offence may be left unpunished, even though abuse of a vulnerable position is not among the grounds for exemption from liability in the criminal law doctrine. According to the study, the provisions on the waiving of measures make it possible not to prosecute or punish victims of human trafficking.

According to the study, key obstacles to the application of the principle of non-punishment include the lack of experience in applying the principle in practice, inadequate identification of victims of trafficking in human beings, and the fact that insufficient attention is paid to the exploitation underlying the offence during the criminal procedure. Obstacles to the application of the principle of non-punishment can be removed by investigating the background of an offence committed by a possible victim of human trafficking in the criminal investigation, by applying the general provisions on the waiving of measures in a determined manner, by providing instructions for the actors involved in the criminal procedure, and by providing more training.

The study contains a number of recommendations. In addition, several needs for further research have been identified in the study. The study on the principle of non-punishment of victims of human trafficking has only just been published and the follow-up to it, for example in relation to recommendations, has not yet been decided.

The study containing a summary in English can be found at <http://urn.fi/URN:ISBN:978-952-400-386-5>

7.2 Can persons who have breached national laws in the course, or as a consequence, of being trafficked have access to remedies for victims of trafficking, including State compensation?

A person's right to receive assistance through the Assistance system for victims of human trafficking is not affected by whether the victim of trafficking has herself or himself breached national laws.

In criminal procedure, the victim's position as an injured party and access to his or her procedural rights is determined in accordance with the principles mentioned above (see answer to question 6.1) and not affected by the victims other actions, such as breaching the law.

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

8.1 How are victims of THB protected in practice against potential retaliation or intimidation before, during and after legal proceedings? How is the assessment of the needs for protection performed and who recommends the application of the protection measures? Who is responsible of the implementation of the protection measures?

The Reception Act (section 38b) states that the assistance measures for a victim admitted to the Assistance system for victims of human trafficking, shall be arranged based on an individual assessment of the need for support of a victim and that in arranging the assistance measures, the security of both the victim and the personnel providing the services must be considered. In practice, this means that the Assistance system takes always into account the safety of the victim and any kind of security threats when assessing the need for services and arranging them. Potential intimidation and retaliation are also always taken into consideration. If the victim admitted to the Assistance system has a home municipality in Finland, the municipality is responsible for arranging the services and support for the victim. The Assistance system provides consultation to the municipality on issues such as safety considerations. The assessment of the potential security and intimidation threats that may affect arrangement of the services for the victim is done by the Assistance system by consulting the victim himself or herself, by consulting (with the consent of the victim) any other actors supporting the victim, such as NGOs, and by acting in cooperation with the police, if a report to the police is made or if there is an ongoing criminal investigation. Notwithstanding the secrecy provisions, the Assistance system has a right to convey to the police the information necessary if there is a reasonable ground to suspect that the life, health or freedom of the victim is in grave danger (Reception Act, section 37). The Assistance system or the home municipality of the victim are not responsible for the implementation of the protection measures concerning particularly the criminal investigation or the court proceedings.

In the criminal proceedings, victims are protected in many ways. In the criminal investigation, the authorities conduct an assessment of the victim's special needs for protection during the criminal investigation and trial and of the protection measures required (Criminal Investigation Act, chapter 11, section 9a). The criminal investigation authority conducts the assessment and, if the victim's conditions or the nature of the crime so require, the investigation authority must also consult the prosecutor on the need for protection or the need for protection measures. The Ministry of the Interior has published a handbook on conducting the assessment. In the assessment, particular attention is paid to groups of vulnerable victims, such as victims of human trafficking.

During the criminal investigation, protection measures can be applied if they do not significantly delay the procedure or cause any other harm. One of the possible measures is to conduct questionings in separate facilities designed for that purpose. At the victim's request, questioning may be conducted by the same person or persons or by a person of the same gender as the victim (Criminal Investigation Act, chapter 7, section 21).

The police are responsible for arranging protection during the pre-trial investigation phase. The police have no safe houses of their own, but they cooperate with the Assistance system and various NGOs in this respect.

In trial, the court may restrict the presence of the public during open proceedings if this is necessary to protect a witness, another person to be heard or a party or a person related to such person, against a threat to his or her life or health or if the person to be heard is in need of special protection measures (Act on the Publicity of Court Proceedings in General Courts, 370/2007, section 15 paragraph 1). If special protection measures are needed, the victim may also be heard in a trial behind a screen or via video connection. The questioning of a victim may also in some cases be video-recorded and the recording then be used as evidence in a trial, for example if the victim is under 18 years of age (Code of Judicial Procedure, chapter 17 sections 24, 51 and 52). In October 2022, the Government submitted a proposal to Parliament

proposing that this possibility would be extended to cases also concerning human trafficking and some related crimes.

A witness, another person heard and an injured party may also be heard in the main hearing without the presence of a party or another person if the court deems that this is appropriate and such hearing is necessary in order to protect the person being heard or a person related to the said person from a threat directed at life or health or if the person to be heard is in need of special protection measures (Code of Judicial Procedure, chapter 17, section 51).

The handbook on conducting an assessment of the victim's protection needs (only in Finnish):

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/75016/Kasikirja_lopullinen.pdf?sequence=1&isAllowed=y

Victim Support Finland reports that the lack of protection from retaliation or intimidation of victims of THB is a serious problem. In addition, according to Victim Support Finland, on many occasions, the investigating officers consider themselves unable to make an assessment of the needs for protection, especially in the beginning of the criminal process.

8.2 How do you ensure that victims are provided with realistic and practical information about the progress of the case and whether the perpetrator has been detained or released?

See answer to question 1.1.

As long as a case is under investigation, the police or the Border Guard are obliged to keep the victim informed of the progress.

In certain serious offences, including trafficking in human beings, the victim has the right, at his or her request, to be notified if the prisoner or remand prisoner is released, escapes or, under certain conditions, leaves the prison for some other reason. If the victim wishes to receive such a notification, he or she must inform the criminal investigation authority or prosecutor of this. The criminal investigation authority has an obligation to provide further information on the matter (Criminal Investigation Act, chapter 4, section 19). The condition for issuing this notification to the victim is that the information is not assessed to pose a threat to the prisoner's or remand prisoner's life or health (*vankeuslaki*, 767/2005, Imprisonment Act, chapter 19, section 4, *tutkintavankeuslaki*, 768/2005, Remand Imprisonment Act, chapter 16, section 1 and *laki poliisin säilyttämien henkilöiden kohtelusta*, 841/2006, Act on the Treatment of Persons in Police Custody, chapter 16, section 2).

Victim Support Finland reports that in practice the victims do not always receive adequate information on the progress of the case.

8.3 How do you ensure respect for the victims' right to safety, privacy and confidentiality during court proceedings?

The Act on the Publicity of Court Proceedings in General Courts (*laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa*, 370/2007) applies during the court proceedings.

According to the act, the court may order that the identity of the victim in a criminal case that concerns a particularly sensitive aspect of his or her private life is to be kept secret (section 6). A trial document is to be kept secret to the extent that it contains sensitive information regarding matters relating to the private life, health, disability or social welfare of a person (section 9).

The court may also restrict the presence of the public during open proceedings if this is necessary to protect a witness, another person to be heard or a party or a person related to such person, against a threat to his or her life or health or if the person to be heard is in need of special protection measures or sensitive information regarding matters relating to the private life, health, disability or social welfare of a person are presented in the case (section 15).

The court may order that the decision be kept secret to the necessary extent in some situations. This is possible if the decision contains information which is to be kept secret in accordance with section 9 of the Act on the Publicity of Court Proceedings in General Courts, or information that had been kept confidential by holding the oral proceedings without the presence of the public. Also in such a case, the conclusions of the decision and the legal provisions applied are public. Unless the party in question requests otherwise, the court may nonetheless order that the identity of the injured party in a criminal case be kept secret, where the case concerns a particularly sensitive aspect of his or her private life (section 24).

A party, his or her representative or counsel does not have the right of access to the address, telephone number or other comparable contact information of a witness, an injured party, another party to the matter or a person who has reported an offence, made a report referred to in section 40 of the Child Welfare Act or another report giving rise to official action if access would compromise the safety, interest or right of the witness, injured party, other party or the person making the report (*laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa*, 370/2007, Act on the Publicity of Court Proceedings in General Courts, section 12, subsection 2 and *laki viranomaisten toiminnan julkisuudesta*, 621/1999, Act on the Openness of Government Activities, section 11, subsection 2, paragraph 7).

See also answer to question 8.1.

Victim Support Finland notes that the victim's full identity is revealed to all parties, including the defendant in court documents. Some problems have arisen in situations where public discussions in the courtroom regarding the victim's travel costs to the trial have revealed their place of residence to the perpetrator.

Laki oikeudenkäynnin julkisuudesta yleisissä tuomioistuimissa (370/2007):

<https://www.finlex.fi/fi/laki/ajantasa/2007/20070370>

Lag om offentlighet vid rättegång i allmänna domstolar (370/2007):

<https://www.finlex.fi/sv/laki/ajantasa/2007/20070370>

Act on the Publicity of Court Proceedings in General Courts (370/2007, unofficial translation):

https://www.finlex.fi/fi/laki/kaannokset/2007/en20070370_20150742.pdf

8.4 In how many cases were witness protection measures used for the protection of victims and witnesses of THB, including children? If witness protection measures/programmes are not applied to victims of trafficking, what are the reasons?

Witness protection programs are applied to victims of trafficking, but there are no statistics available specifically on THB cases.

8.5 When victim protection is provided by NGOs, how are NGOs resourced and supported to perform this function and how do the police and the prosecution co-operate with NGOs?

In criminal procedure, authorities take care of protecting the victim. NGOs in Finland do not provide victim protection. NGOs, such as Victim Support Finland, provide support services and assistance to the victims. The Ministry of Justice has issued a public service obligation to Victim Support Finland for providing general victim services in Finland during the years 2018-2027. These services should be available free of charge and confidentially in accordance with the needs of the victim and the family members of the victim. The services should be available before, during and for an appropriate time after criminal proceedings. The Ministry of Justice funds Victim Support Finland for carrying out the services.

Victim Support Finland reports that their staff and support persons can assist with security measures for example during trial dates. These measures include, for instance, travelling by taxi to or from the courthouse, asking for protective measures such as a private waiting room or visual barriers.

8.6 How do you ensure that child victims of THB are treated in a child-sensitive way and are provided with protection before, during and after judicial proceedings in accordance with the Council of Europe Guidelines on Child Friendly Justice? Are interviews with children conducted in specially designated and adapted spaces by professionals trained to interview children? What measures are taken in order to ensure a limited number of interviews?

Under the Criminal Investigation Act, a person under the age of 18 years shall be treated in the manner required by his or her age and level of development. Particular care is taken so that criminal investigation measures do not cause him or her unnecessary inconvenience at school, at work or in other environments important to him or her. Investigation measures directed at persons under the age of 18 years are mainly assigned to investigators particularly trained in this function. The law-enforcement authorities are cooperating closely with child and welfare authorities in investigating cases involving a child. A multiprofessional Barnahus-model has been implemented by the police. Interviews are conducted in specially child-friendly rooms and are recorded. When the child is very young, the interview is usually carried out by a physician whilst the investigators follow the interview from behind a mirror-window. Recording the interview ensures that the child does not have to go through the process several times. The National Police Board has issued comprehensive guidelines on how to deal with children in a pre-trial investigation. The Border Guard also follows these guidelines.

Child protection authorities have an obligation to provide the necessary support and protection measures to all children regardless of the child's nationality or residence status. A legal guardian is appointed for a child when needed.

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

9.1 What budget, staff and resources, including technical means, are put at the disposal of law enforcement bodies specialised in combating and investigating THB?

Finland is divided into 11 police departments, all responsible for the crime investigation in their own area of responsibility. Finland has the lowest number of police officers per capita in Europe. With criminal investigations being under-resourced and taking place in larger units, offences such as THB are investigated either by units investigating organised crime or financial crimes or those investigating sex crimes, while at the same time special knowledge of THB is ensured. This fact makes it impossible to give an exact amount of resources. Every police department has assigned three officers to a national THB network that partly functions as a training network and partly as a local specialist point of contact working closely with the National THB Investigation Team placed in conjunction with Helsinki Police Department. The team gets intelligence support from the THB function in the National Bureau of Investigation (NBI). The team in Helsinki consists of 20 police officers of which 17 have been hired with earmarked money received from the Government. Three officers in National Bureau of Investigation are financed in the same way.

There is a national level unit in the Border Guard Headquarters, which main task is to manage and develop crime prevention functions of the Border Guard. Strength of this unit is six persons and it includes the Border Guard liaison officers located at EUROPOL and Finnish Police (National Bureau of Investigation).

Every regional Border or Coast Guard district has its own crime prevention functions. Their main tasks are crime intelligence and investigation in the operations in their own area. The organisation and the amount

of personnel varies as it is based on the operational environment of the district. Three of the districts have their own crime prevention unit and three others have full time crime prevention personnel in their Headquarters. All the crime investigation and intelligence have been trained for their tasks, including THB, by the Finnish Border Guard and additionally some special training is provided by the police.

On 8 and 9 August 2022, a thematic international EU-level control operation, entitled EMPACT THB (European Multidisciplinary Platform Against Criminal Networks – Trafficking in Human Beings) and focusing on agriculture, was carried out in Finland. At a national level, the operation was led by the Regional State Administrative Agencies in cooperation with the police.

On Åland, the EMPACT THB inspection was carried out on 9 and 10 August 2022. The Regional State Administrative Agency and the police authority on Åland had jointly chosen employers that were known to use foreign labour. The inspections were conducted without prior notice, and they included controls of employment permits of the foreign employees. During the two days of inspections, seven employers on Åland were visited. The inspections did not reveal any indications of human trafficking, and the employment permits of all foreign employees were in order. The Regional State Administrative Agency will issue a final report on the thematic control, and should any labour offences be suspected, they will be reported directly to the police authority on Åland for further investigation. Two inspectors from the Occupational Safety and Health Division of Western and Inland Finland and two police officers from the police authority of Åland participated in the inspections.

The National Council of Women of Finland considers that the permanent activities of the Anti-Trafficking Coordinator and the entire team as well as its sufficient human resources must be ensured on a permanent basis and across government terms in office. The work of the national team of the police on the investigation of THB must be made permanent so that there is a sufficient focus in the team's THB crime detection work on THB relating to sexual exploitation.

9.2 If your country has specialised units for financial investigations, financial intelligence units and asset and recovery units, please describe whether and how are they used in investigating and prosecuting THB cases. Which special investigation techniques do these units use? Which public and/or private bodies do these specialised financial investigation units co-operate with in relation to THB cases?

Every police department has its own financial crime unit that is specialised, for instance, in tracing and recovering crime assets. Furthermore, the National Bureau of Investigation (NBI) is also responsible for the Financial Intelligence Unit. The mission of the Financial Intelligence Unit is to prevent, expose, detect and commence investigation into crimes and terrorist financing.

The unit receives reports regarding suspicious business transactions from parties subject to the reporting obligation, processes and analyses relevant information, and provides it to other Finnish authorities. They are also involved in close international cooperation. The Financial Intelligence Unit has the right to receive, process and disclose information. These are at the disposal of any crime investigation although there is no specific procedure for assets recovery concerning THB cases, the same procedures are used for all crimes and it is an integrated part of any crime investigation.

The use of coercive measures is regulated by the Coercive Measures Act. In addition to traditional coercive measures such as house searches and arrests, there is a wide range of covert coercive means, such as telecommunications interception, traffic data monitoring, extended surveillance, covert collection of intelligence, on-site interception, technical observation, etc.

10. International co-operation (Article 32)

10.1 How does your country co-operate with other countries to enable victims of THB to realise their right to redress and compensation, including recovery and transfer of unpaid wages after they leave the country in which the exploitation occurred?

As a result of Russia's war of aggression against Ukraine, broad-based cooperation and exchange of information between the authorities have been intensified in order to prevent human trafficking and exploitation in Finland. A number of international organisations and the European Commission are also calling for long-term preparedness.

In addition, an anti-trafficking working group has been established in the Nordic Council of Ministers on Finland's proposal, and its member is the coordinator of the anti-trafficking work in each country. The task of the working group is to support and strengthen cross-border cooperation against trafficking in human beings. Through the working group work, best practices and experiences are shared and operational actors are supported to prevent and combat trafficking in human beings in the Nordic countries. In the first phase, the working group prepares a work plan. The working group will report on the start of the work to the Nordic Ministers of Justice in summer 2023.

10.2 Has your country co-operated with other countries in the investigation and prosecution of THB cases through financial investigations and/or Joint Investigation Teams? Please provide statistics on such cases and examples from practice.

The police take part in the THB work of EUROPOL and participates in the Operational Actions planned together as part of the E Pact/THB. The national coordination rests with the NBI. Investigation cooperation within EUROPOL countries is smooth and swift. Most of the cooperation is between Finland and another country, and only a small part through Joint Investigation Teams (JIT). There are no THB-specific JIT statistics available. One example of THB JIT is with the Czech Republic in a case where Czech women are exploited in Finland and the business is run out of the Czech Republic using local call centres created for this purpose.

The National Prosecution Authority has no statistics of JIT. According to a prosecutor who is specialised in THB, there have been a couple of JIT in recent years.

10.3 How many mutual legal assistance requests and/or European Investigation Order have you made in THB cases and what was their outcome?

The National Prosecution Authority has no statistics on European Investigation Orders (EIO).

However, according to a prosecutor who is specialised in THB there has, for instance, been a number of EIOs recently to Latvia. EIOs have worked well.

The National Bureau of Investigation (NBI) has data on EIOs from 1 June 2021, since when there have been 10 EIOs and 4 mutual legal assistance requests (MLA) related to THB. The data from the NBI does not describe the overall situation in Finland as there might be EIOs and/or MLAs that have not been dealt with by the NBI.

According to the NBI, the EIOs have concerned acquiring evidence, banking intelligence, hearing as an injured party, hearing as a witness, reporting of interception of telecommunications, and searches of domicile/area, and confiscation.

The MLAs have concerned data retention requests, searches of premises and equipment, and conduct of interrogations.

10.4 What forms of international co-operation have proven to be particularly helpful in upholding the rights of victims of trafficking, including children, and prosecuting alleged traffickers?

The cooperation with and through Europol and Eurojust is particularly helpful. Intelligence sharing through Europol is done on a daily basis and the mechanisms of Joint Investigation Teams are also used in THB cases. Europol coordinates Joint Action Days that are held on the same days in all EU countries. The NBI coordinates these actions nationally.

With regard to outcomes, for example, the measures of the EIO on obtaining information or evidence which is already in the possession of the executing authority and the MLA on conducting interrogations have been taken in accordance with the request. In many cases, the request is still awaiting measures.

It can be assumed that freezing orders will be used in the future, as the Confiscation and Freezing Orders Regulation gives priority to victims' claims for compensation.

10.5 What international co-operation measures are in place to ensure protection and assistance to victims on return from your country to their countries of origin following their participation in criminal proceedings?

The police enforce returns based on decisions made by the Finnish Immigration Services. If the returned person has been identified as a victim of trafficking of human beings, the police are obliged to ensure that in accordance with the will of the person concerned, he or she is referred to the Assistance system in the country of destination. It has been agreed that the Assistance system for victims of trafficking in human beings will assist the police in finding the right service provider in the receiving country. The National Police Board has issued guidelines on the procedure

10.6 What international co-operation measures are in place to protect and assist victims of THB for the purpose of sexual exploitation through online streaming where the perpetrator is a national or habitual resident of your country and elements of the crime have occurred in your country's jurisdiction?

International police cooperation and data exchange are used in cross-border situations. If the perpetrator is working out of Finland whilst the victim is abroad, the case is normally investigated and prosecuted in Finland in cooperation with the authorities of the victim's country using either INTERPOL or EUROPOL channels and JIT mechanisms.

11. Cross-cutting questions

11.1 What steps are taken to ensure that victims of THB have equal access to justice and effective remedies, irrespective of their immigration status and the form of exploitation?

In criminal procedure legislation, there are no limitations to access to justice or remedies based on immigration status or the form of exploitation.

Access to legal aid for victims of, inter alia human trafficking has been promoted in legislation.

Under the Criminal Procedure Act, the court may appoint trial counsel for an injured party for the criminal investigation and, when the injured person has claims in a case in which the prosecutor has brought

charges, for the criminal proceedings: (1) in a case concerning a sexual offence referred to in chapter 20 of the Criminal Code of Finland, unless there is a special reason for deeming this unnecessary; (2) in a criminal case referred to in chapter 21, sections 1 – 6 and 6(a) of the Criminal Code, if this is to be deemed justified with consideration to the relationship between the injured party and the suspect in the offence; (3) in a case concerning an offence against life, health or liberty, if this is to be deemed justified with consideration to the seriousness of the offence, the personal circumstances of the injured person and the other circumstances (Criminal Procedure Act, chapter 2, section 1(a)).

If the injured party in the offence referred to in section 1(a) who is to be heard in person in order to clarify the case may be deemed to need support in the criminal investigation and the criminal proceedings, an adequately qualified support person may be appointed for him or her on the conditions referred to in section 1(a) (Criminal Procedure Act, chapter 2, section 3).

In addition to what is provided in section 1(a) regarding the appointment of trial counsel and in section 3 regarding the appointment of a support person for the injured person, the court may, also for a victim of pandering referred to in chapter 20, section 10 or 11 of the Criminal Code of Finland, who is not an injured person, appoint trial counsel for the criminal investigation, unless for a special reason this is deemed unnecessary, and a support person for the criminal investigation and the criminal proceedings, if the person who is the subject of the offence is to be heard in person for the clarification of the case and it can be assumed that he or she may need support (Criminal Procedure Act, chapter 2, section 3(a)).

The possibility to use a video recorded statement as evidence in the trial has also been proposed to be amended to human trafficking crimes (see answer to question 8.1). This would promote victims' access to justice.

In addition, judicial authorities have received training on human trafficking. One of the main goals for the training has been to improve the identification of human trafficking.

Finnish labour legislation is applicable to all work performed in Finland. Labour legislation will automatically apply if an agreement concerning employment meets the essential elements of an employment relationship laid down in the Employment Contracts Act (*työsopimuslaki*, 55/2001). The essential elements of an employment relationship, together with a number of other key provisions issued in the Employment Contracts Act, are of a mandatory nature intended to protect employees. The Act applies to the legal relationship between an employer and an employee if the work is performed for an employer under the employer's direction and supervision and in return for pay or other compensation. If the constituent elements defining an employment relationship, as laid down in the Employment Contracts Act, are satisfied, other labour legislation also becomes applicable. No separate arrangements on them can be made by the parties of an employment relationship. The Act is basically of a peremptory, *i.e.* obligatory, nature. In an employment contract, the employer and the employee can agree otherwise only on provisions which include specific mention of a right to conclude a contract. In addition, national employer and employee organisations may, in collective agreements, agree to deviate from the Act in some issues.

The performing of work may fulfil the criteria of an employment relationship even if the employee has no permit giving him or her the right to work in Finland. In these cases, too, the employee has a right to be paid for the work he or she has performed. The same applies to situations in which a given employment contract is considered invalid (chapter 10, section 1 of the Employment Contracts Act). Even then, invalidity does not take effect until it is invoked, which means that the invalidity of an employment contract does not eliminate the employer's obligation to pay the employee for the work he or she has performed. It follows that the mandatory provisions of Finnish labour legislation are automatically applicable to illegal employment if the legal relationship relating to the employment meets the criteria of an employment relationship. In this way, the Finnish legal system guarantees illegally employed third-country nationals (who do not have a work permit) the same rights and opportunities to claim back-payment of remuneration arising from the employment relationship as other employees in an employment relationship. This legislation also applies to lawfully employed workers who have, for example, agreed with their employer

that their work will be paid for "under the counter", *i.e.* it will not be declared to the tax authorities. This legal position is fully established in Finland, and, owing to this, there has been no particular need to explicitly specify the legislation in terms of illegally employed third-country nationals. In this respect, the legal position is clear and in compliance with the overall legal system of Finland.

See also answer to question 3.5.

The National Council of Women of Europe notes that the National Rapporteur on Trafficking in Human Beings operating in conjunction with the Office of the Non-Discrimination Ombudsman has repeatedly noted that THB linked with sexual exploitation in particular is poorly identified in Finland. A study published by the Rapporteur in 2021 shows that victims of THB with a temporary residence permit have not always been permitted to stay in Finland for the entire duration of the criminal proceedings. In some cases, a victim of THB has received a negative residence permit decision when the THB offence could not be solved or taken further in criminal proceedings. According to the researchers, this legal situation does not encourage victims of THB to submit reports of an offence concerning exploitation imposed on them.

11.2 What steps are taken to ensure that criminal, civil, labour and administrative proceedings concerning victims of THB are gender-sensitive?

The provisions on criminal and administrative procedure are in general gender neutral. Many provisions, for example on victim protection, may however have positive gender impacts especially on the position of victims of violence against women (such as victims of human trafficking).

Concerning victim protection, the necessary protection measures are assessed in the criminal investigation. The assessment is conducted in accordance with chapter 11, section 9a of the Criminal Investigation Act. In the individual assessment, the personal characteristics of the victim such as his or her age, gender and gender identity or expression, ethnicity, race, religion, sexual orientation, health, disability, residence status, communication difficulties, relationship to or dependence on the offender and previous experience of crime are taken into account. Also the type or nature and the circumstances of the crime such as whether it is a hate crime, a bias crime or a crime committed with a discriminatory motive, sexual violence, violence in a close relationship, whether the offender was in a position of control, whether the victim's residence is in a high crime or gang dominated area, or whether the victim's country of origin is not the Member State where the crime was committed are taken into account. Regarding different types of crime, the need for special protection may arise, in particular, in offences involving sexual violence or abuse, intimate partner violence, gender-based violence, hate crime, trafficking in human beings, offences related to organised crime, and terrorist offences (Government proposal HE 66/2015 p. 46, only in Finnish and Swedish).

If the victim is in need of special protection based on the assessment and the case concerns a sexual offence referred to in chapter 20 of the Criminal Code of Finland or in another criminal case where the injured party has a justified reason for protection due to the nature of the offence, the investigator shall be of the same sex as the injured party if he or she so requests (Criminal Investigation Act, chapter 7, section 21).

The National Police Board of Finland has given guidelines on police action in cases involving domestic violence, intimate partner violence and violence against women (POL-2020-28566). The guidelines provide guidance on measures to be taken into account in these situations. The guidelines emphasise the importance of the discretion required in encountering victims of domestic and intimate partner violence and violence against women and the realisation of the rights of victims of crime.

On the applicability of labour legislation see the answer to question 11.1.

NGOs draw attention to the fact that THB is a gender-based phenomenon. In Finland, most victims admitted to the Assistance system are women.

11.3 What steps are taken to ensure that procedures for obtaining access to justice and remedies are child-sensitive, readily accessible to children and their representatives, and give weight to the child's views?

Criminal procedural legislation includes provisions that aim to protect children in the proceedings.

In a criminal investigation, a person under the age of 18 years shall be treated in the manner required by his or her age and level of development. Particular care shall be taken so that criminal investigation measures do not cause him or her unnecessary inconvenience at school, at work or in other environments important to him or her. To the extent possible, investigation measures directed at persons under the age of 18 years shall be assigned to investigators particularly trained in this function. When necessary, the criminal investigation authority shall consult with a physician or other expert on whether investigation measures may be directed at a person under the age of 18 years (Criminal Investigation Act, chapter 4, section 7).

The court shall appoint a trustee in the criminal investigation for a party under the age of 18 years if there is justified reason to assume that the person having care and custody of the child, the trustee or other legal representative cannot objectively ensure the interests of the party in the matter and the appointment of a trustee is not evidently unnecessary. The appointment as trustee is in force until the conclusion of the criminal proceedings following the criminal investigation in respect of which the appointment has been made (Criminal Investigation Act, chapter 4, section 8).

In a criminal investigation, the authorities conduct an assessment of the victim's special needs for protection during the criminal investigation and trial and of the protection measures required (Criminal Investigation Act, chapter 11, section 9 a). In this assessment, child victims are presumed to have specific protection needs (Government proposal HE 66/2015 vp, p. 45). Therefore, protection measures mentioned above are usually available when the case concerns a child (see answer to question 8.1).

The questioning of an injured party and a witness shall be audio and video recorded if the statement to be given in the questioning is intended to be used as evidence in criminal proceedings and the person to be questioned, due to his or her young age or mental disturbance, probably cannot be heard in person without causing him or her detriment. All police departments have a facility in which the child can be heard and the hearing recorded on a video. In all of the five University Hospitals districts, there are dedicated centres of expertise that specialize in hearing minor victims of a crime. The facilities of these centres have been designed to be child friendly, and interviews are conducted by experts with special training. The police work in a close-knit cooperation with these centres.

The National Institute of Health and Welfare is also coordinating a project to adopt the "Children's House/Barnahus" model in Finland. The objective of the Barnahus project is to mainstream practices compliant with Barnahus standards in investigation processes of suspected cases of violence against children as well as in support and treatment provided for children who have encountered violence. The idea is to enhance the cooperation of different authorities (police, prosecutor, health sector and social sector). In this way it can be better guaranteed that the child will get the help that they need during and after the proceedings.

Under the leadership of police experts in the Barnahus project, the police have drawn up their own operational handbook on children the investigation of violent and sexual crimes.

11.4 What steps are taken to ensure that private entities take steps to prevent and eradicate trafficking from their business or supply chains and to support the rehabilitation and recovery of victims? What options exist for victims of trafficking to access effective remedies from businesses implicated in human trafficking?

The Government Action Plan against Trafficking in Human Beings (2021-2023) contains actions aiming at preventing human trafficking by promoting respect for human rights and fundamental principles and rights at work in public procurement, co-operating with businesses and employers, and by reviewing aspects relating to labour exploitation and anti-trafficking when drafting corporate responsibility legislation. Cooperation between the private and public sectors is considered an important component of anti-trafficking also in an international setting.

Concrete measures include:

- As a part of implementing corporate social responsibility, increased awareness of human trafficking and labour exploitation among businesses and labour market organisations and also awareness of the tools to combat these phenomena. Working together with businesses and labour market organisations on issues of human trafficking in the context of the "IKUT" project coordinated by the Assistance system for victims of human trafficking. Making use of existing information and training materials and supplementing these where necessary.
- Ensuring that combating labour exploitation, including risks in local subcontracting chains, is taken into account in efforts to promote the social responsibility of businesses and the public sector, and emphasising that combating labour exploitation is a component of compliance with ordinary due diligence. Preparing a set of guidelines on how efforts to combat human trafficking and labour exploitation can be taken into account in procurement. These guidelines will include model contractual terms for risk mitigation. The action will be implemented in cooperation with the Procurement Finland action plan for effective public procurement.
- Improving the opportunities for supervision during the term of contracts. Examining ways to improve access to information so that reports on compliance with obligations would be available to contracting entities also during the term of contracts. Clarifying guidelines so as to make workplaces aware of how and to whom problems should be reported. Sharing best practices in bringing problems to light.

11.5 What legal, policy and practical measures are taken in your country to prevent and detect situations where corruption facilitates human trafficking and infringes the right of victims of THB of access to justice and effective remedies? Please provide information on any known or proven cases of corruption or related misconduct of public officials in THB cases and any sanctions issued.

Corruption facilitates human trafficking, and especially organised trafficking requires systematic corruption. The legal, policy and practical measures preventing and detecting especially the situations where corruption facilitates human trafficking relate to the overall legislation and policy measures to prevent corruption and misconduct in public service. Regulatory framework extends from the Criminal Code of Finland to the Act on Civil Servants and to the Police Act, to mention a few.

The National Anti-corruption Strategy and Action Plan adopted in 2021 aims to strengthen the awareness of corruption among authorities and, for example, to strengthen the capabilities to identify and detect cases of corruption.

The National Anti-corruption Strategy and Action Plan (in English):

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163398/VN_2021_68.pdf?sequence=1&isAllowed=y

The Finnish Police have introduced an internal Ethics Channel, through which colleagues may report on misconduct. Implementation of the European Union Whistleblower Directive is being prepared. Human trafficking is not directly included in the Directive or the national implementation, but indirectly different

types of breaches of tax regulation may be relevant, in addition to bribery, with regard to human trafficking and corruption.

Part II – Country-specific follow-up questions

12. Please provide information on new developments in your country since GRETA's second evaluation report concerning:

- *emerging trends of trafficking in human beings (new forms of exploitation, new recruitment methods, vulnerable groups, gender-specific aspects of trafficking, child trafficking);*

There have been no great changes in terms of the main forms of human trafficking prevalent in the Assistance system's statistic. Trafficking for labour exploitation and for sexual exploitation (forced prostitution) are the two main prevalent forms, of which trafficking for forced prostitution has typically taken place outside Finland, whereas labour exploitation cases are more likely to arise from within Finland. In recent years more victims of labour exploitation than victims of sexual exploitation have been referred to the Assistance system. The sectors where labour exploitation takes place in Finland have also more or less remained the same or similar. In recent years (from 2019) more victims who have been exploited in Finland have been referred to the Assistance system than in previous years.

Finland has traditionally differed from other EU countries as Finland has been able to identify more THB for labour exploitation than that of sexual exploitation. One of the challenges of detecting sexual abuse has been that the resources available have been focused on the investigation of reported cases rather than revealing new cases. The National THB Investigation Team, which started operating in early 2021, has a special focus on revealing THB for sexual exploitation. In future, this may appear as a change in the statistics, even though it does not necessarily mean that the trends have changed. The use of call centres abroad in THB and procuring has been seen in Finland only in the past few years.

The number of forced marriage victims has also increased. This is largely due to increased awareness. Although the numbers are moderate, there have been also more referrals to the Assistance system of victims of exploitation in criminal activities.

The situation in Finland is detailed in the Action Plan against Trafficking in Human Beings.

Ihmiskaupan vastainen toiminta ohjelma (in Finnish):

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163078/OM_2021_15_ML.pdf?sequence=1&isAllowed=y

The Action Plan against Trafficking in Human Beings (in English):

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163326/OM_2021_24_ML.pdf?sequence=1&isAllowed=y

- *the legislation and regulations relevant to action against THB (e.g. criminalisation of THB, identification and assistance of victims of THB, recovery and reflection period, residence permit, supply chains, public procurement);*

The Ministry of the Interior has set up a legislative project to review the provisions on the Assistance system for victims of human trafficking. This builds on the Government Programme, which states that the status of victims will be improved, regardless of the progress of related criminal proceedings in a human trafficking case. The project will make proposals for amendments to the Reception Act. Other suggestions for clarifying the application of the Act and the purpose of the Assistance system will also be made.

The proposed amendments would promote both the status of the victim and the interests of society as a whole. Weakening the connection between the provision of assistance and criminal proceedings would increase the detection of human trafficking and referral of victims to assistance. This is expected to have an impact especially on vulnerable victims who are currently afraid to seek help from the authorities. The amendment would also promote the enforcement of criminal liability, as the persons who have sought assistance are better placed to report the abuse they have experienced to the police.

The Government proposal has been submitted to Parliament. The amendments are intended to enter into force on 1 January 2023.

The Ministry of the Interior has commissioned a study on the reflection periods granted to victims of human trafficking during which the victims can decide whether to cooperate with the authorities in apprehending those suspected of human trafficking. At the same time, this will examine how suspicions of trading in sexual services are taken into account in cases where denial of stay is being considered. The study will be carried out by the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI).

The aim is to find out whether there are any challenges or shortcomings in legislation, its application or in the practices of the authorities that prevent the detection of human trafficking and, consequently, prevent the referral of victims of sexual abuse in particular to assistance, prevent the realisation of their rights, and thus also the enforcement of criminal liability.

The study will produce objective information based on comprehensive material analysis for anti-trafficking work and its development. The study is due to be published at the end of 2022. Based on the study, an assessment can be made of possible needs to amend legislation or of other development measures.

In 2021, a new residence permit or certificate due to exploitation by the employer was added to the Aliens Act (section 54b). If the employer has exploited a person and neglected their obligations to a significant degree, an extended permit or a certificate of expanded right to work can be applied for and the employer can be changed. To do this, the applicant must have a residence permit in Finland, which contains the right to work. If the applicant is granted an extended permit or a certificate of expanded right to work due to exploitation by the employer, the applicant will have an unrestricted right to work. An extended permit is granted for the purpose of looking for work or starting a business, and it is valid for one year. A certificate of expanded right to work makes it easier to leave the old employer and start working for a new employer.

The Ministry of the Interior and the Ministry of Economic Affairs and Employment ordered a review of the grounds on which victims of human trafficking are granted residence permits. One of the key questions of the study was how the vulnerability of victims of human trafficking has been assessed. The study indicated that the assessment was diverse, but not consistent in all cases. Section 52 a of the Aliens Act (*ulkomaalaislaki*, 301/2004) concerning a residence permit for a victim of trafficking in human beings was rarely applied. The study recommends that the legislation and application practice should be amended and also that the relevant authorities should be trained. The necessary legislative and other steps are currently being evaluated at the Ministry of the Interior.

In July 2022, reformed provisions on sexual offences in the Criminal Code of Finland were passed. The legislation will enter into force on 1 January 2023. The reform aims to strengthen everyone's right to sexual self-determination and the protection of personal integrity. The definition of rape in the Criminal Code will be explicitly based on consent. Rape is defined as sexual intercourse with a person who does not participate in it voluntarily. The reform will also strengthen the various other provisions on sexual offences.

The Government is preparing to submit its proposed amendments to the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces to Parliament in November 2022. The Government is planning to propose that the Act should be amended by extending the powers of the occupational safety and health authorities to supervise underpayment. The proposal will propose that a written improvement notice and a binding administrative decision could be issued in a matter concerning the employer's obligation to pay at least a salary in accordance with the law and generally applicable collective agreement, the grounds and amount of which can be unambiguously established. The OSH authority may reinforce the obligation by imposing a conditional fine.

In addition, in order to enforce underpayment, it will be proposed that the Act be amended so that the obligation of an OSH authority to notify the police about suspected offences would apply to fraud and extortion offences under the Criminal Code of Finland.

If Parliament adopts the proposal, it will enter into force in 2023.

The OSH authority's obligation to notify the police for pre-trial investigations was extended so that the duty to notify would also apply to human trafficking and aggravated human trafficking. The amendment to the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces entered into force on 15 November 2021.

MONIKA – Multicultural Women's Association is concerned about the discontinuation of the drafting of a separate act on assistance to victims of THB. The current Government proposal for amendments to the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings and for related acts does not respond to all of the problems relating to the position of victims.

- *the institutional and policy framework for action against THB (bodies responsible for co-ordinating national action against THB, entities specialised in the fight against THB, national rapporteur or equivalent mechanism, involvement of civil society, public-private partnerships);*

Established in 2014, the post of Government Anti-Trafficking Coordinator was initially based at the Ministry of the Interior. In 2020, the post was transferred to the Ministry of Justice. The Coordinator is responsible for the coordination in the Government of the action against trafficking in human beings. The Coordinator chairs the Working Group established to prepare the Action Plan against Trafficking in Human Beings and follow its implementation. This Working Group includes members of civil society organisations.

In addition to chairing this Working Group, the Government Anti-Trafficking Coordinator takes part in and leads other development projects against human trafficking and labour exploitation, takes initiatives and cooperates internationally with other countries, the European Commission and international organisations. Currently, she also chairs a Working Group established to prepare a long-term strategy and action plan against exploitation of foreign labour.

The then Ombudsman for Minorities (now the Non-Discrimination Ombudsman) became Finland's National Rapporteur on Trafficking in Human Beings 2009. The duties of the autonomous and independent National Rapporteur include monitoring compliance with international obligations and the effectiveness of the national legislation. The Non-Discrimination Ombudsman issues reports to Parliament. The consideration of the reports has prompted Parliament to issue several resolutions on enhancing legislation and action by the authorities. Among other things, the resolutions have sought to improve the standing of victims of trafficking in human beings and to promote the establishment of criminal liability in trafficking cases. Based on the most recent report, Parliament required the Government to explore the possible needs for amendment of legislation in terms of diminishing the link between assistance to trafficking victims and the criminal justice process and strengthening a victim-driven approach in assistance, as well as with regard to the grounds for trafficking victims' residence permits. In addition, Parliament required the Government to determine the needs for legislative amendments pertaining to expansion of the powers of occupational safety and health authorities to trafficking offences.

- *the current national strategy and/or action plan for combating trafficking in human beings (objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results);*

The Government Anti-Trafficking Coordinator was appointed to chair the group established to prepare an Action Plan to Combat Trafficking in Human Beings, which was agreed by the Government of Prime Minister Sanna Marin. The Ministry of Justice appointed an intersectoral working group on 2 April 2020. The members of the working group were designated to represent the ministries central to anti-trafficking action and the agencies within the ministries' administrative branches as well as civil society actors. The ministries represented on the working group are the Ministry of Justice, Ministry of the Interior, Ministry of Social Affairs and Health, Ministry of Economic Affairs and Employment, and the Ministry for Foreign Affairs. The agencies within the ministries' administrative branches represented on the working group are the Assistance system for victims of human trafficking, the National Police Board and the Office of the Prosecutor General. Members were also appointed to the working group to represent MONIKA – Multicultural Women's Association Finland, the Finnish Refugee Advice Centre, Pro-tukipiste, Victim Support Finland and the European Institute for Crime Prevention and Control (HEUNI). A permanent expert was appointed to the working group to represent the Non-Discrimination Ombudsman, who is Finland's National Rapporteur on Trafficking in Human Beings.

The resolution of Parliament on intensifying efforts to combat human trafficking and on improving the standing of its victims as well as the recommendations issued to Finland by international human rights treaty bodies were taken into account in the preparation of the plan. Experts by experience, civil society organisations and multi-professional networks were consulted during the preparation. Workshops were moreover organised for experts engaged in anti-trafficking action. The aim was to gain a comprehensive picture of the challenges of anti-trafficking and to accumulate perspectives for its development.

The Action Plan is based on five strategic objectives and 55 actions. The plan will promote the detection of human trafficking, improve the standing of victims and enhance the establishment of criminal liability. The plan will also strengthen the mainstreaming of anti-trafficking into the wider activities of the Government and intensify cooperation with civil society. The plan links anti-trafficking closely with analysis, assessment and research activities. The Action Plan seeks to prevent and reduce trafficking in human beings. The plan will be implemented in 2021–2023. The Action Plan was funded by EUR 630,000 and additional EUR 140,000. Its implementation will be monitored and reported by a working group, the steering group chaired by the Permanent Secretary of the Ministry of Justice and the ministerial group chaired by the Minister of Justice on a regular basis. An external assessment of the implementation of the Action Plan will also be carried out.

The Action Plan to Combat Trafficking in Human Beings (in English):

https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163326/OM_2021_24_ML.pdf?sequence=1&isAllowed=y

Examples of the measures:

- The resources of foreign labour supervision has been strengthened.
- Training has been or will be organised and/or training materials have been or will be developed for the occupational safety and health authority, staff in the field of criminal sanctions, aviation and the Employment and Economic Development Offices (TE Offices), instructors in training to migrants (especially in reading and writing instruction) and the staff of municipal employment trials and multi-professional guidance and counselling points, the Finnish Immigration Service, social welfare and healthcare professionals, legal aid offices, prosecutors and the courts.
- The National Referral Mechanism will be prepared.
- Anti-trafficking efforts in policing will be intensified by boosting intelligence-led policing and investigations to uncover crime, strengthening guidance and resources, and leveraging multi-professional approaches and international cooperation.
- The modelling will be leveraged to increase the effectiveness of the prevention and investigation of human trafficking offences.
- Multi-authority cooperation has been systematically developed by various measures.
- The potential for enabling the use of videotaped interviews in court proceedings on human trafficking offences and associated crimes has been assessed and will be proposed to Parliament in autumn 2022.
- The potential for expanding the powers of the Finnish Border Guard to investigate human trafficking offences also when these do not involve the arrangement of illegal immigration has been investigated.
- A peer network of special prosecutors and any other prosecutors who prosecute cases of human trafficking has been established to allow prosecutors to share information and experiences as well as best practices in cases of human trafficking offences.
- The Government-level coordination structure of anti-trafficking action has been reviewed and the coordination has become permanent, with 2 staff members.
- The construction of a cooperation network between authorities and CSOs has been supported and strengthened, the capabilities of actors in identifying human trafficking related to gendered violence and sexual abuse, promoting its detection and referring the victims to assistance have been improved?. Additional funding of EUR 140,000 has been allocated to Victim Support Finland.
- The cooperation between municipalities and the Assistance system for victims of human trafficking has been supported by organising regional discussion forums to share information and experiences in assisting victims and agree on joint policies to ensure trafficking victims' access to assistance and equality in access.
- Awareness of human trafficking and labour exploitation among businesses and labour market organisations has been improved.
- Statistics are under development. According to the Action Plan, Finland will for example develop the statistical database of the Assistance system for victims of human trafficking.

Following studies, which results will be taken into consideration while developing anti-trafficking work and in training, have been published:

- A study of why the provision in the Criminal Code of Finland concerning abuse of a victim of sex trade is only seldom applied. Published in April 2022.

The report assesses the application practice of the criminal provision on the abuse of a victim of sexual trade. The report focuses on the contents and problem areas of the provision. The report also assesses the functioning of the authorities' processes related to the application of the provision. The key finding is that while the fundamental elements of the provision concerning the abuse of a victim of sexual trade function well, the provision is not always applied consistently in practice. It is considered necessary to specify the scope of application of the provision in legal practice. The penal scale determined in the provision is not in line with the abusive nature of the act punishable under the provision. More attention should be paid to the progress of cases involving application of the provision in the criminal procedure. Furthermore, certain amendments improving the position of the injured party should be made to the Code of Judicial Procedure and the Tort Liability Act.

- A study on the application of the criminal provisions on human trafficking and associated crimes (e.g. pandering, extortionate work discrimination, aggravated extortion) and any challenges relating to their application. The study also examined the capacity of criminal procedure legislation in force to promote the identification of victims of human trafficking in the criminal justice process and to safeguard the standing of victims during it. Published in March 2022.

The research report focuses on how criminal provisions on human trafficking and its associated crimes, most notably pandering and extortionate work discrimination, are applied in practice. In addition, the report examines how a suspected act of human trafficking proceeds within the criminal process. One of the most crucial findings is that the nature or character of the act of human trafficking is not fully understood, and this also applies with the understanding of the purpose and the contents of criminal legislation on human trafficking. Human trafficking for forced labour, in turn, should be seen as economic crime, which would more often entail corporate criminal liability and more effective confiscation of the proceeds of crime. The challenges in applying the provisions on human trafficking and associated crimes mostly result from the sparsity of legal practice concerning human trafficking. The phenomenon of human trafficking is not widely known and there is little legal literature and education on it. The status of the victim should also be improved. In addition, attention should be paid to obtaining evidence during criminal investigation and using appropriate and possible coercive measures in investigating human trafficking and associated crimes.

- A review of the status quo relating to the fundamental principle of the legal system of imposing no punishment for a crime a person is compelled to commit (principle of non-punishment). Published in September 2022.

See above.

- A review of the application of the grounds for a residence permit of a victim of human trafficking under the Aliens Act and any challenges encountered in application. Published in September 2021.

The study looked at the types of cases in which victims of trafficking in human beings were identified, and how the Aliens Act was applied in processing their residence permit applications. The primary focus of the study was to examine the application and distinction between sections 52 and 52a of the Aliens Act. A key aspect was to investigate how the vulnerability of victims of trafficking in human beings was assessed and which factors were deemed significant in the assessment of vulnerability. The study showed that it is very difficult for victims of trafficking in human beings to receive a continuous residence permit on the basis of their vulnerable position. The threshold for deeming that a victim of trafficking in human beings is in a particularly vulnerable position was remarkably high. The study made recommendations for legislative amendments and training.

On 16 October 2019, the Government of Åland adopted a strategy of zero tolerance of violence in intimate partner relationships for the years 2020–2030 (“Strategi för nolltolerans mot våld i nära relationer 2020–2030”) (www.regeringen.ax).

The strategy focuses on four comprehensive areas, one of which is improved identification of violence and enhanced protection and assistance for women and children experiencing violence. The strategy includes all manifestations of physical, mental and sexual violence against girls and boys. It also includes honour-based violence and oppression, as well as prostitution and human trafficking for sexual purposes. The strategy also includes children who are living or have lived in family systems characterised by different forms of violence, and the exposure of boys to violence and their physical integrity.

- *recent case law concerning THB for different forms of exploitation.*

Sentences have been imposed for THB relating to both labour exploitation and sexual exploitation. More information about national case law will be provided in conjunction with the evaluation visit.

13. Please provide information on measures taken in your country in respect to the following recommendations made in GRETA’s second evaluation report:

- *develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors and allowing disaggregation concerning sex, age, type of exploitation, country of origin and/or destination;*

Under the Action Plan to Combat Trafficking in Human Beings published in July 2021, a compilation of statistics on human trafficking is being built up. Shared operating models will be developed, including definitions used as the basis for statistics, under the leadership of the Government Anti-Trafficking Coordinator and in cooperation with Statistics Finland and other data-collecting authorities. The commensurable data will be aggregated by Statistics Finland in a coordinated manner. Anti-trafficking coordination will support Statistics Finland in data aggregation.

- *enhance efforts in the area of prevention of child trafficking by paying increased attention to unaccompanied and separated children arriving in Finland;*

The invitation by GRETA to 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 has been acknowledged in the Action Plan against Trafficking in Human Beings.

The Barnahus project incorporates information on child trafficking into its training modules as applicable. For information about the Barnahus project, see answer to question 11.3.

The Finnish police have a small national team based at the National Bureau of Investigation that investigates especially online sex crimes against children and the associated images and video materials. The police are taking part in the national Barnahus project as well, and the aims of this project also include the enhancement and intensification of pre-trial investigations conducted by the police into and relating to online sex crimes against children.

Non-Violent Childhoods, the Action Plan for the prevention of violence against children 2020-2025, was published in 2019. The plan covers the prevention of physical and mental violence, sexual violence and online harassment in different growth and operating environments. The Action Plan is based on national and international provisions and binding treaties as well as on recommendations and guidelines including Article 61 of the UN Convention on the Rights of the Child, the INSPIRE strategy programme of the World Health Organization, the 2030 Agenda Sustainable Development Goals, the Health Care Act (*terveydenhuoltolaki*, 1326/2019) and the Child Welfare Act (*lastensuojelulaki*, 417/2007). The Action Plan is a manual for specialists and students working among children and youth in the social and healthcare services, the police, the education and youth services, the judicial system and organisations. The Action Plan contains 93 measures for preventing violence against children and youth aged 0–17-years. A total of six actions are recorded in the chapter on human trafficking issues. These actions were taken into account in the preparation of the Action Plan to combat trafficking in human beings and their implementation will be promoted in the context of the implementation of the said Plan.

Finland's first National Child Strategy was prepared through parliamentary cooperation and published on 23 February 2021. The Strategy serves to strengthen the realisation of the rights of children who are in a position of vulnerability and have been subjected to violence, and it also caters for efforts to combat child trafficking and other trafficking in human beings. As from 2021, an implementation plan for the strategy is prepared for each government term also determining the more specific actions to achieve the aims of the strategy.

Under the Government Programme of Prime Minister Sanna Marin, a working group to prepare a national action plan for the Lanzarote Convention was appointed. The Action Plan was published in 26 April 2022.

Finland's first Action Plan for the Lanzarote Convention includes a total of 33 measures, which are divided into three themes: the prevention of violence, the protection of children against violence, and the promotion of national and international cooperation against sexual exploitation and sexual violence. The Action Plan will be implemented in 2022–2025. The working group which drew up the Action Plan will now continue its work as a working group monitoring the implementation.

Non-Violent Childhoods - Action Plan for the prevention of violence against Children (in English):
https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162554/STM_2020_34_J.pdf?sequence=1&isAllowed=y

Website for the National Child Strategy (in English):
<https://www.lapsenoikeudet.fi/en/campaign/national-strategy-for-children/>

Press release on the Action Plan for the Lanzarote Convention (in English):
<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>

The Action Plan for the Lanzarote Convention (in Finnish):
https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/164029/STM_2022_8_J.pdf?sequence=1&isAllowed=y

- *make further efforts in the area of prevention of human trafficking for the purpose of labour exploitation by ensuring that labour inspectors are properly trained and resourced;*

Additional resources amounting to 15 full-time equivalent years have been allocated for the supervision of the use of migrant workers, and supervision has been developed to identify victims of labour trafficking. Occupational safety and health inspectors have been provided with the necessary training, in addition to which the Occupational Safety and Health Administration is developing training material for all of the authorities taking part in efforts to combat THB.

A new cooperation model for the prevention and supervision of the exploitation of migrant workers through multi-authority cooperation was published in June 2022. As part of the project, the European Institute for Crime Prevention and Control (HEUNI) prepared a review of how Finland has tackled the exploitation of migrant workers and labour trafficking. The project also developed a mobile application called 'Work Help Finland' for migrant workers coming to or already staying in Finland. The application shares information about the rights and obligations of employees and the key sources of help.

- *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;*

Under the Action Plan to Combat Trafficking in Human Beings, a National Referral Mechanism will be prepared in 2021-2022.

MONIKA – Multicultural Women's Association notes that the creation of the National Referral Mechanism has not progressed in Finland as hoped for since the previous follow-up round. The Association hopes to see the speedy continuation of its preparation and the inclusion of both the gender perspective as well as the special characteristics of exploitation of children.

- *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 cooperation and offering it to victims before formal statements are made to investigators;*

The National Police Board gave new THB guidelines for the police focusing on the rights of the victims in 2020.

Training in identification and investigation of human trafficking was held at each police department a few years ago in collaboration with the Assistance system for victims of human trafficking to identify human trafficking. Since then, the training material has been included in basic police training learning material. The Police University College e-learning platform has a separate online training course on the identification and investigation of human trafficking that all police officers and other personnel can access. A separate course on combating human trafficking started at the Police University College in autumn 2021 and is ongoing.

By summer 2021, each police officer had been required to complete a mandatory online course on foreign affairs, which includes a comprehensive module on human trafficking.

The Finnish Border Guard follows, as appropriate, the guidelines prepared by the police on combating THB. The Border Guard participated in a project coordinated by the National Assistance system for Victims of Human Trafficking aiming to improve the operational preconditions for anti-THB efforts in Finland. The cooperation resulted in the production of online training packages for

in-service training of personnel. In addition, professionals from the National Assistance system have provided personnel with lectures on the topic.

The Finnish Border Guard has organised training for border control and crime prevention personnel. Guidelines, indicators and profiles drawn up by Frontex have been distributed for use at border crossing points, and training officers for the topic have been trained at courses organised by Frontex.

- *ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, including when they are unable to cooperate with the authorities.*

See above (question 12) the information concerning the review of the grounds on which victims of human trafficking are granted residence permits.

The report is only available in Finnish. A summary of the report is available in English. Press release (in English):

[Report: The special provision on trafficking in human beings is rarely used as grounds for a victim's residence permit](#)

The Finnish Immigration Service issued internal guidelines (instructions) "Handling a case of a presumed victim of THB in the Immigration Service's procedures" on 30 January 2020.

The Finnish Immigration Service has also prepared and introduced online training on human trafficking in 2022. The training is a mandatory orientation training for all employees of the Service.

The National Council of Women of Finland notes that, according to a study published in 2021 by the National Rapporteur on Trafficking in Human Beings, the threshold for deeming that a victim of THB is in a particularly vulnerable position is remarkably high and that victims of THB have usually not been granted a residence permit on these grounds.

Part III - Statistics on THB

14. Please provide the following statistics, **per year starting with 2018**, where available disaggregated as indicated below:

- *Number of presumed victims and identified victims of THB in the sense of having been recognised by a state institution or mandated NGO as bearers of rights to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).*

Overall statistics on the number of presumed victims and identified victims of THB are not available.

In Finland, victims of THB are identified by several parties. The statistics below describe the number of persons admitted to the Assistance system for victims of human trafficking.

The statistics do not provide an overall picture of the number of victims of trafficking who have been identified in Finland.

2018

- 163 persons taken in to the Assistance system (presumed or identified victims)
- Women and girls: 87, men and boys: 76
- Type of exploitation: sexual exploitation: 65, labour exploitation: 63, forced marriage: 20, other: 15
- Place of exploitation: Finland: 52, abroad: 111
- Most common nationalities: Nigeria: 23, Iraq: 20, Afghanistan: 19, Somalia: 18, Eritrea: 9, Iran: 8, Bangladesh: 6, Moldova: 5

2019

- 229 persons taken in to the Assistance system
- Women and girls: 146, men and boys: 83
- Type of exploitation: sexual exploitation: 81, labour exploitation: 76, forced marriage: 52, child soldier: 5, forced criminal activity: 6, other: 5, organ trade: 2, forced begging: 2
- Adults: 215, underaged: 14
- Place of exploitation: Finland: 70, abroad: 159
- Most common nationalities: Somalia: 36, Iraq: 34, Afghanistan: 29, Nigeria: 29, Cameroon: 11, Iran: 8, Romania: 6, Finland: 6, Ukraine: 6, Gambia: 5, Nepal: 5

2020

- 247 persons taken in to the Assistance system
- Women and girls: 135, men and boys: 112
- Type of exploitation: sexual exploitation: 62, labour exploitation: 122, forced marriage: 45, child soldier: 2, forced criminal activity: 9, other: 1, organ trade: 1, benefit fraud: 2 witness: 3
- Adults: 237, underaged: 10
- Place of exploitation: Finland: 123, abroad: 124
- Most common nationalities: Iraq: 42, Somalia: 30, Afghanistan: 20, Nigeria: 18, Finland: 16, Nepal: 12, Albania: 11, Gambia: 6, Cameroon: 5, Romania: 5, Sudan: 5, Russian Federation: 5

2021

- 243 persons taken in to the Assistance system
- Women and girls: 147, men and boys: 96
- Type of exploitation: sexual exploitation: 68, labour exploitation: 105, forced marriage: 63, forced criminal activity: 4, other: 2, benefit fraud: 1
- Adults: 215, underaged: 28
- Place of exploitation: Finland: 107, abroad: 136
- Most common nationalities: Iraq: 48, Somalia: 35, Afghanistan: 34, Finland: 17, Iran: 8, Nigeria: 8, Cameroon: 8, Nepal: 5, Syria: 5, Thailand: 5, Ukraine: 5

2022 (1 January - 30 June 2022)

- 139 persons taken in to the Assistance system
- Women and girls: 84, men and boys: 55
- Type of exploitation: sexual exploitation: 36, labour exploitation: 63, forced marriage: 37, other: 1, benefit fraud: 1,
- Adults: 125, underaged: 14
- Place of exploitation: Finland: 66, abroad: 73
- Most common nationalities: Iraq: 26, Somalia: 22, Afghanistan: 14, Finland 9, Nigeria 8, Vietnam: 6, Morocco: 5, Türkiye: 5

- *Number of victims of THB identified as part of the asylum procedure (disaggregated by sex, age, nationality, form of exploitation).*

There is no data available on stated grounds for asylum, such as THB.

Some related data:

Year	Referrals to the Assistance system for VoTs	Referrals made by FIS*
2018	228	52
2019	303	64
2020	394	63
2021	300	77
1 January-30 June 2022	185	47

* Finnish Immigration Service

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

Number of victims in the Assistance system at the end of the year:

2018

- 455 people within the scope of the Assistance system
- Adults: 346, underaged: 15, Underaged children of clients: 94
- Women: 208, men: 153
- Form of exploitation: sexual exploitation: 145, labour exploitation: 136, forced marriage: 38, other: 41

2019

- 676 people within the scope of the Assistance system
- Adults: 505, underaged: 16, Underaged children of clients: 155
- Women: 320, men: 201
- Form of exploitation: sexual exploitation: 202, labour exploitation: 192, forced marriage: 83, other: 17, forced criminal activity: 10, child soldier: 9, organ trade: 5, forced begging: 2

2020

- 916 people within the scope of the Assistance system
- Adults: 691, underaged: 13, Underaged children of clients: 212
- Women: 418, men: 286
- Form of exploitation: sexual exploitation: 246, labour exploitation: 279, forced marriage: 121, other: 18, forced criminal activity: 17, child soldier: 11, organ trade: 4, benefit fraud: 3, witness: 3, forced begging: 2

2021

- 1,132 people within the scope of the Assistance system
- Adults: 856, underaged: 24, Underaged children of clients: 252
- Women: 525, men: 355
- Form of exploitation: sexual exploitation: 281, labour exploitation: 359, forced marriage: 176, other: 25, forced criminal activity: 17, child soldier: 11, organ trade: 3, benefit fraud: 3, witness: 3, forced begging: 2

2022 (1 January - 30 June 2022)

- 1,184 people within the scope of the Assistance system (30 June 2022)
- Adults: 919, underaged: 30, Underaged children of clients: 235
- Women: 565, men: 384
- Form of exploitation: sexual exploitation: 292, labour exploitation: 391, forced marriage: 200, other: 26, forced criminal activity: 16, child soldier: 11, organ trade: 3, benefit fraud: 4, witness: 4, forced begging: 2d

➤ *Number of child victims of THB who were appointed legal guardians.*

No data available.

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

The data on the number of reflection periods issued by the Assistance system:

2018

- The Assistance system granted a reflection period to 9 people
- Women: 5, men: 4

2019

- The Assistance system granted a reflection period to 23 people
- Women: 19, men: 4

2020

- The Assistance system granted a reflection period to 24 people
- Women: 15, men: 9

2021

- The Assistance system granted a reflection period to 16 people
- Women: 9, men: 7

2022 (1 January – 30 June 2022)

- The Assistance system granted a reflection period to 7 people
- Women: 2, men: 5

The data on the number of reflection periods issued by the police:

2018

- The police granted a reflection period to 0 persons

2019

- The police granted a reflection period to 1 person

2020

- The police granted a reflection period to 1 person

2021

- The police granted a reflection period to 2 persons

2022

- The police have granted a reflection period to 0 persons

➤ *Number of victims of THB granted a residence permit, with an indication of the type of the permit and its duration (disaggregated by sex, age, nationality, form of exploitation).*

There is no data available disaggregated by sex, age, nationality, etc.

Data on the type and duration of the issued permits.

Residence permit for a victim of THB (section 52a of the Aliens Act), positive decisions	2018	2019	2020	2021	2022	Total
Type of residence permit (A/B) and duration (in days)						
A	4	2	7	14	6	33
253	1					1
366			1	6	2	9
367		1				1
1462	3	1	6	8	4	22
B	1	10	6	15	10	42
308	1					1
366		1	5	14	10	30
367		8				8
479		1				1
591				1		1
617			1			1
TOTAL	5	12	13	29	16	75

- *Number of persons given refugee status or subsidiary/complementary protection on the grounds of being victims of THB (disaggregated by sex, age, nationality, form of exploitation).*

No data available.

- *Number of victims of THB who claimed compensation, who were granted compensation and who effectively received compensation (disaggregated by sex, age, nationality, form of exploitation, with an indication of whether the compensation was provided by the perpetrator or the State, and the amount awarded).*

Year	Number of victims of THB who claimed compensation	Compensation granted	Form of exploitation: sexual exploitation	Form of exploitation: forced labour
2018	32	32	3	29
2019	7	7	7	
2020	2	2	2	

- *Number of victims of THB who received another form of financial support from the State, with an indication of the amount received.*

No data available.

- *Number of victims of THB who received free legal aid.*

No data available.

- *Number of victims of THB who were returned or repatriated to/from your country (disaggregated by sex, age, country of destination, form of exploitation).*

No data available.

- *Number of investigations into THB cases (disaggregated by type of exploitation, with an indication of the number of victims concerned).*

Year	Number of investigations	Number of victims
2018	79	79
2019	79	83
2020	111	123
2021	129	128

Type of exploitation not available.

Since 2021, the National Bureau of Investigation has maintained a situational picture of human trafficking offences broken down by offence type, type of abuse, victim's minor age and location.

- *Number of prosecutions in THB cases (disaggregated by type of exploitation, with an indication of the number of victims and defendants concerned).*

Year	Number of prosecutions (=number of persons prosecuted)	Type of exploitation: Sexual exploitation	Type of exploitation: Forced labour
2018	8	-	-
2019	2	2	0
2020	5	4	1

Year 2018 type of exploitation not available.

Number of victims not available.

- *Number of convicted perpetrators of THB (disaggregated by sex, age, nationality, form of exploitation).*

Year	Number of convicted perpetrators	Male	Female	Age (0-17)	Age (18+)	Form of exploitation: Sexual exploitation
2018	4	4	0	0	4	-
2019	2	2	0	0	2	2
2020	4	2	2	2	2	4

Year 2018 type of exploitation not available.

Year	Nationality: Finland	Nationality: Romania	Nationality: Nigeria	Nationality: Nepal
2018	1	2	0	1
2019	1	1	0	0
2020	4	0	0	0

- *Number of convictions for THB, with an indication of the form of exploitation, whether the victim was adult or child, the type and duration of the penalties, and whether they were effectively enforced or suspended.*

Year	Number of convictions	Number of convictions containing deprivation of liberty 0-1 years	Number of convictions containing deprivation of liberty 1-3 years	Number of convictions containing deprivation of liberty 3-5 years	Number of convictions containing deprivation of liberty 5-10 years	Form of exploitation: Sexual exploitation
2018	4	0	4	0	0	-
2019	2	0	0	1	1	2
2020	4	1	3	0	0	4

- No information if penalty is effectively enforced or suspended
- Information of victims not available

- *Number of judgments in THB cases resulting in the confiscation of assets.*

Year	Number of judgments in THB cases resulting in the confiscation of assets
2018	2
2019	1
2020	1

- *Number of convictions of legal entities for THB.*

Year	Number of judgments resulting in the closure of a business
2018	1
2019	0
2020	0