



GRETA

GROUP OF EXPERTS
ON ACTION AGAINST
TRAFFICKING IN HUMAN BEINGS

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**Report concerning the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Finland**

SECOND EVALUATION ROUND

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Table of contents

Preamble	4
I. Introduction	5
II. Main developments in the implementation of the Convention by Finland	7
1. Emerging trends in trafficking in human beings and types of exploitation	7
2. Developments in the legal framework	8
3. Developments in the institutional framework	8
4. National Action Plans	9
5. Training of relevant professionals	9
6. Data collection and research	11
III. Article-by-article findings	13
1. Prevention of trafficking in human beings	13
a. Measures to raise awareness (Article 5)	13
b. Measures to prevent THB for labour exploitation (Article 5)	14
c. Measures to prevent trafficking in children (Article 5)	15
d. Measures to prevent trafficking for the purpose of organ removal (Article 5)	16
e. Measures to discourage demand (Article 6)	17
f. Border measures (Article 7)	18
2. Measures to protect and promote the rights of victims, guaranteeing gender equality	19
a. Identification (Article 10)	19
b. Assistance measures (Article 12)	23
c. Identification and assistance of child victims of THB (Articles 10 and 12)	26
d. Protection of private life (Article 11)	29
e. Recovery and reflection period (Article 13)	29
f. Residence permits (Article 14)	30
g. Compensation and legal redress (Article 15)	32
h. Repatriation and return of victims (Article 16)	33
3. Substantive criminal law	36
a. Criminalisation of THB (Article 18)	36
b. Criminalisation of the use of services of a victim (Article 19)	37
c. Corporate liability (Article 22)	38
d. Non-punishment of victims of trafficking in human beings (Article 26)	38
4. Investigation, prosecution and procedural law	39
a. Measures related to effective investigations (Articles 1, 27 and 29)	39
b. Protection of witnesses and victims (Articles 28 and 30)	41
c. Jurisdiction (Article 31)	42
5. International co-operation and co-operation with civil society	43
a. International co-operation (Articles 32 and 33)	43
b. Co-operation with civil society (Article 35)	44
IV. Conclusions	45
Appendix List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations	51
Government's comments	52

Preamble

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

GRETA is composed of 15 independent and impartial experts coming from a variety of backgrounds, who have been selected on the basis of their professional experience in the areas covered by the Convention. The term of office of GRETA members is four years, renewable once.

GRETA's country-by-country monitoring deals with all parties to the Convention on an equal footing. In accordance with Article 38, paragraph 1, of the Convention, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is to be based and defines the most appropriate means to carry out the evaluation. GRETA adopts a questionnaire for each evaluation round which serves as the basis for the evaluation and is addressed to all parties.

The first evaluation round was launched in February 2010 and the questionnaire for this round was sent to all parties according to a timetable adopted by GRETA, which reflected the time of entry into force of the Convention for each party. GRETA organised country visits to all parties in order to collect additional information and have direct meetings with relevant actors, both governmental and non-governmental. By the beginning of 2014, most of the parties had been or were being evaluated for the first time, whilst the number of parties to the Convention continues to grow.

GRETA decided to launch the second evaluation round of the Convention on 15 May 2014. Following the first round of monitoring, which provided an overview of the implementation of the Convention by each party, GRETA has decided to examine during this new evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of the second evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA.

GRETA's reports are based on information gathered from a variety of sources and contain recommendations intended to strengthen the implementation of the Convention by the party concerned. In its recommendations, GRETA has adopted the use of three different verbs - "urge", "consider" and "invite" - which correspond to different levels of urgency of the recommended action for bringing the party's legislation and/or practice into compliance with the Convention. GRETA uses the verb "urge" when it assesses that the country's legislation or policy are not in compliance with the Convention, or when it finds that despite the existence of legal provisions and other measures, the implementation of an obligation of the Convention is lacking. In other situations, GRETA "considers" that it is necessary to make improvements in order to fully comply with an obligation of the Convention. By "inviting" a country to pursue its efforts in a given area, GRETA acknowledges that the authorities are on the right track.

As regards the procedure for the preparation of reports, GRETA examines a draft report on each party in a plenary session. The process of confidential dialogue with the national authorities allows the latter to provide, within two months, comments on GRETA's draft report with a view to providing additional information or correcting any possible factual errors. These comments are taken into account by GRETA when establishing its final report. The final report is adopted by GRETA in a plenary session and transmitted to the party concerned, which is invited to submit any final comments. At the expiry of the time-limit of one month GRETA's report, together with eventual final comments made by the national authorities, are made public and sent to the Committee of the Parties to the Convention.

I. Introduction

1. The first evaluation of the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings ("the Convention") by Finland took place in 2013-2015. Following the receipt of Finland's reply to GRETA's first questionnaire on 31 January 2014, a country evaluation visit was organised from 9 to 13 June 2014. The draft report on Finland was examined at GRETA's 21st meeting (17-21 November 2014) and the final report was adopted at GRETA's 22nd meeting (16-20 March 2015). Following the receipt of the Finnish authorities' comments, GRETA's final report was published on 4 June 2015.¹

2. In its first report on Finland, GRETA welcomed the development of the legal and policy framework in the field of action against trafficking in human beings (THB), the appointment of a National Rapporteur on Trafficking in Human Beings in 2009 and a National Anti-Trafficking Co-ordinator in 2014. GRETA urged the Finnish authorities to improve victim identification procedures by introducing a National Referral Mechanism and guaranteeing that, in practice, identification is dissociated from the victim's co-operation in the investigation. While welcoming the provision in Finnish law of a recovery period longer than the minimum of 30 days envisaged in the Convention, GRETA urged the Finnish authorities to ensure that all possible victims of trafficking are offered such a period, as well as all the measures of protection and assistance envisaged in the Convention during this period, regardless of the victims' willingness to co-operate with the police. Further, GRETA welcomed the setting up of a national assistance system for victims of trafficking and the existence of a statutory basis on which victims can receive assistance. At the same time, GRETA urged the Finnish authorities to ensure that the assistance provided to victims of trafficking is adapted to their specific needs and that minimum standards are guaranteed across the country, regardless of the service provider. Moreover, GRETA urged the Finnish authorities to adopt additional measures to facilitate and guarantee access to compensation for victims of trafficking. Concerned by the low number of convictions for human trafficking, GRETA urged the authorities to ensure that human trafficking offences are proactively investigated, leading to proportionate and dissuasive sanctions.

3. On the basis of GRETA's report, on 15 June 2015 the Committee of the Parties to the Convention adopted a recommendation to the Finnish authorities, requesting them to report back on the measures taken to comply with this recommendation by 15 June 2017.² The report submitted by the Finnish authorities was considered at the 21st meeting of the Committee of the Parties (13 October 2017). The Committee of the Parties decided to transmit the authorities' report to GRETA for consideration and to make it public.³

4. On 5 September 2017, GRETA launched the second round of evaluation of the Convention in respect of Finland by sending the questionnaire for this round to the Finnish authorities. The deadline for submitting the reply to the questionnaire was 5 February 2018 and Finland submitted its reply on this date.⁴

5. In preparation of the present report, GRETA used the reply to the questionnaire by the Finnish authorities, the above-mentioned report submitted by them to the Committee of the Parties and information received from civil society. An evaluation visit to Finland took place from 11 to 15 June 2018 in order to hold meetings with relevant actors, collect additional information and assess the practical implementation of adopted measures. The visit was carried out by a delegation composed of:

- Mr Davor Derenčinović, member of GRETA;
- Ms Rita Theodorou Superman, member of GRETA;
- Mr Mats Lindberg, Administrator in the Secretariat of the Convention.

¹ Available at: <http://rm.coe.int/1680631bee>

² Available at: <http://rm.coe.int/1680631beb>

³ Available at: <http://rm.coe.int/cp-2017-20-rr-fin-en/16807455b4>

⁴ Available at: <https://rm.coe.int/greta-2018-2-rq2-fin/168078b19b>

6. During the visit, the GRETA delegation met officials from the Ministry of the Interior, including the Immigration Service and the Assistance System for Victims of Trafficking, the Ministry of Foreign Affairs, the Ministry of Social Affairs and Health, the Ministry of Economic Affairs and Employment, the Ministry of Justice, the National Police Board, the National Bureau of Investigation, and the Border Guard. Moreover, GRETA met representatives of the Office of the Prosecutor-General and the Supreme Court, as well as police officers and prosecutors in Helsinki and Oulu. Further, the delegation held consultations with the Non-Discrimination Ombudsman, Ms Kirsi Pimiä, who acts as National Rapporteur on Trafficking in Human Beings, as well as with the Ombudsman for Children, Mr Tuomas Kurttila. Discussions were also held with members of the Finnish Parliament's Legal Affairs Committee, Administration Committee and Employment and Equality Committee.
7. In the course of the visit, the delegation visited a shelter for female victims of human trafficking and their children, a safe house for female victims of domestic violence in Helsinki, and a house run by the Evangelical Lutheran Church in Oulu, offering short-term accommodation for vulnerable men and women, including possible victims of labour exploitation. Further, the GRETA delegation visited the unit for unaccompanied children at the Oulu Reception Centre for Asylum Seekers.
8. Separate meetings were held with representatives of non-governmental organisations (NGOs), lawyers, researchers and the Association of Finnish Local and Regional Authorities, as well as with the International Organization for Migration (IOM).
9. The list of the national authorities, NGOs and other organisations with which the delegation held consultations is set out in the Appendix to this report. GRETA is grateful for the information provided by them.
10. GRETA wishes to place on record the co-operation provided by the Finnish authorities and in particular by the contact person appointed by them to liaise with GRETA, Ms Liisa Valjento of the Legal Service of the Ministry for Foreign Affairs.
11. The draft of the present report was approved by GRETA at its 33rd meeting (3-7 December 2018) and was submitted to the Finnish authorities for comments on 19 December 2018. The authorities' comments were received on 20 February 2019 and were taken into account by GRETA when adopting the final report at its 34rd meeting (18-22 March 2019). The report covers the situation up to 22 March 2019; developments since that date are not taken into account in the following analysis and conclusions. The conclusions summarise the progress made, the issues which require immediate action and the other areas where further action is needed (see pages 49-56).

II. Main developments in the implementation of the Convention by Finland

1. Emerging trends in trafficking in human beings and types of exploitation

12. Finland is primarily a country of destination for trafficked persons and to some extent also a country of transit and origin. The statistics on presumed victims of THB provided by the Joutseno Reception Centre for asylum seekers, which co-ordinates the national Assistance System for victims of THB, concern victims admitted to the Assistance System.⁵ In 2015, there were 52 persons (16 men and 36 woman) newly admitted to the Assistance System, of whom 18 were trafficked for sexual exploitation, 27 for labour exploitation and seven for other purposes, including forced marriage. In 2016, 130 new presumed victims (44 men and 86 women) were admitted, 45 of whom were trafficked for sexual exploitation, 61 for labour exploitation and 24 for other purposes, including forced marriage, forced criminality and organ removal. In 2017, 127 new presumed victims (57 men and 69 women⁶) were admitted to the Assistance System, 46 of whom were trafficked for sexual exploitation, 58 for labour exploitation and 23 for other purposes, including forced marriage, forced criminality and forced military service. In 2018, 163 new presumed victims (87 women and 76 men) were admitted to the Assistance System, 65 of whom were trafficked for sexual exploitation, 63 for labour exploitation and 35 for other purposes, including forced marriage, forced criminality and organ removal. Out of the total of 472 victims admitted to the Assistance System over the period 2015-2018, 53 were children. The main countries of origin of the victims were Nigeria, Somalia, Thailand, Afghanistan and Iraq. The majority of the presumed victims of THB were exploited abroad, before arriving in Finland. There were at least seven Finnish citizens among the victims.

13. In 2015, there was a sharp increase in the number of asylum seekers and migrants arriving in Finland from war-torn conflict regions in the Middle East and Asia (32,467 asylum seekers, including 3,009 unaccompanied or separated children). This led to the increase in the number of presumed victims of trafficking referred to the Assistance System. The number of asylum seekers dropped in subsequent years: 5,646 in 2016, 5,046 in 2017 (including 134 of which by unaccompanied children) and 4,548 in 2018 (including 105 unaccompanied children). Most asylum seekers came from Afghanistan, Eritrea, Iraq, the Russian Federation, Somalia, Syria and Thailand.

14. Following amendments to the International Protection Act in 2015 (see paragraph 92), the Police, the Border Guard, the Immigration Service and the Assistance System can formally identify victims of THB. The Police identified 27 victims of THB in 2015, 96 in 2016, 85 in 2017 and 84 in 2018. The Border Guard identified five victims of THB in 2015, two in 2016, none in 2017 and one in 2018. Statistics on victims identified by the Assistance System are available as of 1 July 2015: in the second half of 2015, there were 14 victims formally identified (13 female and one male), in 2016, seven victims (five female and two male), and in 2017, 22 victims (15 female and seven male).

⁵ These numbers do not include victims who have been referred to the Assistance System, but have not been accepted into it, or have not agreed to be referred. Moreover, not all presumed victims of THB referred to the Assistance System are subsequently identified as victims of THB, as identification depends on the Police completing an investigation into THB, the Immigration Service granting the victim a renewable residence permit based on Section 52a of the Aliens Act or the Assistance System formally identifying a victim (see paragraphs 93 and 155).

⁶ For one victim, the sex is not specified.

2. Developments in the legal framework

15. Amendments to Act 746/2011 on the Reception of Persons Seeking International Protection and on Identifying Victims of Human Trafficking ("International Protection Act") entered into force on 1 July 2015, giving the Assistance System for victims of trafficking the competence to formally identify victims and grant them a recovery or reflection period. As noted in GRETA's first report on Finland, the Assistance System for victims of THB was set up in 2006 under the co-ordination of the Finnish Immigration Service. Since November 2012, the responsibility for co-ordinating the provision of assistance to victims of THB in Finland has been given to the Joutseno Reception Centre for asylum seekers.⁷

16. Further, amendments to the Criminal Code (CC) adopted in December 2014, clarifying the difference between pimping and THB for the purpose of sexual exploitation,⁸ entered into force on 1 January 2015. Another amendment to the CC, which makes it possible to prosecute persons who buy sexual services despite having reasons to suspect that the person providing these services is a victim of THB, was adopted in March 2015 and entered into force on 1 June 2015.⁹

17. An amendment to the Aliens Act transferred the mandate for renewing residence permits from the Police to the Immigration Service as of 1 January 2017 (see paragraph 157).

18. Finland ratified the 2014 Protocol to the ILO 1930 Forced Labour Convention in January 2017, which entered into force in respect of Finland on 27 January 2018.

19. The above-mentioned legal developments are discussed in further detail in later parts of this report (see paragraphs 81, 92, 147 and 193).

3. Developments in the institutional framework

20. On 1 January 2017 the Assistance System became part of the Finnish Immigration Service, but it maintains its status as an independent decision-maker in the field of assistance to victims of THB. There are at present seven staff employed by the Assistance System, of whom four are located at the Joutseno Reception Centre, two at the Immigration Service in Helsinki, and one at the Oulu Reception Centre.

21. Until 2015, the function of National Rapporteur on THB formed part of the tasks of the Finnish Ombudsman for Minorities. Since then, it has formed part of the mandate of the Non-Discrimination Ombudsman. The National Rapporteur on THB submits a report to Parliament once every four years; the most recent report was published in 2018.¹⁰

22. The first National Co-ordinator against THB was appointed in spring 2014 and took up his duties in the Police Department of the Ministry of the Interior in June 2014. The National Co-ordinator resigned in February 2018, following criticisms regarding the co-ordination work. In spring 2018 the Police Department of the Ministry of the Interior commissioned an external evaluation of the National Co-ordinator's function and the resulting report was published in June 2018.¹¹ According to it, the national co-ordination of anti-trafficking action has not functioned as expected. Among the shortcomings mentioned is a lack of communication between the National Co-ordinator and stakeholders. The evaluation recommended that the National Co-ordinator's function be maintained, at least until a longer experience of it has been gained, and kept within the Police Department of the Ministry of the Interior. The evaluation report proposed various measures to improve the functioning of the National Co-ordinator. In January 2019 a new National Co-ordinator against THB was appointed, who is again an official within the Police Department of the Ministry of the Interior.

⁷ See paragraph 143 of the first GRETA report.

⁸ See paragraph 201 of the first GRETA report.

⁹ See paragraph 111 of the first GRETA report.

¹⁰ Available at: <https://www.syrjinta.fi/documents/14490/0/The+report+of+the+Non-Discrimination+Ombudsman+to+the+Parliament/9b16017c-b442-4805-8927-9f60f1d5c681> (fourth chapter).

¹¹ The report is available in Finnish at: <https://valtioneuvosto.fi/julkaisut/julkaisu?pubid=URN:ISBN:978-952-324-229-6>

4. National Action Plans

23. In its first report, GRETA urged the Finnish authorities to adopt as a matter of priority a new or updated action plan and/or strategy against THB, accompanied by a mechanism for monitoring its implementation.

24. A Government Action Plan against Human Trafficking for the period 2016–2017 was adopted by the Ministerial Working Group on Internal Security and Administration of Justice on 4 October 2016.¹² Among the main goals listed in the plan were the further development of the anti-trafficking co-ordination function and the development of a National Referral Mechanism (NRM). Other measures related to monitoring the application of legislation, improving the detection of victims of THB, strengthening capacities of law enforcement agencies to combat THB, training and awareness-raising, research, developing international co-operation, and enhancing children's rights. The government had secured financial resources of approximately 500,000 Euros for the implementation of projects in connection with the Action Plan. However, NGOs expressed criticism that the Action Plan did not have clearly defined priorities, concrete activities and responsible stakeholders, and that there was no clear budget allocation per action.

25. GRETA was informed that the implementation of the 2016-2017 Action Plan would be evaluated, a new Plan prepared and a National Referral Mechanism introduced after the appointment of a new National Co-ordinator (see paragraph 22).

26. **GRETA urges the Finnish authorities to adopt as a matter of priority a National Action Plan and/or strategy addressing all forms of THB, in which concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated, accompanied by a mechanism for monitoring its implementation and evaluating its impact.**

5. Training of relevant professionals

27. In its first report, GRETA considered that the Finnish authorities should take further steps to provide specialised and continuous training to professionals who may come into contact with victims of THB, in particular police officers, prosecutors, judges, labour inspectors, municipal officials, health professionals, social workers and teachers.

28. The Assistance System is currently implementing an EU-funded project called IHME, running from September 2017 to May 2019, the aim of which is to train police and border guard officers in Finland to better understand the human trafficking phenomenon, to identify victims of trafficking, and to refer them to assistance. The project also aims to increase the capacity of police and border guard officers to investigate THB crimes. The project consists of hands-on training given at each police and border guard department, as well as designing and creating comprehensive training modules in co-operation with the Police University College and the Border and Coast Guard Academy. The training modules are divided into two parts: basic training and further training. The former focuses on describing THB as a phenomenon and the identification and referral of victims of THB, whereas the latter focuses on pre-trial investigations and characteristics of the THB offences. By February 2019, 350 police officers and police students and 430 border and coast guard officers and students have taken part in the training. Officials from the Assistance System have been involved in delivering the training which will be concluded in the spring of 2019. Further, GRETA was informed that the Police University College was taking part in a joint project with the Assistance System to create an online course on THB for police officers.

¹² Available at:

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79762/Ihmiskaupan%20vastainen%20toimintaohjelma_eng.pdf

29. All case workers in the Asylum Unit of the Immigration Service are provided with training in THB. In co-operation with the Immigration Service's Reception Unit, the Assistance System provides annual training to staff of all asylum reception centres in Finland on identification and referral of THB victims. This training is not obligatory, but according to the authorities, there has been an increase in referrals of presumed victims of THB by asylum reception centres to the Assistance System.
30. Since 2014, a total of nine days of training related to THB have been provided to prosecutors, with a total of 71 participants.
31. The Ministry of Justice organises annual courses on the case-law of the European Court of Human Rights, which include the topic of THB; some 30-40 judges take part in them every year.
32. In 2014 labour inspectors received training about THB from an expert of the Assistance System. The existing guidelines for labour inspectors on the supervision of foreign labour were updated in 2015. Nevertheless, the Finnish authorities acknowledge the need for more training for labour inspectors on the identification of victims of THB.
33. Training for representatives of unaccompanied asylum-seeking children (see paragraph 68) has been provided by NGOs, but it is unclear to what extent it covered THB. Such training has also been provided by the Finnish Immigration Service, together with the Ministry of Economic Affairs and Employment. It appears that there is no systematic training of legal representatives of unaccompanied children and the Children's Ombudsman has recommended that the qualifications and training of legal representatives be regulated.
34. In the context of the "Nordic-Baltic Partnership with Passenger Ferry Companies to Encounter Trafficking in Human Beings on the Baltic Sea", IOM and the European Institute for Crime Prevention and Control (HEUNI) organised in 2016 a series of training events for ferry staff to increase their awareness of THB and capacity to identify and refer potential victims.
35. The Finnish Border Guard continues to provide training in combating and identifying THB and irregular migration to representatives of airlines' ground services. This training is provided whenever an airline introduces a new route to Finland from what is considered an at-risk area.
36. IOM Finland conducted an online survey to assess the level of awareness of THB among health-care professionals in Finland. The results showed that over 90% of the 242 respondents had not received anti-THB training. In response, IOM Finland created the HOIKU project (2017-2019) to develop guidance and training for health-care staff, social workers and professionals of different grassroots-level organisations on identifying, referring and assisting victims of THB. This project is co-ordinated by IOM and funded by the Funding Centre for Social Welfare and Health Organisations (STEA).¹³ The HOIKU project has produced a manual with information on indicators of THB and questions to be asked.¹⁴ After testing it on a pilot basis in several health-care centres, the manual was launched nationwide in January 2018. As part of the project, 288 social and health-care professionals in Tampere, Turku, Kuopio, Lappeenranta, Rovaniemi, Oulu and the Helsinki area were trained in the identification of victims of THB in the spring of 2018.

¹³ STEA, a State-aid authority operating in connection with the Ministry of Social Affairs and Health, is responsible for the preparation, payment, monitoring and impact evaluation of funds granted to social and health organisations from Veikkaus Oy's (national lottery company) gaming income.

¹⁴ Available at: <https://valtioneuvosto.fi/documents/1271139/6464455/Ihmiskaupan+uhrin+ensivaiheen+tunnistaminen+ja+palveluohjaus+2017.pdf/da878a35-e38f-492d-a9b6-159b1c616e2c> (in Finnish).

37. In 2017 the NGO Victim Support Finland (RIKU) provided training for municipal social workers on assistance to victims of THB, with the participation of the National Assistance System and Pro-tukipiste. A similar training is foreseen in 2018. In December 2018 the specialised NGOs Finnish Refugee Advice Centre, Pro-tukipiste, Monika Multicultural Women's Association and Victim Support Finland held a training for lawyers on providing legal assistance to victims of trafficking.

38. While welcoming the efforts made in Finland to train professionals on issues related to human trafficking, GRETA considers that the Finnish authorities should take further steps to provide specialised and continuous training to all professionals who may come into contact with victims of THB, including child victims, to enable them to identify victims and refer them to assistance. Professionals involved in the provision of assistance to victims of THB, in particular at the municipal level, including health-care staff and social workers, should receive further training on the legislation in force as regards THB victims' rights to assistance, including specialised services, legal aid and compensation.

6. Data collection and research

39. In its first report, GRETA urged the Finnish authorities to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors.

40. There have been no changes in the data collection system on THB in Finland.¹⁵ Several agencies collect different data. As explained in paragraph 12, the data provided by the Assistance System includes only presumed victims of THB who have been accepted into the Assistance System.

41. The Finnish Police collects statistics on THB offences. Further, a data collection system called AIPA is being developed to centralise data from all courts. Since February 2017, different features of the AIPA system have gradually been put into use and the system is expected to be fully operational by the end of November 2021.

42. As of January 2017, the Immigration Service is the sole authority responsible for collecting statistics on residence permits, while earlier the Police were also involved.

43. For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA once again urges the Finnish authorities to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including specialised NGOs, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database.

44. The Non-Discrimination Ombudsman, in her capacity as National Rapporteur on Trafficking in Human Beings, monitors the implementation of international obligations and national legislation on THB in Finland, including as regards assistance to victims of THB. The National Rapporteur's 2018 report to Parliament stressed the need for allocating sufficient resources to enable the National Rapporteur to produce analytical reports to inform decision-making and to assist victims of THB in exercising their rights, including during criminal proceedings.¹⁶

¹⁵ See paragraph 83 of the first GRETA report.

¹⁶ 2018 Report of the Non-Discrimination Ombudsman to Parliament, K6/2018 vp, available at: https://www.syrjinta.fi/web/en/reporttoparliament?p_p_auth=Tmm8h7Rb&p_p_id=49&p_p_lifecycle=1&p_p_state=normal&p_p_mode=view&_49_struts_action=%2Fmy_sites%2Fview&_49_groupId=14490&_49_privateLayout=false

45. The Helsinki-based European Institute for Crime Prevention and Control, HEUNI, in collaboration with the National Rapporteur on Trafficking in Human Beings, prepared a research report published in March 2018 which explored the extent to which the relevant legislation and its practical application support the identification and referral to assistance of victims of THB in Finland.¹⁷ The report, entitled "An unknown future: A report on the effectiveness of legislation concerning assistance for victims of human trafficking", examines all aspects of the provision of assistance to victims of trafficking in Finland. It contains recommendations, including to adopt a law on assisting victims of human trafficking which would make the provision of assistance not dependent on the opening of criminal proceedings and more victim-oriented; failing this, the report recommends that the status of victim of human trafficking should be provided under the general social welfare and health-care legislation by laying down provisions on victims as beneficiaries of social and health-care services in municipalities.

46. In 2016 HEUNI participated in a project entitled "Nordic-Baltic Partnership with Passenger Ferry Companies to Encounter Trafficking in Human Beings on the Baltic Sea", co-ordinated by IOM and supported financially by the Nordic Council of Ministers. The main outcome of the project was a study entitled "Addressing Human Trafficking on the Baltic Sea", released in September 2016.¹⁸ The research concludes that, while THB might not be a significant problem in the ferry industry in the Baltic Sea region at present, the prevention of trafficking and related phenomena could become incorporated as a more integral element of the ethical and social responsibilities of the ferry companies.

47. HEUNI is currently implementing a project on preventing exploitation of the workforce and trafficking in human beings through corporate social responsibility, which forms part of the Nordic Counter Trafficking for Forced Labour Project. A guide and training material for companies using subcontractors are expected to be prepared.

48. The Ministry of Justice published a study¹⁹ in September 2017 on the occurrence of forced marriages in Finland, which refers to cases of forced marriage investigated or prosecuted as THB (see paragraph 213).

49. GRETA welcomes the research conducted in the reporting period as regards different aspects of THB and invites the Finnish authorities to continue conducting and supporting research on THB-related issues and emerging trends as an important source of information on the impact of current policies as well as a basis for future measures. An area where research could be commissioned is on the possible links between online streaming of sexual abuse of children and human trafficking.

¹⁷ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office; *Tuntematon tulevaisuus selvitys ihmiskaupan uhrien auttamista koskevan lainsäädännön toimivuudesta* (An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking). *Valtionneuvoston selvitys – ja tutkimustoiminnan julkaisusarja*, 24/2018, published by the Prime Minister's Office, 16 March 2018. Available at: <https://tietokayttoon.fi/julkaisu?pubid=25401> (in Finnish). A summary of the report is available in English at: <https://tietokayttoon.fi/documents/1927382/2158283/An+unknown+future.pdf/de58c765-d4f7-4ddf-b23c-345ec1c65686/An+unknown+future.pdf.pdf>

¹⁸ Natalia Ollus and Anni Lietonen; *Addressing Human Trafficking in the Baltic Sea*; HEUNI, 25 October 2016. Available at:

<https://www.heuni.fi/en/index/publications/heuniereports/reportseries83.addressinghumantraffickinginthebalticsea.html>

¹⁹ The study was prepared by the Faculty of Social Sciences of the University of Helsinki and is available at: <https://valtioneuvosto.fi/documents/1410853/4750802/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf/8b68f4a4-8c0e-43e0-9314-a40af9e4c56f/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf.pdf>

III. Article-by-article findings

1. Prevention of trafficking in human beings

a. Measures to raise awareness (Article 5)

50. In its first report, GRETA considered that there is a need for more awareness-raising measures in Finland regarding the risks of THB and the rights of victims, especially among migrants.

51. The Government Action Plan against Human Trafficking 2016-2017 includes a chapter on "Enhancing the effectiveness of training related to action against trafficking in human beings, and increasing awareness", which promotes communications targeting both the general public and relevant professionals, involving NGOs and labour market organisations.²⁰

52. IOM Finland has implemented a series of public information campaigns on THB. By way of example, the campaign in 2016 was entitled "What is the Price of a Human Being?" It was developed by high school students coached by IOM and an advertising agency on a *pro bono* basis, and reached an estimated audience of over 1.2 million.²¹

53. Since the autumn of 2016, the Assistance System has used social media to provide information about THB.²²

54. The project IHME (see paragraph 28), which started in 2017, aims to raise general awareness about THB by updating the national anti-trafficking website.²³ The site contains information on THB and victim assistance in several languages and provides guidance on how to refer potential victims to the Assistance System, including contact details.

55. On 16 August 2016, the Association of Finnish Local and Regional Authorities issued a circular to its members on the topic of assisting victims of THB.

56. While welcoming the steps taken since the first evaluation to raise awareness of THB amongst the general public, GRETA considers that the Finnish authorities should continue their efforts to raise awareness of THB and design future actions in this area in the light of impact assessment of previous measures, focusing on needs identified. Greater attention should be paid to informing the public about THB for the purpose of sexual exploitation and the criminalisation of the purchase of sexual services from persons despite having reasons to suspect that they are victims of THB.

²⁰ Government Action Plan against Human Trafficking 2016-2017, page 29. Available at:

http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79762/Ihmiskaupan%20vastainen%20toimintaohjelma_eng.pdf

²¹ <https://www.iom.int/news/what-price-human-being-iom-helsinki-campaign>

²² Such as Twitter: <https://twitter.com/ihmiskauppa>

²³ www.ihmiskauppa.fi/en

b. Measures to prevent THB for labour exploitation (Article 5)

57. As demonstrated by the statistics in paragraph 12, THB for the purpose of labour exploitation remains the most common form of THB in Finland. According to the Finnish authorities, most work-related exploitation in Finland occurs in restaurants.

58. Occupational Safety and Health Service (OSH) inspectors have the right to conduct inspections anywhere where work is carried out or where it may be presumed to be carried out, including in places of agricultural work. Inspections may also take place in private homes if it is necessary for preventing a danger to the life of, or a considerable health hazard for, the worker. The 2012 guidelines issued by the Department for Occupational Safety and Health at the Ministry of Social Affairs and Health on the supervision of foreign labour²⁴ were updated in 2015. While OSH inspectors work to protect the foreign work force against exploitation, they also have the role of supervising the presence of work permits and similar documentation,²⁵ a dual role which has been criticised by NGOs as not being conducive to creating trust between foreign employees and OSH inspectors. In this context, GRETA refers to Article 3(2) of the ILO's 1947 Labour Inspection Convention, according to which labour inspector duties beyond inspecting safety and health conditions shall not be such as to interfere with the effective discharge of their primary duties or to prejudice in any way the authority and impartiality which are necessary to inspectors in their relations with employers and workers.

59. OSH inspectors do not have competence to investigate THB offences. The study by HEUNI and the National Rapporteur notes that there have never been any cases of victims of THB making complaints to labour inspectors during inspections.²⁶ Nonetheless, OSH inspectors have reportedly identified several male victims of labour exploitation and referred them to the Assistance System. According to the authorities, the threshold for identifying possible victims of THB for the purpose of labour exploitation is low and OSH labour inspectors have a duty to refer such victims, if they consent, to the Assistance System.

60. As noted in the first GRETA report, an awareness-raising flyer about the risks of THB was developed as part of the Hapke Project.²⁷ The flyer is handed out by OSH inspectors during labour inspections, as is a brochure entitled "As a Foreign Employee in Finland", with information on labour law and employees' rights.²⁸ Both are available in several languages.

61. HEUNI published in April 2018 a guideline for employers and companies about risk management and prevention in relation to THB for the purpose of labour exploitation, especially in supply chains.²⁹ The guideline is based on the one developed by the Danish Centre against Human Trafficking (CMM) concerning the risks of hidden forced labour.³⁰

62. IOM Finland has published a guideline for employers and enterprises about how to avoid THB for the purpose of labour exploitation in the context of seasonal work, such as berry-picking and temporary employment in greenhouses.³¹

²⁴ Occupational safety monitoring guidelines 2/2012, see paragraph 32 of GRETA's first report.

²⁵ According to Section 86 of the Aliens Act (301/2004), if OSH authorities have reasonable grounds to suspect that a work permit offence referred to in chapter 47, section 6a (unauthorised use of foreign labour) of the Criminal Code or a violation referred to in Section 185 of the Aliens Act or an employer's violation referred to in Section 186 of the Aliens Act (facilitation of illegal entry) has been committed, they shall report the matter to the police.

²⁶ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office; "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, pages 178-179.

²⁷ See paragraph 102 of the first GRETA report.

²⁸ Available at: https://www.tyosuojelu.fi/documents/14660/2426906/engl_ulkomaal_tyontekij_netiti.pdf/2131c409-81ec-44c5-a61e-0e3f32f4335b

²⁹ *Opas yrityksille ja työnantajille riskienhallintaan erityisesti alihankintaketjuissa*, available in Finnish at: https://www.heuni.fi/material/attachments/heuni/reports/8AAxd34id/Kansallinen_opas_pohjoismainen_CSR_B5_090418_WEB.pdf

³⁰ Available: at <http://www.virk.cmm.dk/> (in Danish) and <http://www.virk.cmm.dk/en> (in English).

³¹ https://iom.fi/sites/default/files/leaflets/IOM_Pikaopas_Kausityö_FINAL_FI.pdf (in Finnish)

63. **While welcoming the measures taken to prevent THB for the purpose of labour exploitation, GRETA considers that the Finnish authorities should make further efforts in this area, in particular by:**

- **continuing to sensitise relevant officials, including labour inspectors, police officers, prosecutors and judges, about human trafficking for the purpose of labour exploitation and the rights of victims;**
- **ensuring that on-going training is provided to labour inspectors to enable proactive identification of human trafficking cases, and that labour inspections are properly resourced, frequent and targeted at sectors with a heightened risk of human trafficking, focusing on the rights of the workers rather than on their immigration status.**

c. Measures to prevent trafficking in children (Article 5)

64. The guidelines developed by the HOIKU project (see paragraph 36) include information on the vulnerability of children to THB and specific considerations and measures to be taken for child victims.

65. IOM, in co-operation with the Scouts of Finland, has developed a material included in the Scout Handbook on migration which is meant to help teenage children understand what THB is, how to protect themselves and where to turn for advice and assistance.

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

67. There are no materials on THB for school teachers and the topic of THB is not covered in the national school curricula.

68. Every child asylum seeker who arrives in the country unaccompanied is assigned a representative who is responsible for ensuring that the best interests of the child are the primary consideration.³² The Immigration Service appoints representatives for asylum-seeking children within a few days of the registration of a child. However, the Finnish Ombudsman for Children has noted a considerable variation in the competence level of representatives (see also paragraph 33).

69. The number of referrals of presumed victims of THB for the purpose of child marriages to the Assistance System has increased during the reporting period, mainly as a result of the increased number of asylum seekers. Some asylum-seeking children are married before their arrival in Finland. At all local branches of the Asylum Unit of the Immigration Service, there are staff members who have undergone training focusing on children, forced marriage and THB. During asylum interviews young asylum seekers are asked if they have been subjected to or have knowledge of planned marriage arrangements. Child asylum seekers who indicate that they are married are treated as unaccompanied children in the asylum process and are appointed a representative to safeguard their best interests. Since the beginning of 2017, the Asylum Unit has evaluated the asylum procedures for children and has introduced new training on asylum interviews and decision-making for senior advisers and case workers, the aim of which is to increase the speed and quality of asylum decisions.

³²

In line with the Section 39 of the Act on International Protection No. 746/2011.

70. In 2015 there were 3,009 unaccompanied or separated asylum-seeking children registered in Finland, while the number dropped to 365 in 2016, 171 in 2017 and 22 by 13 June 2018. The number of unaccompanied children who disappeared from asylum reception centres was 37 in 2015, 30 in 2016, 17 in 2017, and three until 13 June 2018. A missing child report is immediately made to the Emergency Response Line, 112, as well as a child protection report to the local social services office. Outside office hours, the report is made to the on-call social worker. In the case of older children who have stayed longer in Finland, the missing child and child protection reports do not have to be made until midnight of the day of disappearance as it is more likely that they might return to the reception centre.

71. **GRETA urges 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 and ensuring that the State meets its obligation to provide a protective environment for them, in particular by:**

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

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

- **raise public awareness about the risks and different manifestations of child trafficking, including for the purpose of forced marriage;**
- **sensitise and train child welfare professionals across the country on the risks of trafficking and effective prevention measures;**
- **raise awareness by including THB as a topic in the national school curricula, including as regards online safety, accompanied by appropriate training of teachers.**

d. Measures to prevent trafficking for the purpose of organ removal (Article 5)

73. GRETA notes that while human trafficking for the purpose of organ removal, as defined by the Convention, and organ trafficking as defined by Articles 4 to 8 of the Council of Europe Convention against Trafficking in Human Organs,³³ are two distinct crimes, they bear certain similarities and share similar root causes, such as shortage of organs to meet demand for transplantation and poor economic and other conditions that put persons in a vulnerable position. Therefore, measures to prevent organ trafficking can help prevent trafficking for the purpose of organ removal and the reverse is also true.³⁴ Among the necessary preventive measures, GRETA underlines the importance of a robust and transparent domestic system for the removal and transplantation of human organs and the need for training of health-care professionals. GRETA also stresses the importance of conducting a thorough investigation of each case where there is information or suspicion of trafficking for the purpose of organ removal, paying attention to the abuse of the vulnerability of the "donor" and ensuring that "donors" are treated as victims of trafficking in human beings.

³³ Opened for signature in Santiago de Compostela on 25 March 2015; entry into force on 1 March 2018.

³⁴ See ["Trafficking in organs, tissues and cells and trafficking in human beings for the purpose of the removal of organs", Joint Council of Europe/United Nations Study](#) (2009), in particular pages 55-56; "Trafficking in human beings for the purpose of organ removal in the OSCE region: Analysis and Finding", OSCE Occasional Paper No. 6 (2013).

74. There have been no instances of THB for the purpose of organ removal reported to have occurred in Finland, but several third-country nationals admitted to the Assistance System have reported THB for the purpose of organ removal which took place or was attempted before their arrival in Finland. In two cases, persons originating from countries in the Middle East had organs removed against their will in their home countries. In two other cases, no removal of organs took place, but preparations were reportedly made for it in an Eastern European country where the victims were held prisoners.

75. The Act on the Medical Use of Human Organs and Tissues (101/2001) lays down the provisions on removal, storage and use of human organs, tissues and cells for treatment of human disease or injury, as well as donations of organs. According to its Section 3, donors must give informed written consent for the removal of organs. If the donor is a child, the written consent of his or her legal representative must be obtained before the removal takes place. According to Section 4 of the Act on the Removal of Non-regenerative Organs or Tissues, competent adult persons may donate non-regenerative organs only to treat a disease or injury of a near relative or another person close to them. A permit from the National Supervisory Authority for Welfare and Health is required for all removals of organs.

76. The Helsinki University Hospital co-ordinates transplantations and waiting lists nationwide. A National Focal Point at the hospital, nominated by the Ministry of Social Affairs and Health, is in charge of data collection on any illicit transplantation activities. The National Focal Point is responsible for informing and educating health-care professionals and authorities about the risks of organ trafficking.

77. According to Section 17 of the Act on Health-care Professionals (559/1994), the latter may not reveal without permission to a third party any confidential information concerning an individual or a family that they have learned about while engaged in professional activity, including as regards any suspicions of THB. On the other hand, under Chapter 15, Section 10 of the Criminal Code, failure to report a serious offence (which includes THB) to the authorities, when there is still time to prevent the offence, constitutes a crime and health-care professionals are not explicitly excluded from the reporting obligation. In the context of the IOM's HOIKU project (see paragraph 36), it has become evident that there is a need for clarification of the nexus between the confidentiality of doctor-patient relations and the reporting obligations of suspected cases of THB.

78. **GRETA considers that the Finnish authorities should clarify the reporting obligations of suspected cases of THB for the purpose of organ removal and take steps to ensure that health-care professionals are provided with sufficient training to enable them to identify and refer victims of THB to assistance.**

79. Finland has not signed the Council of Europe Convention against Trafficking in Human Organs. **GRETA encourages the Finnish authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal.**

e. Measures to discourage demand (Article 6)

80. In its first report, GRETA considered that the Finnish authorities should make more efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation, in partnership with the private sector and civil society. In this context, GRETA invited the Finnish authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

81. As noted in paragraph 16, following an amendment of the CC, the purchase of sexual services from a person, despite having reasons to suspect that the person concerned is a victim of THB, has been criminalised since June 2015.

82. The use of services of a victim of THB for the purpose of labour exploitation, with the knowledge that the person has been trafficked, is still not criminalised. The Finnish authorities have referred to a number of laws and guidelines aimed at preventing the use of services of victims of THB for the purpose of labour exploitation, including the Act on Contractors' Obligations and Liability when Work is Contracted Out (1233/2006),³⁵ the Act of Posted Workers (447/2016),³⁶ the Helsinki City Guidelines for Prevention of the Grey Economy, and the HEUNI Guidelines for Enterprises and Employers about Risk Control, Especially in Supply Chains, which contain a checklist for enterprises with preventive measures against labour exploitation.³⁷

83. In 2014, Finland approved a National Action Plan to implement the UN Guiding Principles on Business and Human Rights. Within the framework of this Action Plan, Finland has provided business and human rights training both for business representatives and public officials, established a responsible business conduct and human rights reporting obligation to majority state-owned companies, provided guidance on socially responsible public procurement, published country-specific memoranda on responsible business conduct, and built dialogue between business, non-governmental organisations, trade unions and business organisations on business and human rights and due diligence.³⁸

84. According to NGOs, there is a lack of information campaigns or educational programmes aiming at discouraging the demand fostering different forms of trafficking exploitation.

85. GRETA considers that the Finnish authorities should strengthen their efforts to discourage demand that fosters all forms of exploitation that leads to trafficking, including by adopting legislative, administrative, educational, social, cultural or other measures, in partnership with civil society, trade unions and the private sector. This should include measures to promote awareness among businesses, strengthen corporate social responsibility and prevent trafficking in supply chains, in line with the Guiding Principles on Business and Human Rights.³⁹

f. Border measures (Article 7)

86. In its first report, GRETA considered that the Finnish authorities should continue their efforts to detect and prevent THB through border control measures and introduce a checklist to identify potential THB-related risks during the visa application system.

87. Pursuant to the Border Guard Act (578/2005), the pre-trial investigation of violations of the border regime, including THB, is within the remit of border guards. The Border Guards initiated investigations into three possible cases of THB in 2015 and 2016 respectively. Three of the six investigations were still on-going in February 2019. One of the investigated cases led to a sentence for THB, whereas in the two remaining ones it was concluded that no THB had occurred.

88. The Border Guard has been providing training on the identification of victims of THB to its personnel for over a decade. The training forms part of the basic training of border guards and the special training of criminal investigators and criminal intelligence officers. Particular attention is reportedly paid to the identification of vulnerabilities.

³⁵ English translation available at: <https://www.finlex.fi/en/laki/kaannokset/2006/en20061233.pdf>

³⁶ English translation available at: https://www.finlex.fi/en/laki/kaannokset/2016/en20160447_20170074.pdf

³⁷ Available at:

<http://www.heuni.fi/en/index/tiedotteet/2018/04/heunionjulkaisutyhteistyossosiaali-jaterveysministerionstmnkansaoppaanryityksillejatyonantajilleriskienhallintaanerityisestialihankintaketjuissaliittyvovoiimanhyvaksikaytonjaihmisskaupanennaltaeh.html>

³⁸ For more information, see: <https://tem.fi/en/enterprises-and-human-rights>

³⁹ Implementing the United Nations "Protect, Respect and Remedy Framework", HR/PUB/11/04, United Nations, 2011, available at: http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

89. **GRETA considers that the Finnish authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration flows. This should include introducing a checklist for identifying potential victims of THB applying for visas and the provision of written information to foreign nationals planning to travel to Finland, in a language that they can understand, in order to alert them to the risks of THB and to inform them of their rights and where to turn for advice and assistance.** GRETA refers in this context to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders.⁴⁰

2. Measures to protect and promote the rights of victims, guaranteeing gender equality

a. Identification (Article 10)

90. In its first report, GRETA urged the Finnish authorities to improve identification procedures in order to ensure that all victims of trafficking are properly identified and can benefit from the assistance and protection measures provided for by the Convention, including by introducing a National Referral Mechanism, providing relevant officials with indicators of trafficking and guaranteeing that, in practice, identification is dissociated from the victim's co-operation in related criminal investigations.

91. A National Referral Mechanism (NRM) is currently under preparation under the lead of the Ministry of the Interior. The NRM is intended to facilitate co-operation amongst various actors involved in the identification and referral to assistance of victims, such as the Police, the Border Guard, local authorities and NGOs. IOM Finland has supported the Finnish Government in the development of the NRM and the National Rapporteur has been invited to participate in the process as an independent expert. However, the launch of the NRM was suspended while awaiting the appointment of a new National Co-ordinator against Trafficking in Human Beings (see paragraph 22).

92. Since 2015, the formal identification of a person as a victim of THB is regulated by Section 38 of the International Protection Act, according to which the Police, the Border Guard, the Immigration Service and the Assistance System can formally identify a victim.

93. The Assistance System can formally identify victims of THB in two instances: where the pre-trial investigative authority or a prosecutor has concluded that the trafficking offence cannot be investigated in Finland, while there are reasonable grounds to believe that the person has been a victim of THB abroad before arriving in Finland, or if a pre-trial investigation has been conducted and there are reasonable grounds to believe that a person is a victim of THB, but no charges can be filed, for example due to the death or disappearance of the suspected perpetrator. Before making a decision on formal identification, the Assistance System must consult the multi-disciplinary assessment team,⁴¹ which consists of professionals from the fields of social work, policing, border control, health care, child services and immigration. A negative decision by the Assistance System can be challenged in an administrative court.

94. Since 1 July 2015, the Assistance System has been obliged by law to inform the Police of all persons newly admitted into the system and to provide a written decision concerning such an admission. The authorities have explained that the Police need this information in order to know that the victim is staying legally in the country, should they encounter that person in the performance of their normal duties.

⁴⁰ http://www.ohchr.org/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf

⁴¹ See paragraph 145 of the first GRETA report.

95. Before a person gives his/her consent to enter the Assistance System, he/she must be informed of the Assistance System's obligation to give information to the police. Civil society representatives have criticised this obligation, arguing that it puts victims into a situation of having to decide whether to cooperate with the authorities before agreeing to be referred to the Assistance System since the victim's existence will be known to the Police (see paragraph 147).

96. On 9 July 2015 the National Police Board issued instructions for police officers entitled "Intervention in THB and Related Crimes and Helping Victims", which outline in detail the procedure for identification and referral of victims, issuing decisions on a reflection period for victims of THB and investigation of THB cases. The instructions include an appendix containing a toolkit compiled by the National Bureau of Investigation.

97. The Assistance System has provided training on THB for staff working at the two detention centres for migrants awaiting deportation,⁴² which has led to several referrals of presumed victims of THB to the Assistance System.

98. The majority of the referrals to the Assistance System have concerned asylum seekers, of whom almost 40% were Nigerian women in the period in 2014-2016. The majority of the presumed victims of THB have been exploited abroad. In 2015, 32 of the new victims of THB accepted into the Assistance System had been exploited in Finland and 20 abroad, in 2016, the number exploited in Finland was 43 while 87 had been exploited abroad, in 2017, the number exploited in Finland was 50 while 77 had been exploited abroad, and in 2018 the number of victims exploited in Finland was 52, against 111 exploited abroad.

99. The number of referrals of presumed victims of trafficking by the Asylum Unit of the Immigration Service to the Assistance System has reportedly increased in the reporting period, but precise figures are not available. The National Rapporteur is of the view that the capability of the Immigration Service to identify victims of THB has improved, but that there is still room for improvement.⁴³

100. For the purpose of identifying victims of THB among asylum seekers, an expert on THB has been appointed to the Asylum Unit of the Immigration Service. The local branches of the Asylum Unit also have liaison officers specialised on THB who advise case workers conducting asylum interviews and making decisions on asylum. All asylum unit employees have at their disposal guidance and instructions on identification, which includes instructions on how the possibility of THB should be taken into account in asylum interviews and at the decision-making phase. Further, the guidance includes specific practical advice on co-operation with the Assistance System, as well as references to relevant international documents, including to the UNHCR 2006 Guidelines on the application of refugee status to victims of THB.⁴⁴

101. As a result of the increase in the number of asylum seekers in 2015, new actors, including municipalities and private companies, were given the task of operating reception centres. According to the Finnish authorities, staff of all new reception centres receive the same training, including in identifying victims of THB, regardless of whether they are operated by the private or public sector.

⁴² The detention centres are located in Metsälä and Joutseno. The training of staff at the detention centre in Joutseno has been more systematic.

⁴³ Women of Nigerian origin in Finland who have been subjected to trafficking for sexual exploitation: practice in applying the Aliens Act. Memorandum 2016-552 by the National Rapporteur on Trafficking in Human Beings, page 12. Available at: https://www.syrjinta.fi/documents/14490/0/Nigeriaselvitys_englanti/6ea936c8-462d-47a8-a73a-535af377ffd0

⁴⁴ [UNHCR, Guidelines on International Protection: The application of Article 1A\(2\) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, HCR/GIP/06/07, 7 April 2006](#)

102. In 2016-2018, the National Institute for Health and Welfare (THL) co-ordinated a project entitled "Developing National Mental Health Policies for Refugees" (PALOMA), which is targeting all refugees and asylum seekers residing in Finland. The project aims at developing a national model for mental health work with refugees and other vulnerable groups, including victims of THB. In 2018 a comprehensive manual of mental health services for refugees and asylum seekers was published. It includes a chapter on identification of victims of THB and their referral to mental health services and other assistance.⁴⁵

103. The project "Developing the health examination protocol for asylum seekers in Finland" (TERTTU) aims at developing a standardised tool for conducting initial health examinations of newly arrived asylum seekers in order to screen for persons in acute need of care (physical or mental) and identify vulnerable persons, including victims of THB. Health-care personnel will be trained on the application of the health examination protocol. The project is being implemented in 2017-2019 by the National Institute for Health and Welfare, in collaboration with the Finnish Immigration Service.

104. The fact that the Immigration Service recognises that a person has been a victim of THB does not necessarily mean that the person is accepted by the Assistance System; for example when the Immigration Service has issued a residence permit to the victim on humanitarian grounds (Section 52 of the Aliens Act) rather than explicitly based on THB victimhood (Section 52a of the Aliens Act).⁴⁶

105. The share of referrals resulting in the acceptance of the victim into the Assistance System has remained at approximately 75% throughout the reporting period, regardless of the increased number of applications. Most referrals of presumed victims of THB to the Assistance System were made by reception centres for asylum seekers, followed by the police. Referrals by the police were accepted almost without exception. Not all victims referred to the Assistance System were interviewed in person by staff of the Assistance System, decisions being made on the basis of documentation. Among the main reasons for rejection were that the victim's physical liberty had not been restricted or that the exploitation had taken place relatively long ago.

106. NGOs have noted that negative decisions about whether to allow a person to enter the Assistance System have at times been referred to in asylum application decisions. This practice makes asylum seekers who may be trafficking victims reluctant to approach the Assistance System. On the other hand, the National Rapporteur has reported cases in which the Assistance System identified a foreigner as a victim of THB, while the Immigration Service did not consider that there were grounds for this. Conversely, the Immigration Service has in some of its decisions on residence permits accepted the applicant's account of THB, despite the Assistance System having decided not to admit the person to the system.⁴⁷

107. As noted in paragraph 36, IOM Finland is in the process of implementing the HOIKU project (2017-2019), developed to provide guidance and training for health-care staff, social workers and professionals of different grassroots-level organisations on identifying, referring and assisting victims of trafficking. IOM has produced a manual with indicators of THB to guide the above professional groups in efforts to identify victims of THB. The indicators of the manual were drawn up by the NGO Pro-tukipiste, with funding from the Centre for Social Welfare and Health Organisations (STEA) and are available on the website of Pro-tukipiste.⁴⁸ Further, the Ministry of Social Affairs and Health maintains on its website extensive information and internet links about THB, relevant legislation and where to refer presumed victims of THB.⁴⁹

⁴⁵ The manual is available in Finnish at:

http://www.julkari.fi/bitstream/handle/10024/136193/PALOMA_K%C3%84SIKIRJA_WEB2.pdf?sequence=4&isAllowed=y

⁴⁶ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 155.

⁴⁷ Ibid., page 13.

⁴⁸ <https://pro-tukipiste.fi/wp-content/uploads/2018/04/indicators-of-human-trafficking.pdf>

⁴⁹ <https://stm.fi/ihmiskauppa> (in Finnish).

108. Similar to the situation at the time of GRETA's first evaluation of Finland, in the reporting period there have been more identified victims of THB for labour exploitation (62.3%) than for sexual exploitation (37.7%).⁵⁰ The previous National Rapporteur, in her 2014 report to Parliament,⁵¹ expressed concerns about insufficient identification of victims of THB for the purpose of sexual exploitation, including victims exploited in Finland. According to the present National Rapporteur, the non-identification of victims of THB for the purpose of sexual exploitation remains a structural problem which requires political will to be resolved. There have been presumed victims of trafficking for the purposes of forced marriage, forced criminality and illegal adoption referred to the Assistance System in the reporting period, but no victims of forced begging.

109. A project run by the NGO Pro-tukipiste in 2016-2017 with EU funding aimed to encourage the self-identification of victims of THB by organising workshops to raise awareness of THB among persons engaged in prostitution and where to seek assistance. As noted in the first GRETA report, Section 148:1 of the Aliens Act entitles the police to deport or refuse entry to third-country nationals on the mere suspicion that they are selling sexual services.⁵² This hampers identification of possible victims of THB amongst foreign persons engaged in prostitution, and the National Rapporteur's 2014 report to Parliament recommended the deletion of this provision.

110. GRETA welcomes the legal changes enabling the Assistance System to formally identify victims of THB and the training provided to health-care professionals and social workers with a view to enabling the identification of victims of THB among asylum seekers. However, GRETA notes with concern that the obligation of the Assistance System to report the names of all victims to the police may discourage victims from seeking assistance. GRETA further notes that the absence of a National Referral Mechanism and common indicators for identifying victims of THB creates discrepancies in the approach to identification followed by different actors.

111. **GRETA once again urges the Finnish authorities to take steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Convention, in particular by:**

- **introducing a National Referral Mechanism which defines the roles and responsibilities of different stakeholders and promotes a multi-agency approach to victim identification by involving a range of frontline actors, including NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;**
- **effectively disseminating among frontline staff common operational indicators, guidance, training and toolkits to be used in the identification process. The indicators should be harmonised and regularly updated in order to reflect the changing nature and purposes of human trafficking, such as the apparent increase in victims of THB for the purpose of forced marriage;**
- **improving the proactive detection of victims of THB and the sharing of information between relevant actors, in particular as regards THB for the purpose of sexual exploitation and trafficking of Finnish citizens and other EU nationals.**

⁵⁰ These figures only include the number of cases reported by the authorities to explicitly constitute labour exploitation or sexual exploitation. Other purposes of THB reported such as forced marriage or criminality, which may fall under forced labour or sexual exploitation and are not included.

⁵¹ https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/national_rapporteur_on_trafficking_in_human_beings_-_report_2014.pdf

⁵² See paragraph 68 of the first GRETA report.

112. **Further, GRETA considers that the Finnish authorities should:**

- **keep under review whether the obligation of the Assistance System to inform the police about victims admitted into the Assistance System may have a discouraging effect on victims' willingness to be referred to the Assistance System and guarantee that, in practice, victim identification is dissociated from the victim's co-operation with the police;**
- **continue to provide training on identifying victims of THB to staff of the Immigration Service and of Reception Centres;**
- **take steps to ensure that a negative decision about a person's acceptance into the Assistance System is not a factor when examining that person's asylum application.**

b. Assistance measures (Article 12)

113. In its first report, GRETA urged the Finnish authorities to ensure that the assistance provided to victims of THB is adapted to their specific needs and that minimum standards are guaranteed across the country, regardless of the service provider.

114. As explained in GRETA's first report, the legal basis for the provision of assistance to victims of THB in Finland is provided by the International Protection Act, which was amended in 2015. According to Section 38a of that Act, victims of THB are entitled to guidance and advice, safe residential arrangements, social and health care services, legal advice and assistance, a subsistence allowance, interpretation and translation services, and assisted voluntary return to the country of origin. Pursuant to the amended International Protection Act, only persons identified as presumed victims of THB by the Police, the Prosecution Service, the Immigration Service or the Assistance System are entitled to services provided by the Assistance System.

115. As explained in GRETA's first report, decisions about admission into the Assistance System are made by the Director of the Joutseno Reception Centre, who is assisted by a multidisciplinary assessment team consisting of seven members.⁵³ The tasks of the multidisciplinary assessment team comprise assessment of the victim's needs for assistance and protection, risk and safety assessment, and placement of the victim in appropriate accommodation. The assessment team takes decisions on the basis of documentation and reports from staff members of the Assistance System.

116. Since January 2016, the Joutseno-based Assistance System has had a social adviser placed in Oulu, in western Finland, which has enabled it to have better and more frequent access to service providers in the western and northern parts of Finland. There is a network of authorities and civil society actors in Oulu, including representatives of the Police, the Assistance System, the regional Centres for Economic Development, Transport and the Environment (ELY centre), the NGO RIKU, and lawyers specialised in assisting asylum seekers and victims of THB.

⁵³ Each with a substitute member. For further details about the multidisciplinary assessment team, see paragraph 145 of the first GRETA report.

117. According to Section 38b of the International Protection Act, victims who are legally resident in a municipality in Finland should be assisted by the municipality of their residence, while those with no legal residence in Finland are assisted by the Assistance System. The authorities estimate that about 40% of the presumed victims of trafficking are assisted by municipalities, but there are no centralised statistics kept in this regard. Some victims are initially assisted directly by the Assistance System but later, after having been granted a residence permit, are registered in a municipality and start receiving assistance from it. Both the Assistance System and municipalities can provide assistance directly or purchase services from public and private service providers, including NGOs.

118. While in general there is good co-operation between the Assistance System and the municipalities when it comes to the provision of assistance to victims of THB, in certain cases the municipal social services have considered the advice given by the Assistance System as interference in their work.⁵⁴ The health authorities of some municipalities have reportedly refused to provide the National Rapporteur with information necessary to assess how the right of victims of THB to receive services is enforced in the municipalities.⁵⁵ According to a representative of the Association of Finnish Local and Regional Authorities, municipalities are reluctant to bear the responsibility for such assistance measures, even though guidance on the provision of assistance to victims of THB was provided to them by the Association in August 2016.

119. In practice, municipal social workers and other municipal staff responsible for organising the assistance to victims of THB are often not familiar with the entitlements in law of victims of THB, partly because they are contained in the International Protection Act and the Aliens Act, as opposed to legislation related to social assistance and health care. There are 311 municipalities in Finland, some of which have no experience in assisting victims of THB. On the other hand, large municipalities, such as the City of Helsinki, have experienced staff and expertise to assist victims of THB. The offer and quality of assistance to victims of THB varies a lot between municipalities, and the National Rapporteur has filed a complaint to the Parliamentary Ombudsman concerning inadequate provision of support by a municipality to a victim of THB for the purpose of sexual exploitation. At the time of writing the complaint was still under examination.

120. One difficulty with the provision of assistance to victims of THB in small municipalities is that the victims are personally acquainted with municipal staff or service providers delivering the assistance. This may make victims reluctant to seek assistance as they do not want the fact that they have been victims of THB to become known among their acquaintances.⁵⁶

121. It is noted in the study by HEUNI and the National Rapporteur on the practical application of legislation on the identification and referral to assistance of victims of THB (see paragraph 45) that some victims of trafficking who are provided with assistance are obliged to apply to the municipalities for income support in order to cover their living expenses, including rent. The municipality may claim back this income support from any compensation that victims may be awarded by courts. The amounts of income support may amount to tens of thousands of Euros, which in practice may correspond to the totality of any compensation awarded later. The municipalities have different practices in this regard, which puts victims in an unequal situation.⁵⁷

⁵⁴ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 88.

⁵⁵ 2018 Report of the Non-Discrimination Ombudsman to Parliament, page 84.

⁵⁶ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 127.

⁵⁷ *Ibid.*, page 126.

122. Municipalities can be reimbursed from the State budget for costs arising from the provision of services to victims of THB, beyond regular health care services provided to any resident in the municipality. Such services may include secure housing, psychological support or interpretation. Municipalities' reimbursement claims are to be submitted to one of the 15 Centres for Economic Development, Transport and the Environment (ELY centres), which are responsible for the regional implementation and development tasks of the central government. However, many municipal social workers organising assistance for victims of THB are often not aware of the possibility to be reimbursed through the ELY centres, or else consider the associated paperwork to be too time-consuming or the system for reimbursements unclear. There have been relatively few applications for reimbursement submitted by the municipalities. In 2015 municipalities sought reimbursement for specialised services provided to victims of THB to a value of 313,256 Euros, in 2016 the sum was 214,219 Euros and from 1 January until 31 May 2017, 208,935 Euros.

123. According to Section 38f of the International Protection Act, assistance ends when the victim no longer needs it, leaves the country or is deported, when a person is not formally identified as a victim of human trafficking as a result of the pre-trial investigation, the prosecutor does not file charges of human trafficking, or the court does not find that the offence of human trafficking was committed. When it comes to victims of trafficking who have been exploited abroad before arriving in Finland, their identification is not linked to the investigation and criminal proceedings in Finland and therefore their access to assistance measures is less likely to be interrupted.

124. Since GRETA's first evaluation, one shelter specialised in assisting female victims of THB and their children has opened in Finland, the Rose Home operated by the Christian NGO Samaria. Its address is secret. At the time of GRETA's visit, there were six women and four children accommodated there. In addition to accommodation, the Rose Home offers support in contacts with the authorities and training, ranging from skills needed in daily life to languages, internet and financial competencies. There are five staff members (mostly social workers) and nine volunteers. Residents are allowed to leave the shelter on their own, but must return by 10 p.m. Samaria also operates two apartments in a nearby city for victims who live on their own while supported by Samaria.

125. According to Section 6 of the Act on Shelters (1354/2014), which entered into force on 1 January 2015, shelters are meant primarily for victims of domestic violence and therefore a victim of THB may be admitted to a shelter only if s/he is also a victim of domestic violence. NGOs act as shelter service providers while the funding is provided by the Ministry of Social Affairs and Health. GRETA visited a shelter for victims of domestic violence run by the Monika Multicultural Women's Association, Mona. GRETA was informed that the staff of most shelters are not trained in supporting victims of THB. There continue to be no shelters providing assistance to male victims of THB.

126. Municipalities usually place victims of trafficking in municipal flats where they can live on their own while receiving various support services. According to the study by HEUNI and the National Rapporteur, there is a need for accommodation arrangements through which victims of THB who are in a particularly difficult situation and/or who have severe psychological issues could obtain more intensive support.⁵⁸

127. The above-mentioned study by HEUNI and the National Rapporteur concludes that the Assistance System can make available health services to victims of THB much more flexibly than the municipalities.⁵⁹

⁵⁸ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 57.

⁵⁹ Ibid., page 59.

128. There appears to be a gap in regulation as regards which authority should be in charge of evaluating a presumed trafficking victim's psychological state and need for treatment and support. No authority seems to consider such an evaluation as their task, yet there have been many cases of severely traumatised victims of THB referred to the Assistance System. There are long waiting times for access to municipal mental health care. The mental stress of victims often continues also because of long waiting times for decisions about residence permits, typically among asylum-seeking victims.

129. Interpretation costs are covered by the Assistance System. NGOs have the possibility to use interpreters in the early identification phase and have costs covered by the Assistance System. The lack of professional interpreters in some languages was noted as a problem. This is a critical issue, especially when it comes to interpretation in criminal proceedings or the asylum processes. There have also been concerns regarding the confidentiality of interpreters.

130. GRETA welcomes the guidance given to municipalities by the Association of Finnish Local and Regional Authorities regarding assistance to be given to victims of THB who are legally resident in Finland, as well as the opening of an office of the Assistance System in Oulu. However, GRETA is concerned by the shortage of specialised shelters for victims of trafficking and the uneven provision of assistance due to differences between the municipalities.

131. GRETA once again urges the Finnish authorities to ensure that the assistance provided to victims of THB is adapted to their specific needs and is guaranteed to all victims of THB across the country, regardless of the service provider and place of residence. This should include measures to:

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

c. Identification and assistance of child victims of THB (Articles 10 and 12)

132. In its first report, GRETA urged the Finnish authorities to improve the identification of child victims of THB by setting up a specific identification mechanism which takes into account the special circumstances and needs of child victims, involves child specialists, ensures that the best interests of the child are the primary consideration, and strengthens the detection of victims of THB among unaccompanied children.

133. There is no National Referral Mechanism for child victims of THB in Finland. Pursuant to Section 25 of the Child Welfare Act (417/2007), health, social and other professionals who encounter a child whose circumstances and/or behaviour suggest a danger to the child's development must notify the relevant social services, regardless of confidentiality provisions. Suspicions of THB fall under these provisions. An amendment to the Child Welfare Act, which entered into force on 1 April 2015, places a duty on relevant professionals to inform the Police in cases where they have a reason to suspect that the child is the victim of a sexual offence punishable under Chapter 20 of the CC or a crime against life or health punishable under Chapter 21 of the CC.

134. There is no institution in Finland with responsibility to take the lead in identifying and assisting child victims of THB. The Assistance System relies on referrals by other actors when it comes to helping child victims. A legislative amendment of the International Protection Act, which entered into force on 1 July 2015, formalised co-operation between the Assistance System and the child welfare authorities in assisting child victims.

135. In 2015, two child victims of THB were admitted to the Assistance System, in 2016 their number was 22, and in 2017, 14. All children admitted into the Assistance System in 2016 and 2017 were unaccompanied foreign children, aged 14 to 17, the majority of whom were boys; all but two had been exploited abroad before arriving in Finland.⁶⁰ There were also several girl victims of sexual exploitation and/or forced marriage abroad. One of the children admitted into the Assistance System in 2016 disappeared.

136. GRETA was informed that three of the girls admitted to the Assistance System had been subjected to forced marriage before arriving in Finland. There are few police reports about forced marriage. Victims of forced marriage are often not identified as such, and criminal charges are seldom raised in these cases. Staff members of all local branches of the Asylum Unit of the Immigration Service have undergone training focusing on children, forced marriages and THB.

137. As noted in paragraph 68, every child asylum seeker who arrives in the country unaccompanied is assigned a representative, who is tasked with attending to the best interests of the child.⁶¹ The Immigration Service appoints representatives for asylum-seeking children within a few days of the registration of the child. Until then, the Head of the asylum reception centre acts as the child's representative. The Assistance System provides training to temporary representatives of unaccompanied children, including about THB. In 2017, the Ministry of Economic Affairs and Employment prepared a set of guidelines for representatives of unaccompanied children, with basic information on how to proceed in case of suspicion that a child may be a victim of THB. Possible victims of THB have been identified and referred to the Assistance System by representatives of unaccompanied children. However, the Ombudsman for Children has criticised the low number of representatives of unaccompanied children and the considerable variation in their competence.

138. Pursuant to the Act on the Promotion of Immigrant Integration (1386/2010), once an unaccompanied child has been issued a residence permit, it is the municipality which is responsible for providing care in a family group home or by using supported family placement.

139. The guidelines developed under the previously mentioned HOIKU project include information on the vulnerability of children to trafficking and specific considerations and measures for child victims and children of adult victims of trafficking. These guidelines include procedures for appointing representatives for unaccompanied children, reporting to and co-operating with the child protection authorities, as well as information about support available to parents. These issues will be a part of the training to be organised for social and health care professionals in the second phase of the HOIKU project.

⁶⁰ The children primarily originated from Afghanistan and Iraq, and the forms of exploitation included forced labour and slavery-like conditions in transit in Libya, as well as forced military service, forced labour, sexual exploitation and/or forced marriage in their home countries.

⁶¹ In line with the Section 39 of the International Protection Act.

140. Child victims of THB who are not asylum seekers are accommodated and cared for by the child welfare authorities. GRETA was informed that there is a shortage of suitable municipal housing, which in practice has resulted in adopting temporary housing solutions. Child victims of THB who are asylum seekers are housed and cared for at reception facilities designed for children. These facilities are similar to the ones operated by the child welfare authorities and operate in accordance with the requirements of the Child Welfare Act. The Assistance System co-operates with the police in cases where the child's safety might be at risk. Non-resident child victims are entitled to receive health care services similar to children who have their residence in Finland. Child victims have the right to attend elementary school. Some municipalities, but not all, offer day-care places for children of adult victims of THB.⁶²

141. GRETA visited a reception centre accommodating unaccompanied children in Oulu. At the time of the visit, there were 11 unaccompanied children staying at the reception centre (from Morocco, Algeria, Afghanistan, Somalia and Iraq). Children usually remain for up to two months at the centre and are provided with various activities, including Finnish language lessons and access to sports facilities and the Internet. There were 15 employees at the centre at the time of GRETA's visit, mostly counsellors and social workers, all trained in child protection matters. There has been training on THB for staff, but not recently. Children are allowed to leave the centre in order to attend school and other activities. The measures in place to prevent children from going missing are inadequate and a number of children have disappeared (see paragraph 70).

142. If there are grounds to doubt that an unaccompanied person is a child, the Asylum Unit of the Immigration Service may order a medical age assessment. Medical age assessments are regulated by Section 6a of the Aliens Act (549/2010) and involve a dental examination and an X-ray of the wrist. The age assessment is subject to the written consent of the child and his/her representative; a refusal leads to the person being treated as an adult. Age assessments are carried out by the National Institute for Health and Welfare (THL) by two experts, at least one of whom should be an employee of the THL. GRETA notes that this method of age assessment does not take into account psychological, cognitive or behavioural factors and invites the Finnish authorities to review the age assessment procedures, taking into account Article 10, paragraph 3, of the Convention, the Convention on the Rights of the Child, General Comment No. 6 of the Committee on the Rights of the Child⁶³ and the Council of Europe Action Plan on Protecting Refugee and Migrant Children in Europe (2017-2019).

143. **GRETA urges the Finnish authorities to ensure that the National Referral Mechanism under preparation contains rules and procedures on the identification and referral to assistance of child victims of THB, taking into account the special circumstances and needs of child victims, involving child specialists and ensuring that the best interests of the child are the primary considerations in all proceedings relating to child victims of THB and children at risk. This should include steps to:**

- **routinely consider the possibility of trafficking when interviewing asylum-seeking children;**
- **proactively identify unaccompanied and separated asylum-seeking children who might have become victims of THB for the purpose of forced marriage.**

⁶² Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 72.

⁶³ [General Comment No. 6 Treatment of unaccompanied and separated children outside their country of origin](#), Committee on the Rights of the Child, Thirty-ninth session, 17 May - 3 June 2005.

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

- **train all professionals working with child victims of trafficking, including representatives of unaccompanied children, to recognise and respond appropriately to their individual needs and the best interests of the child;**
- **provide assistance to adolescent victims of trafficking who are transitioning to adulthood, according to their needs.**

d. Protection of private life (Article 11)

145. Section 6 of the Act on the Publicity of Court Proceedings in General Courts (370/2007) provides that a court can order that the identity of the injured party in a criminal case that concerns a particularly sensitive aspect of his or her private life is to be kept secret.

e. Recovery and reflection period (Article 13)

146. In its first report, GRETA urged the Finnish authorities to ensure that all possible victims of trafficking are offered a reflection and recovery period and all the measures of protection and assistance as envisaged by the Convention. GRETA recommended that police and Border Guard officers should be issued with clear instructions stressing the need to offer the recovery and reflection period without making it conditional on the victim's co-operation and before formal statements are made to investigators.

147. There are two separate provisions in Finland related to Article 13 of the Convention. Pursuant to legislative amendments which entered into force on 1 July 2015,⁶⁴ a recovery period can be granted to victims of THB who are legally resident in Finland (Section 36 of the International Protection Act), whereas a reflection period can be granted to victims who are irregularly present in Finland (Section 52b of the Aliens Act). The Assistance System can grant a recovery period of 30 days, extendable by another 60 days, to persons staying legally in Finland who have been admitted into the Assistance System, but do not want to co-operate with the police. During this period, the police are not allowed to approach the victim without the victim's consent unless it is for the purpose of preparing measures to protect the victim against threats to his or her safety.⁶⁵ The victim receives the same services as any other person admitted into the Assistance System. The Director of the Joutseno Reception Centre is obliged to inform the police about any victim after the expiry of the recovery period or earlier in case of a threat to the victim's life, health or freedom.

148. A reflection period can be issued by the Police, the Border Guard or the Assistance System to persons irregularly present in Finland for no less than 30 days and no more than six months. According to the instructions of the National Police Board for intervening in cases of THB, the victim should be questioned during the reflection period only when necessary.

149. From 1 July 2015 to 30 June 2017, the Assistance System issued seven reflection periods and granted 24 recovery periods. The Board Guards granted one reflection period, in 2018. The Police do not keep statistics on reflection periods granted.

150. As noted in paragraph 147, the Assistance System is obliged to inform the police about the identity and circumstances of victims granted a recovery or a reflection period at the expiry of this period, regardless of whether the victim is willing to co-operate in the criminal investigation. According to NGOs, this rule discourages victims of THB who, for one reason or another, are reluctant to be in contact with the police authorities, from contacting the Assistance System.⁶⁶

⁶⁴ See paragraphs 165 and 170 of the first GRETA report.

⁶⁵ According to Section 36 and 37 of the International Protection Act, including the related *travaux préparatoires* of the Act.

⁶⁶ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 145.

151. According to the previously mentioned study by HEUNI and the National Rapporteur about the effectiveness of the legislation on assistance for victims of THB, not all police officers and prosecutors are familiar with the provisions on the recovery period and the reflection period. Those interviewed for the study who knew about these periods considered that they might be problematic as they could delay police interviews with victims of THB, in particular when suspected perpetrators have been detained and must be released unless charges are raised against them.⁶⁷ GRETA notes that according to the Convention, Article 13 is without prejudice to the activities carried out by the competent authorities in all phases of the relevant national proceedings, and in particular when investigating and prosecuting the offences concerned.

152. GRETA welcomes the legislative amendments enabling the Assistance System to grant recovery and reflection periods to victims of THB. However, GRETA notes that the recovery period and the reflection period are applied very rarely. As the majority of victims of trafficking are asylum seekers, the authorities do not see the need for a recovery or reflection period.

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

f. Residence permits (Article 14)

154. In its first report, GRETA considered that the Finnish authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, including when they are unable to co-operate with the authorities.

155. As noted in paragraph 174 of the first GRETA report, Section 52a of the Aliens Act provides that temporary residence permits for victims of THB may be issued if the residence of the victim in Finland is justified on account of the pre-trial investigation or court proceedings concerning THB and the victim is prepared to co-operate with the authorities, in line with the Criminal Investigation Act (805/2011), and on condition that the victim no longer has any ties with those suspected of THB.

156. In addition, a residence permit may be issued on compassionate grounds if a victim of trafficking or other third-country national is considered to be in a particularly vulnerable position (Section 52a, subsection 3, of the Aliens Act⁶⁸). Such permits have been granted to some Nigerian victims of THB, but overall, their use remains scarce. Previously Section 88a of the Aliens Act provided the possibility to grant a residence permit on humanitarian grounds⁶⁹, but it was repealed with effect as of 16 May 2016, something which has been criticised by the UN Committee on the Elimination of Racial Discrimination.⁷⁰

157. As noted in paragraph 17, the Aliens Act was amended, transferring the mandate to grant extensions of residence permits from the police to the Immigration Service as of 1 January 2017.

⁶⁷ Ibid., page 175.

⁶⁸ Aliens residing in Finland are issued with a continuous residence permit if refusing a residence permit would be manifestly unreasonable with regard to their health, ties to Finland or on other compassionate grounds, particularly in consideration of the circumstances they would face in their home country or of their vulnerable position.

⁶⁹ The repealed Section 88a provided for the issuing of a residence permit on the basis of humanitarian protection, if there are no grounds under Section 87 or 88 for granting asylum or providing subsidiary protection, but the person concerned cannot return to his/her country of origin or country of former habitual residence as a result of an environmental catastrophe or a bad security situation which may be due to an international or internal armed conflict or a poor human rights situation.

⁷⁰ UN Committee on the Elimination of Racial Discrimination, 2017 Concluding observations of the twenty-third periodic report of Finland (CERD/C/FIN/CO/23), paragraph 24, available at: <http://www.refworld.org/publisher,CERD,,FIN,5978a4114,0.html>

158. The fact that a person has formally been identified as a victim of THB by the Police or Border Guard or that a person is admitted to the Assistance System for victims of THB does not automatically mean that s/he will be granted a temporary residence permit, but admittance to the Assistance System does mean that an application for a residence permit will be lodged, and while the application is processed, the person is considered legally resident in Finland.

159. In 2015 and 2016 the Immigration Service refused the applications for residence permits in 50-60% of the cases of victims of THB.⁷¹ However, the majority of the victims of THB identified in Finland have been legally resident or they have been granted residence permits based on other grounds such as work or marriage.

160. The National Rapporteur has criticised the procedure for granting residence permits to victims of THB as being unpredictable and inconsistent.⁷² According to the National Rapporteur, a significant proportion of the grounds for the Immigration Service's decisions are based upon what other countries can do for the victim, while less attention seems to be paid to weighing up Finland's responsibility under international law for individual applicants.⁷³

161. The Immigration Service often waits for the Prosecution Service's decision whether to press charges in a THB case before deciding on the THB victim's residence permit, and this decision often takes a long time because of the length of the police investigation. Sometimes the investigating police officers are proactively consulted by the Immigration Service about whether a victim is needed in Finland for the criminal investigation and trials. According to civil society representatives met by GRETA, an on-going criminal investigation on THB is not always considered sufficient grounds for the victim to stay in the country. NGOs note that there is no information or consensus on what is considered as "sufficient co-operation" with the authorities in the criminal proceedings or on whether a victim of THB could be granted a residence permit without acting as a witness in the criminal process. Reference was made to one case where the victim testified, but the immigration authorities did not renew his residence permit after the criminal process was over despite there being a verdict for human trafficking. GRETA notes that this approach is not conducive to encouraging victims to testify.

162. The uncertainty about residence permits increases the stress of victims, while on a practical level, the absence of a residence permits prevents the victims from seeking employment. Residence permits issued to victims of THB allow victims to work, but because the residence permits are valid for only a short term each time (a maximum one year), finding employment is difficult in practice.⁷⁴

163. A central element in this determination is whether or not the person faces a risk in his or her country of origin, including of re-victimisation, and whether or not the person may turn to the authorities of his or her country of origin for protection or assistance. As regards the risk assessment in view of a possible return to the country of origin, well-founded fear or risk of serious harm are key factors. The credibility of the accounts given by the asylum seeker and the risks that s/he would face upon return to the country of origin are, according to the Finnish authorities, duly considered throughout the process. According to the authorities, many asylum seekers are granted asylum based on the fact that they have been victims of human trafficking, but there are no available statistics.

⁷¹ Women of Nigerian origin in Finland who have been subjected to trafficking for sexual exploitation: practice in applying the Aliens Act. Memorandum 2016-552 by the National Rapporteur on Trafficking in Human Beings, page 13, available at: https://www.syrjinta.fi/documents/14490/0/Nigeriaselvitys_englanti/6ea936c8-462d-47a8-a73a-535af377ffd0

⁷² Ibid, page 18.

⁷³ Ibidem.

⁷⁴ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 120.

164. Among the 22 child victims of THB accepted into the Assistance System in 2016, all but one received residence permits, most of them in the form of asylum. The child victim who was refused a residence permit has appealed the negative decision by the Immigration Service to an administrative court where the case is pending.

165. In 2018, the Finnish Immigration Service granted eight temporary residence permits to victims of THB under Section 52a of the Aliens Act (301/2004). In addition, in 2018, the Asylum Unit of the Immigration Service took decisions in 100 cases of asylum applications which included a reference to THB; of them, 52 persons were granted international protection (either asylum or secondary protection) and 10 received a residence permit on individual compassionate grounds. Further residence permits on individual compassionate grounds have been granted by the Immigration Unit of the Immigration Service, to persons who have applied for a residence permit as victims of THB, but statistics on the number of such permits are not available.

166. GRETA notes that a more coherent and predictable policy as regards the granting of residence permits to victims of trafficking, in particular in the context of their co-operation in criminal proceedings, would allow victims of THB to take an informed decision as to whether to co-operate. **GRETA considers that the Finnish authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, including when they are unable to co-operate with the authorities.**

g. Compensation and legal redress (Article 15)

167. In its first report, GRETA urged the Finnish authorities to adopt additional measures to facilitate and guarantee access to compensation for victims of THB, by ensuring that they are informed about compensation possibilities, strengthening the capacity of legal practitioners to support applications for compensation, including all victims in the scope of the Act on Compensation for Crime Damage, irrespective of residence status, and enabling victims who have left Finland to claim compensation.

168. A new Section 18 was added to Chapter 4 of the Criminal Investigation Act (in force since 1 March 2016), making it compulsory for the Police to inform the victim of a crime of the possibility to seek compensation in connection with the criminal proceedings in the case, as well as to benefit from free legal aid, interpretation and translation of relevant documents. These provisions apply to all crimes investigated in Finland, regardless of the nationality of the victim. In addition, Chapter 11, Section 9 of the Criminal Investigation Act obliges the criminal investigation authority to notify the injured party of the right to compensation and, as necessary, to advise the injured party on applying for compensation if s/he is entitled to compensation from State funds in accordance with the Act on Compensation for Crime Damage.

169. As noted in GRETA's first report, State compensation is not paid if the victim, at the moment of launching the application for compensation or at the time of the crime, was not officially resident in Finland or in another EU Member State.⁷⁵ As long as these residency criteria are fulfilled, a victim of THB can claim damages and compensation in Finland after their return to their country of origin (Act on Compensation for Crime Damage (1204/2005)).

170. In 2015-2017 the State Treasury paid compensation to four victims of THB. In 2015, one applicant was paid EUR 6.000 for temporary mental detriment and EUR 1.500 for financial loss; in another case the applicant was paid EUR 3,500 for suffering and EUR 13,500 for financial loss. In 2016, one applicant was paid EUR 6,200 for temporary mental detriment and in 2017, one applicant was paid EUR 3,300 for suffering. In 2018, there were two compensation applications; the State Treasury was awaiting in respect of one of them the decision of the Court of Appeal and in respect of the other one, additional information.

⁷⁵ See paragraphs 187 and 188 of the first GRETA report.

171. According to Section 38a of the International Protection Act, victims are entitled to legal aid as stipulated in the Criminal Procedure Act (689/1997) and the Legal Aid Act (257/2002). Under the Criminal Procedure Act, a victim of a violent offence, sexual offence or offence against life, health or liberty may, independent of his or her income, be appointed a legal counsel payable from State funds during the pre-trial investigation, and if the victim has claims in a case in which the prosecutor has brought charges, during the criminal proceedings. This provision applies to victims of THB offences if it is deemed to be justified when considering the seriousness of the offence, the personal circumstances of the injured party and the other circumstances. Under the Legal Aid Act, the provision of legal aid is means tested. It is a part of the Assistance System's duties to ensure that victims have access to information on relevant judicial and administrative procedures.⁷⁶

172. Amendments to the Aliens Act in 2016⁷⁷ restricted the right of asylum seekers to legal aid, in that they only have a right to free legal aid in the initial asylum process if they have been identified as being particularly vulnerable. This may have a negative impact on asylum seekers who are victims of THB as regards claiming compensation.

173. Specialised NGOs provide legal advice, funded by charity funds, to victims of THB, especially in cases in which the police have not registered a person as a presumed victim. THB offences are sometimes registered by the Police under a different crime heading, such as extortionate work discrimination or aggravated usury, as a result of which victims are not entitled to legal aid.

174. The NGO Victim Support Finland (RIKU) has received funding from the Ministry of Justice for the provision of support and counselling to victims and public funding for providing legal advice to victims of crimes has reportedly increased.

175. GRETA welcomes the amendments to the Criminal Investigation Act and the measures taken to improve the provision of information to victims of THB about possibilities to seek compensation. **However, GRETA urges the Finnish authorities to ensure that all victims of THB are covered by the Act on Compensation for Crime Damage, irrespective of residence status, and can benefit from free legal aid when applying for compensation.**

h. Repatriation and return of victims (Article 16)

176. In its first report, GRETA considered that the Finnish authorities should take further steps to ensure that the return of victims of THB is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings, which implies protection from retaliation and re-trafficking, and that they should make efforts to develop co-operation with countries of origin of victims of THB in order to ensure proper risk assessment, safe return and effective reintegration of victims.

177. Trafficking victims who have been admitted to the Assistance System have the right to receive support for safe voluntary return, as stipulated in Section 38a of the International Protection Act. Depending on the victim's situation, the arrangements for voluntary return are made either directly by the Assistance System or the victim's municipality of residence.⁷⁸

⁷⁶ For details, see paragraph 184 of the first GRETA report.

⁷⁷ Amendment 2016/646.

⁷⁸ If the victim has been admitted to the Assistance System and has a municipality of residence in Finland, the victim's municipality arranges the support for safe return. For such cases, provisions on the support for return migration, compensation for travel and relocation costs and payment of return assistance are laid down in Chapter 10, Section 85 of the Act on the Promotion of Immigrant Integration (1386/2010).

178. IOM implements an Assisted Voluntary Return and Reintegration (AVRR) project in co-operation with the Immigration Service. The return assistance is also available for victims of THB without a municipality of residence in Finland. Comprehensive counselling is provided and an individual risk and needs assessment is conducted prior to the return. The AVRR includes financial support for the travel and integration in the home country, either as cash or in the form of goods or services. Victims of THB, being considered as belonging to a vulnerable group, usually get the highest amounts in cash support (2,000 Euros). Since 2015, the possibility to pay financial support has been included in Section 31 of the International Protection Act.⁷⁹

179. IOM may also assist victims not covered by the International Protection Act, according to the same standards as described in the preceding paragraph. However, such assistance can only be provided on a case-by-case basis and usually requires that a sponsor or donor agrees to cover the costs of the return. Children of adult victims of trafficking have been repatriated together with their parent(s).

180. In 2015, four victims of THB were repatriated through assisted voluntary return,⁸⁰ 22 in 2016⁸¹ and seven in 2017.⁸²

181. Finnish legislation does not contain a direct prohibition of a person's removal from the country during the process of his or her identification as a victim of THB. Section 146 of the Aliens Act requires that, before a person can be removed from the country, "overall consideration must be given to the facts and circumstances of the matter". According to the authorities, this means that the personal situation of the person concerned will be fully considered, even if it is clear that the person does not have documentation proving his or her right to be in Finland (visa or residence permit) and has not applied for such documentation. According to the authorities, the principle of *non-refoulement* is always considered when a decision over a person's removal from the country is made.

182. The Police are in charge of enforcing return decisions, including making practical arrangements, such as contacting the authorities in the receiving State to communicate any special needs of a victim of THB, with the latter's agreement. The Assistance System issues certificates in English to persons who are being returned, stating that they have been identified as victims of THB. The certificate has no legal status and does not guarantee assistance in the receiving country.

183. The International Protection Act is not clear as to whether the support arrangements for return concern only voluntary returns or also forced ones, though the *travaux préparatoires* suggest the former. According to the Finnish authorities, in practice, victims of THB have been paid support only when they have returned voluntarily. Providing support in forced return cases is difficult because they are at times carried out so quickly that the Assistance System is not able to liaise with support services in the country to which victims were returned.⁸³

⁷⁹ Provisions on the support for voluntary return for victims of human trafficking without a municipality of residence in Finland are laid down in Section 31 of the International Protection Act, and in the Ministry of the Interior's Decree on the support for voluntary return.

⁸⁰ Estonian female victims of sexual exploitation and one Jordanian female victim of forced marriage, who was returned together with her daughter.

⁸¹ 17 women and five men from Thailand, all victims of labour exploitation in Finland.

⁸² One Chinese man and two Ukrainian men victims of labour exploitation, three Polish victims of labour exploitation (a woman together with her son and daughter), and one Nigerian woman who had been trafficked for sexual exploitation to Italy.

⁸³ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 67. The three cases of sudden forced returns all concern "Dublin" returns.

184. According to the National Rapporteur, in the light of the Immigration Service's recent statements, Finland appears to be showing disregard for the conditions to which victims of THB are returned. The National Rapporteur notes that the risk of re-trafficking and the child's best interests do not appear to be assessed in connection with return decisions, and that Finland is failing to sufficiently ensure that victims of THB and their children are referred to the necessary assistance and support in the receiving country.⁸⁴

185. A return decision based on the Dublin III Regulation may be given even if there are indications of THB. The police inform the authorities of the receiving State about the person's health and special needs, including the fact that s/he is a victim of THB, with the person's agreement. The report by HEUNI and the National Rapporteur refers to cases where persons accepted into the Assistance System were returned under the Dublin procedures, regardless of the fact that they were in a poor mental state and had been exploited in the country to which they were returned.⁸⁵ Nigerian women who had been trafficked to Italy and subjected to sexual exploitation were, as a rule, returned to Italy under the Dublin Regulation.⁸⁶

186. The Immigration Service and the National Rapporteur conducted a fact-finding mission to Italy in January 2017 to obtain a better understanding of the conditions under which asylum seekers, including victims of THB, are returned under the Dublin Regulation to Italy. Based on the information received, the Immigration Service drafted a report which notes that the Italian asylum system is over-strained and access to services cannot be guaranteed. The Immigration Service stated that this would be taken into account in future decision-making and therefore the return of victims of THB to Italy would be considered more carefully, on a case-by-case basis. The Office of the National Rapporteur has indicated that the Immigration Service now appears to examine Dublin return cases more carefully.

187. GRETA welcomes the inclusion into the International Protection Act of the possibility to grant financial support to victims of THB returning to their countries of origin and the more careful consideration by the Immigration Service given to decisions about returns to Italy under the Dublin Regulation. Nevertheless, **GRETA considers that the Finnish authorities should take further steps to ensure that in the context of the return procedures for victims of trafficking:**

- **due regard is paid to the rights, safety and dignity of the person and the status of legal proceedings, which implies protection from retaliation and re-trafficking in line with the 2006 UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and their possible entitlement to asylum when deciding upon applications for asylum of persons who are at risk of being re-trafficked or otherwise persecuted should they be obliged to return to their State of origin or residence;**
- **returns are planned in a way which leaves sufficient time to make arrangements with the appropriate services in the receiving State regarding continued support services for the victims;**
- **no return of a child victim of THB is carried out before a thorough assessment of the child's best interest has been carried out and arrangements made for the necessary support measures upon arrival in the receiving country.**

⁸⁴ Women of Nigerian origin in Finland who have been subjected to trafficking for sexual exploitation: practice in applying the Aliens Act. Memorandum 2016-552 by the National Rapporteur on Trafficking in Human Beings, page 19, available at: https://www.syrjinta.fi/documents/14490/0/Nigeriaselvitys_englanti/6ea936c8-462d-47a8-a73a-535af377ffd0

⁸⁵ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, Page 84.

⁸⁶ Women of Nigerian origin in Finland who have been subjected to trafficking for sexual exploitation: practice in applying the Aliens Act. Memorandum 2016-552 by the National Rapporteur on Trafficking in Human Beings, page 17, available at: https://www.syrjinta.fi/documents/14490/0/Nigeriaselvitys_englanti/6ea936c8-462d-47a8-a73a-535af377ffd0

3. Substantive criminal law

a. Criminalisation of THB (Article 18)

188. The criminalisation of THB in Chapter 25, Section 3 of the Criminal Code has not changed since GRETA's first report and read as follows:

“(1) A person who

(1) by taking advantage of the dependent status or vulnerable state of another person or by pressuring another; (2) by deceiving another person or by taking advantage of a mistake made by that person; (3) by paying remuneration to a person who has control over another person, or; (4) by accepting such remuneration takes control over another person, recruits, transfers, transports, receives or provides accommodation for another person for purposes of sexual abuse referred to in Chapter 20, Section 9, subsection 1(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues shall be sentenced for *trafficking in human beings* to imprisonment for at least four months and at most six years.

(2) A person who takes control over another person below the age of 18 years or recruits, transfers, transports, receives or provides accommodation for that person for the purposes mentioned in subsection 1 shall be sentenced for trafficking in human beings even if none of the means referred to in subsection 1(1)–(4) have been used.

(3) An attempt is punishable.

Section 3(a) - Aggravated trafficking in human beings

(1) If, in trafficking in human beings,

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

(2) Also a person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as whole.

(3) An attempt is punishable.⁸⁷

189. The aggravating circumstances listed in Chapter 25, Section 3(a) of the CC do not refer to the offence being committed by a public official in the performance of her/his duties. Abuse of public office is criminalised separately by Chapter 40, Section 7 and Section 8 of the CC. The Finnish authorities have indicated that the involvement of a public official in the commission of THB would be considered a violation of his/her official duties, which include the respect of human dignity and the principle of non-discrimination and thus would contribute towards a more severe punishment within the applicable punishment scale.⁸⁸

⁸⁷ Unofficial translation.

⁸⁸ Imprisonment for at least four months and at most six years according to Chapter 25, Section 3 of the CC, or imprisonment for at least two years and at most 10 years according to Chapter 25, Section 3a of the CC.

190. Abusing the vulnerable state of another person forms part of the means for committing THB listed in Chapter 25, Section 3 of the CC. The CC provides no definition of “vulnerable state” but its meaning has been explained in the Government’s legislative proposal 34/2004,⁸⁹ according to which vulnerability may derive from, for example, a difficult economic situation, homelessness, serious illness, intoxicant abuse, young age, living in exile, the serious illness or intoxicant abuse of a near relative, prostitution or an otherwise difficult social position. Vulnerability may be increased by experiences of sexual or other violence. In its report 4/2004, the Legal Affairs Committee of Parliament held that a vulnerable state could also arise from, for example, applied psychological pressure. Case law from the Turku Court of Appeal⁹⁰ and the Helsinki Court of Appeal⁹¹ explicitly refers to trafficking victims’ states of vulnerability, mostly caused by their placement in an unfamiliar environment in which they did not have the necessary language skills and by their debt to the traffickers.

191. According to the *travaux préparatoires* to the respective 2004 and 2014 amendments to the CC, the term “other demeaning circumstances” in Chapter 25, Section 3, of the CC includes practices similar to slavery⁹² and may be applied in certain circumstances to exploitation through begging, forced criminality, forced marriage and illegal adoption. The Assistance System recognises the previously mentioned forms of exploitation linked to THB and has already admitted victims of THB for the purposes of forced marriage, forced criminality and illegal adoption. According to a study published by the Ministry of Justice, forced marriage is not criminalised as such, but can be punishable as human trafficking or coercion (Chapter 25, Section 8 of the CC).⁹³

192. **Given the possibility of THB being committed for the purpose of forced marriage, GRETA invites the Finnish authorities to examine whether the provisions of the Criminal Code adequately define this offence.**

b. Criminalisation of the use of services of a victim (Article 19)

193. As noted in paragraph 16, following an amendment of Chapter 20, Section 8, the CC, the purchase of sexual services from a person, despite having reasons to suspect that the person concerned is a victim of THB, has been criminalised since June 2015. There is still no case-law related to this provision.

194. Establishing as a criminal offence the use of services of a victim of THB for the purpose of labour exploitation was under consideration during the preparation of the ratification by Finland of the Convention, but it was decided not to adopt such legislation because, according to the authorities, users of services provided by victims of THB for the purpose of labour exploitation are not, contrary to users of sexual services, necessarily directly in contact with the victim and therefore cannot evaluate the working conditions of the provider of the service.

195. GRETA recalls that pursuant to Article 19 of the Convention, Parties must consider making it a criminal offence to knowingly use the services of a victim of trafficking. This provision targets the client whether of a victim of trafficking for sexual exploitation or of a victim of forced labour or services, slavery or practices similar to slavery, servitude or organ removal. **GRETA considers that the Finnish authorities should establish as a criminal offence the use of services from victims of trafficking which are the object of exploitation other than sexual exploitation, with the knowledge that the person is a victim of human trafficking.**

⁸⁹ <http://www.finlex.fi/fi/esitykset/he/2004/20040034>

⁹⁰ Case 2013 (1700) of 30 September 2013 available in Finnish at <http://www.finlex.fi/fi/oikeus/ho/2013/tho20131700>. The court, in its decision, also made reference to the ILO 1930 Convention concerning Forced or Compulsory Labour.

⁹¹ Case 2014 (616) of 17 March 2014 and court decision 113360 of 3 April 2017.

⁹² In this context the *travaux préparatoires* refer to the United Nation’s 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery

⁹³ The study was prepared by the Faculty of Social Sciences of the University of Helsinki and is available in Finnish at: <https://valtioneuvosto.fi/documents/1410853/4750802/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf/8b68f4a4-8c0e-43e0-9314-a40af9e4c56f/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf.pdf>

c. Corporate liability (Article 22)

196. According to Chapter 25, Section 10, of the CC, the provisions on corporate criminal liability apply to trafficking in human beings and aggravated trafficking in human beings. Corporate criminal liability is regulated in Chapter 9 of the CC. The prerequisites for liability and the connection between the offender and the corporation are described in Chapter 9, Section 2 and 3(1), of the CC as follows:

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

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

The offence is deemed to have been committed in the operations of a corporation if the perpetrator has acted on the behalf or for the benefit of the corporation, and belongs to its management or is in a service or employment relationship with it or has acted on assignment by a representative of the corporation."⁹⁴

197. According to the Finnish authorities, in 2016 there were four court judgements resulting in the closure of businesses which had been used to commit THB.⁹⁵ In one of the cases, which concerned THB for the purpose of labour exploitation in a Nepalese restaurant, the District Court of Pohjois-Savo imposed a corporate fine on the company in question.⁹⁶ There were several defendants in this case, some of whom received suspended sentences for THB and some were sentenced for extortionate work discrimination, while compensation was awarded to the victims by the criminal court; the verdict can still be appealed. In another case concerning labour exploitation in an Indian restaurant, the prosecutor brought charges for THB against the restaurant as a legal person, but the Helsinki Appeal Court considered that given the small size of the business, it would constitute a double punishment of the owner if he was convicted both as a natural and a legal person.⁹⁷ In this case, bans on conducting business operations were imposed on all defendants.

198. **GRETA welcomes the application of the provisions on corporate criminal liability in THB cases and invites the Finnish authorities to continue ensuring that the liability of corporate persons is acted upon in practice and the sanctions or measures are effective, proportionate and dissuasive.**

d. Non-punishment of victims of trafficking in human beings (Article 26)

199. In its first report, GRETA considered that, in order to ensure compliance with Article 26 of the Convention, the Finnish authorities should adopt a provision on the non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so, and that public prosecutors should be issued guidance and encouraged to be proactive in establishing if an accused is a potential victim of THB.

⁹⁴ Unofficial translation.

⁹⁵ The Finnish authorities referred to Decision R16/1280 by the Helsinki Appeal Court and Decision R 17/888 of the Pohjois-Savo District Court.

⁹⁶ Case R17/888, decision by the Pohjois-Savo District Court of 14 December 2018.

⁹⁷ Case R16/1280, decision by the Helsinki Appeal Court of 3 April 2017. In this case, some of the defendants were charged with THB and some with aggravated THB. The Helsinki Appeal Court confirmed the sentences of the Vantaa District Court regarding the THB charges.

200. As explained in GRETA's first report, under Chapter 17, Section 7, of the CC, a foreigner who has committed an immigration offence due to the fact that s/he has been subjected to THB, or that s/he is a refugee seeking asylum, shall not be punished for it. There is also a general principle that criminal responsibility may be avoided in cases where the person had no real choice to act differently in the particular situation, which could be the case when a person has been compelled to commit an offence. Further, Chapter 6, Section 12 of the CC provides for the possibility of not prosecuting or punishing persons for offences they have committed in cases where the act is deemed comparable to an excusable act.

201. In some recent cases, the circumstances of the offence or the defendant's personal situation have led the National Rapporteur to suspect that the persons sentenced to imprisonment had been forced to commit the offence as a result of being trafficked, and that the perpetrator had abused their vulnerable situation, young age, addiction or ethnic origin.⁹⁸

202. GRETA urges the Finnish authorities to take further steps to ensure that the non-punishment provision can be applied to all offences that victims of THB were compelled to commit, and to develop relevant guidance for police officers, prosecutors and judges.

203. Reference is made in this context to the recommendations on non-punishment for legislators and prosecutors contained in the paper issued by the OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings in consultation with the Alliance against Trafficking in Persons Expert Co-ordination Team.⁹⁹

4. Investigation, prosecution and procedural law

a. Measures related to effective investigations (Articles 1, 27 and 29)

204. In its first report, GRETA urged the Finnish authorities to ensure that THB offences for all types of exploitation are proactively investigated and prosecuted promptly, leading to proportionate and dissuasive sanctions, by building further the capacity and specialisation of police officers, prosecutors and judges.

205. THB is usually investigated by police units dealing with organised crime or financial crime, depending on the type of exploitation. The Finnish authorities have indicated that due to the low number of police officers in Finland, it is not possible to set up specialised units to deal with THB cases. The National Police Board has established a national expert network specialised in combating THB.¹⁰⁰ In addition, local police departments have persons in charge of immigration matters whose responsibilities include ensuring, under the direction of the National Police Board, that competence is developed in different areas, including the investigation of human trafficking offences. The National Rapporteur has recommended the creation of a specialised police unit for combatting THB with a view to improving the capacity of the police in different parts of Finland to investigate THB offences.

⁹⁸ Statement by the National Rapporteur on Trafficking in Human Beings (Statement reference: VTDno-20L7-273 of 31 August 2017) on the Report submitted by the Finnish authorities on measures taken to comply with Committee of the Parties Recommendation CP(2015)1 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings.

⁹⁹ <http://www.osce.org/secretariat/101002?download=true>

¹⁰⁰ See paragraph 28 of the first GRETA report.

206. The Coercive Measures Act (806/2011) outlines the special investigation techniques that can be used by the police and the grounds for using them. All available special investigation techniques can be used in THB cases (i.e. surveillance, covert human intelligence sources, telecommunications interception, search of premises, search of data contained in a technical device, financial investigations). However, according to NGO representatives, proactive investigation methods and special investigation techniques are rarely used in THB cases, resulting in excessive reliance on the victim's testimony due to absence of other evidence.

207. The National Bureau of Investigation maintains an online tip-off service where people can report illegal online activities. Furthermore, the police co-operate with the NGO Save the Children, which in turn works closely with the Finnish section of the international association of internet hotlines INHOPE, in order to detect child sexual abuse material on the Internet.

208. The Act on Information Society (917/2014), which entered into force 1 January 2015 and was amended in 2018, provides measures and procedures for blocking, filtering and take-down of illegal internet content. According to Section 184 of this Act, a court may order an Internet provider to disable access to the information stored by it if the information is clearly such that keeping its content available to the public or its transmission is punishable or constitutes a basis for civil liability.¹⁰¹

209. The confiscation of proceeds of crimes is regulated by Sections 3 and 4 of Chapter 10 of the CC. In addition, Chapters 3 and 4 of the Coercive Measures Act contain provisions on prohibition of transfer of criminal assets, confiscation for security and seizure. Statistics on confiscations of proceeds of THB offences or related freezing of assets are not kept, but the Finnish authorities have referred to executed confiscations for security.¹⁰² By way of example, restaurant assets in the worth of 233,897 Euros were frozen by the district court of Pohjois-Savo in the THB case referred to in paragraph 197.¹⁰³ In addition, in a case in which the Helsinki Court of Appeal found the defendant guilty of aggravated THB, a secondary demand for confiscation of proceeds to the State was made.¹⁰⁴

210. According to information provided by the Finnish authorities, there were 30 investigations into THB cases in 2015, 71 in 2016, and 71 in 2017. There were seven prosecutions in THB cases in 2015, eight in 2016, five in 2017 and two in 2018. In 2015 there were seven convictions in THB cases, with punishments ranging from under one year to five years of imprisonment. In 2016, there were six sentences in THB cases and four court orders to close businesses used for THB. In 2017, there were two convictions for THB and in 2018, seven.

211. GRETA notes that cases initially investigated as THB for the purpose of sexual exploitation are often re-qualified as pimping, which results in a termination of the assistance measures provided to the victim. Similarly, cases of THB for the purpose of labour exploitation are frequently prosecuted as extortionate work discrimination because it is difficult to prove all constituent elements of THB. According to the findings of the previously mentioned study by HEUNI and the National Rapporteur, most police officers and prosecutors wrongly believe that victims of THB can receive assistance regardless of the CC provision under which the investigation and prosecution are conducted.¹⁰⁵

¹⁰¹ For further details, see Study on Blocking, Filtering and Take-down of Illegal Internet Content in the 47 Member States of the Council of Europe, commissioned by the Secretary General of the Council of Europe and prepared by the Swiss Institute of Comparative Law in 2016. The part of the study with further details on relevant Finnish legislation is available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680655533>

¹⁰² According to the Coercive Measures Act, a suspect's assets can be secured for the event that a subsequent court decision should provide that the sentenced person's assets should be transferred to the State or used to pay fines or compensation.

¹⁰³ Case R17/888, decision by the Pohjois-Savo District Court of 14 December 2018

¹⁰⁴ Decision R16/1625 of 31 January 2017.

¹⁰⁵ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 172.

212. There have been two THB cases adjudicated by the Supreme Court.¹⁰⁶ Both concerned THB for the purpose of sexual exploitation where the victims and the perpetrators were Finnish citizens. In the first case, the Supreme Court changed the charge by the Appeal Court from aggravated pimping to aggravated THB, but did not change the Appeal Court's sentence of two years and two months of imprisonment. In the second case, the Supreme Court confirmed, *inter alia*, the Appeal Court's sentence of trafficking in human beings.

213. In one case of THB adjudicated by the district court of Varsinais-Suomi in 2016, the defendant had promised work in Finland to a woman living abroad, but on her arrival in Finland he had forced her into prostitution as well as to marry a Finnish man in order to secure a residence permit. In another case adjudicated by the Helsinki district court in 2015, a foreign woman who had been enticed to come to Finland by promises of marriage had been forced into prostitution. The defendants in the case were charged with aggravated THB, but sentenced for pimping.¹⁰⁷ Another case of forced marriage was pending before an appeal court after the THB charges had been dismissed by a district court.

214. GRETA notes that the number of prosecutions and convictions for THB in Finland remains low. GRETA notes that human trafficking cases require significant investment to ensure that there is no overreliance on vulnerable victims and that those benefiting from the exploitation are identified and sanctioned, including through following the money flows and online activity and engaging in transnational co-operation. GRETA stresses the need for improvement of the knowledge and sensitivity of relevant professionals, in particular prosecutors and judges, about the seriousness of human trafficking, the severe impact of exploitation on the victims and the need to respect their human rights, including the right to redress and protection.

215. GRETA considers that the Finnish authorities should ensure that THB offences for all types of exploitation are proactively investigated and prosecuted promptly, leading to proportionate and dissuasive sanctions, by building further the capacity and specialisation of police officers, prosecutors and judges.

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

216. In its first report, GRETA considered that the Finnish authorities should take additional practical measures to ensure the effective protection of victims of THB during the investigation and to prevent their intimidation during and after court proceedings.

217. Following 2016 amendments to the Code of Judicial Procedure (4/1734), the provisions concerning the hearing of the victim without the presence of the offender are contained in Chapter 17, Section 51, and the provisions on the hearing of the victim by video link in Chapter 17, Section 52, of the CC.

¹⁰⁶ Case numbers 80/2014 and 89/2015. The Supreme Court decisions are available at: <http://korkeinoikeus.fi/fi/index/ennakkopaatokset/precedent/1414655130224.html> and <http://korkeinoikeus.fi/fi/index/ennakkopaatokset/precedent/1449140797968.html>.

¹⁰⁷ Study published by the Ministry of Justice and prepared by the Faculty of Social Sciences of the University of Helsinki and is available at: <https://valtioneuvosto.fi/documents/1410853/4750802/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf/8b68f4a4-8c0e-43e0-9314-a40af9e4c56f/Avioliittoon+pakottaminen+-+selvitysmuistio+2017+HY.pdf.pdf>

218. The Finnish authorities have referred to the implementation of EU Directive 2012/29/EU which establishes minimum standards on the rights, support and protection of victims of crime. A new provision envisaging a personal assessment of the injured party was included in the Criminal Investigation Act. According to Chapter 11, Section 9a, of this Act, the criminal investigation authority shall assess without undue delay if the injured party needs special protection during the criminal investigation and the court proceedings and what specific protection measures might be needed. The special protection measures are included in the Code of Judicial Procedure (Chapter 17) and the Criminal Procedure Act (Chapters 5, 7 and 11). At pre-trial investigations involving bodily injury, the Police make audio-visual recordings of interviews with the injured party which can be used in district court proceedings rather than the injured party testifying in person. Alternatively, the injured party can, on request, testify from behind a screen. Anonymity may be granted to a witness in a case of THB if a serious threat to life or health is considered to exist. Further measures, such as decisions about restraining orders, can be taken by the Police.

219. In January 2015 the Finnish Parliament adopted legislation introducing a witness protection programme. The witness protection programme has not yet been used to protect victims of THB.

220. As noted in the first GRETA report, a victim of THB can be assisted by a support person during a court hearings and at other stages of criminal proceedings.¹⁰⁸ The support person is typically a social worker, psychologist or NGO representative. A special victim support person from the NGO Victim Support Finland can also be assigned to the victim.

221. GRETA considers that the Finnish authorities should make full use of the measures available to protect victims and witnesses of THB, including the use of the witness protection programme, in order to ensure that they are adequately protected from potential retaliation or intimidation during judicial proceedings.

c. Jurisdiction (Article 31)

222. Chapter 1, Sections 1-11, of the CC regulate Finnish criminal jurisdiction. Crimes committed on Finnish soil can be investigated in Finland regardless of the country in which the complaint was submitted. Further, Finnish law applies to any offence committed outside Finland by a Finnish citizen and to offences committed outside Finland and directed at Finnish citizens, corporations, foundations or other legal entities, or by a foreigner permanently resident in Finland if, under Finnish law, the act may be punishable by imprisonment of more than six months.

223. According to Chapter 1, Section 7(3) of the CC, Finnish jurisdiction covers all THB offences regardless of the perpetrator, the victim, the place of commission and the legislation of the place of commission (i.e. dual criminality is not required).

224. Further, Finnish law applies to offences committed outside of Finland which, under Finnish law, may be punishable by imprisonment of more than six months, if the State in the territory of which the offence was committed has requested that charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted.

¹⁰⁸ See paragraph 219 of the first GRETA report.

5. International co-operation and co-operation with civil society

a. International co-operation (Articles 32 and 33)

225. The Finnish Police participates in international co-operation in THB cases in accordance with the Europol Multiannual Strategic Plans and Operational Action Plans. According to the previously mentioned study by HEUNI and the National Rapporteur, international requests for assistance in criminal investigations in THB cases by the Finnish Police are not always considered as a priority by the receiving countries (in particular Italy, Greece and Spain).¹⁰⁹

226. Finland has not participated in Joint Investigation Teams (JITs) in THB cases in the reporting period.

227. Finland participates in the activities of the Council of Baltic Sea States' (CBSS) Task Force against Trafficking in Human Beings (TF-THB).¹¹⁰

228. As noted in paragraph 47, HEUNI is carrying out a project which forms part of the Nordic Counter Trafficking for Forced Labour Project on preventing exploitation of the workforce and trafficking of human beings by means of strengthening corporate social responsibility.

229. The Unit for Civil Society of the Department for Development Policy of the Ministry of Foreign Affairs supports development co-operation with the involvement of Finnish civil society organisations. The objective of Finland's development policy is to reduce inequality and Finnish NGOs are encouraged by the MFA to work with the poorest sectors of the population in target countries. From this perspective, much of the development co-operation indirectly contributes to the prevention of human trafficking. Two projects explicitly target THB.

230. The Finnish Evangelical Lutheran Church' agency Felm, in its 2018-2021 foreign work programme, supports beneficiaries who face discrimination and exploitation in forced labour or prostitution and who are potential victims of THB in Botswana, Cambodia, Ethiopia and Zimbabwe.¹¹¹ The local Cambodian partner Chab Dai will train all of Felm's local partner organisations in Cambodia and Laos in recognising, taking into account and minimising risks of THB. Felm's development co-operation programme is supported by the MFA in the sum of 5.07 million Euros per year. During its previous programme cycle in 2017, Felm worked in Cambodia and Laos to reduce THB and sexual abuse through income generating activities for women. In Vietnam, the programme made efforts to protect victims by contributing to the improvement of relevant national legislation. Felm also worked with young girls and women in danger of marginalization, provided assistance for victims of THB and carried out advocacy work with local authorities and churches in South Africa.

231. Another NGO involved in development co-operation is Fida, which has run awareness-raising programmes about THB in high schools and social media in Laos.¹¹² Fida co-operates with the Sengsavang Centre, a shelter for young girls who are victims of THB or other sexual exploitation or are at risk of becoming victims. In Cambodia, Fida raises awareness of parents about THB, especially in rural areas. The MFA supports Fida's work with 4.7 million Euros per year.

¹⁰⁹ Maija Koskenoja, Natalia Ollus, Venla Roth, Minna Viuhko and Laura Turkia of HEUNI and the National Rapporteur's office, "An unknown future: A report on the effectiveness of legislation concerning assistance for victims human trafficking", published by the Prime Minister's Office, 16 March 2018, page 169.

¹¹⁰ Available at: <http://www.cbss.org/wp-content/uploads/2016/03/Guidelines-for-Municipalities-ENG.pdf>

¹¹¹ <https://felm.org/>

¹¹² <https://www.fida.info/en/>

232. GRETA welcomes Finland's contribution to international co-operation through the funding of projects in countries of origin of victims of trafficking and considers that the Finnish authorities should further develop international co-operation with a view to prosecuting offenders and assisting victims of THB.

233. The Police are responsible for exchanging information about missing children with other countries. Finland is not linked to the European telephone number for missing children. The NGO Mannerheim League for Child Welfare operates a hotline (116 111) for children and young persons under 21 years of age, but it is not a hotline for reporting missing children. **GRETA invites the Finnish authorities to reinforce co-operation in the search for missing children.**

b. Co-operation with civil society (Article 35)

234. Four NGOs, namely the Finnish Refugee Advice Centre, Pro-tukipiste, Monika Multicultural Women's Association and Victim Support Finland (RIKU), specialise in providing support to victims of trafficking. Two of them (RIKU and Pro-tukipiste) receive continuous State funding.

235. As noted in paragraph 22, the June 2018 evaluation of the functioning of the anti-THB co-ordination function found shortcomings in the way in which the National Co-ordinator communicated with stakeholders, notably NGOs.

236. All activities of IOM Finland implemented in support of Finland's anti-THB efforts have involved civil society, including NGOs and trade unions. The HOIKU project expert groups have strong participation of trade unions (in the field of social welfare and health care) and NGOs (working with irregular migrants and victims of THB).

237. There is little co-operation between municipalities and specialised NGOs, including as regards the provision of assistance to victims of THB. In order to increase capacity and co-operation in identifying and assisting victims of THB outside the Helsinki City region, RIKU has begun forming networks for multi-sector co-operation. These networks, currently active in five cities (including Oulu, see paragraph 116), bring together local authorities (social services, police, labour inspection) and civil society (NGOs, labour unions, churches). They include joint trainings, developing client referral at local level, mapping existing services and conducting advocacy.

238. GRETA welcomes the continuous State funding available to two specialised anti-trafficking NGOs and invites the Finnish authorities to extend it to more NGOs.

239. Taking into account the important role played by civil society in implementing anti-trafficking activities and supporting victims of THB, GRETA considers that civil society should be adequately consulted on anti-trafficking policies and the development of anti-trafficking action plans at national or municipal level. In this context, GRETA considers that the co-operation between the municipal authorities and civil society should be reinforced.

IV. Conclusions

240. Since the adoption of GRETA's first report on Finland in March 2015, progress has been made in a number of areas.

241. The legislative framework related to action against trafficking in human beings has continued to evolve. Following amendments to the International Protection Act, the Assistance System has been given the competence to formally identify victims of human trafficking and grant them a recovery and reflection period. Further, the purchase of sexual services from a person, despite having reasons to suspect that the person concerned is a victim of human trafficking, has been criminalised.

242. Research has been conducted as regards different aspects of THB, especially by the National Rapporteur on Trafficking in Human Beings and the European Institute for Crime Prevention and Control (HEUNI).

243. Efforts have been made to train a range of professionals on issues related to human trafficking and the identification of victims, including health-care staff and social workers.

244. GRETA welcomes the efforts of the Finnish authorities, NGOs and international organisations to raise awareness of human trafficking among the general public and at-risk groups, including the issuing of guidance by HEUNI for employers and companies on risk management and prevention of THB for the purpose of labour exploitation.

245. Other positive developments are the opening of an office of the Assistance System in Oulu, as a result of which access to service providers in the western and northern parts of Finland is facilitated, as well as the opening of the first specialised shelter for female victims of trafficking. The Association of Finnish Local and Regional Authorities has issued guidance to municipalities regarding assistance to be given to victims of THB. GRETA also commends the continuous State funding available to two specialised anti-trafficking NGOs.

246. Measures have been taken to improve the provision of information to victims on the possibility to seek compensation, including through amendments to the Criminal Investigation Act and the provision of additional funding to support victims with legal advice.

247. Further, GRETA welcomes the inclusion into the International Protection Act of the possibility to grant financial support to victims of THB returning to their countries of origin and the more careful consideration by the Immigration Service given to decisions about returns to Italy under the Dublin Regulation.

248. Successful use has been made of existing legislation for prosecution of offences related to human trafficking committed by legal entities.

249. Moreover, Finland had continued to contribute to international co-operation in the fight against human trafficking, in particular through supporting projects in countries of origin of victims of trafficking.

250. However, despite the progress achieved, some issues give rise to concern. In this report, GRETA requests the Finnish authorities to take further action in a number of areas. The position of the recommendations in the text of the report is shown in parentheses.

Issues for immediate action

- **GRETA urges the Finnish authorities to adopt as a matter of priority a National Action Plan and/or strategy addressing all forms of THB, in which concrete activities and stakeholders responsible for their implementation are clearly defined and budgetary resources allocated, accompanied by a mechanism for monitoring its implementation and evaluating its impact (paragraph 26);**
- **For the purpose of preparing, monitoring and evaluating anti-trafficking policies, GRETA once again urges the Finnish authorities to develop and maintain a comprehensive and coherent data collection system on trafficking in human beings by compiling reliable statistical information from all main actors, including specialised NGOs, and allowing disaggregation (concerning sex, age, type of exploitation, country of origin and/or destination). This should be accompanied by all the necessary measures to respect the right of data subjects to personal data protection, including when NGOs working with victims of trafficking are asked to provide information for the national database (paragraph 43);**
- **GRETA urges 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 and ensuring that the State meets its obligation to provide a protective environment for them, including by:**
 - **ensuring that unaccompanied and separated children benefit from effective care arrangements, including safe and appropriate accommodation;**
 - **continue to sensitise and train frontline professionals working with such children, including staff of reception centres for asylum seekers and guardians;**
 - **systematically carrying out police investigations into disappearances of unaccompanied and separated children and strengthening follow-up and alert systems on reports of missing children (paragraph 71);**
- **GRETA once again urges the Finnish authorities to take steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Convention, in particular by:**
 - **introducing a National Referral Mechanism which defines the roles and responsibilities of different stakeholders and promotes a multi-agency approach to victim identification by involving a range of frontline actors, including NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;**
 - **effectively disseminating among frontline staff common operational indicators, guidance, training and toolkits to be used in the identification process. These indicators should be harmonised and shared between the various stakeholders concerned and be regularly updated in order to reflect the changing nature and purposes of human trafficking, such as the apparent increase in victims of THB for the purpose of forced marriage;**
 - **improving the proactive detection of victims of THB, the gathering of intelligence and the sharing of information between relevant actors, in particular as regards sexual exploitation and victims among Finnish and other EU nationals (paragraph 111);**

- **GRETA once again urges the Finnish authorities to ensure that the assistance provided to victims of THB is adapted to their specific needs are guaranteed to all victims of THB across the country, regardless of the service provider and place of residence. This should include measures to:**
 - **continue to provide training on the assistance of victims of THB to relevant municipal staff, such as social workers;**
 - **increase the number of specialised shelters for victims of THB; if necessary, the Act on Shelters should be reviewed to enable the setting up of shelters catering for male victims of trafficking;**
 - **provide adequate funding to NGOs to whom the provision of specialised assistance to victims of THB is delegated**
 - **ensure the quality and confidentiality of interpretation services for victims of THB (paragraph 131);**
- **GRETA urges the Finnish authorities to set up a National Referral Mechanism for the identification and referral to assistance of child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk. This should include steps to:**
 - **routinely consider the possibility of trafficking when interviewing asylum-seeking children;**
 - **proactively identify unaccompanied and separated asylum-seeking children who might have become victims of THB for the purpose of forced marriage (paragraph 143);**
- **GRETA urges the Finnish authorities to ensure that all police and border guard officers are issued with clear instructions stressing the need to apply the recovery and the reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators (paragraph 153);**
- **GRETA urges the Finnish authorities to ensure that all victims of THB are covered by the Act on Compensation for Crime Damage, irrespective of residence status, and can benefit from free legal aid when applying for compensation (paragraph 175);**
- **GRETA urges the Finnish authorities to take further steps to ensure that the non-punishment provision is capable of being applied to all offences that victims of THB were compelled to commit, and to develop relevant guidance for police officers, prosecutors and judges (paragraph 203).**

Further conclusions

- GRETA considers that the Finnish authorities should take further steps to provide specialised and continuous training to all professionals who may come into contact with victims of THB, including child victims, to enable them to identify victims and refer them to assistance. Professionals involved in the provision of assistance to victims of THB, in particular at the municipal level, including health-care staff and social workers, should receive further training on the legislation in force as regards THB victims' rights to assistance, including specialised services, legal aid and compensation (paragraph 38);
- GRETA welcomes the research conducted in the reporting period as regards different aspects of THB and invites the Finnish authorities to continue conducting and supporting research on THB-related issues and emerging trends as an important source of information on the impact of current policies as well as a basis for future measures. An area where research could be commissioned is the possible links between online streaming of sexual abuse of children and human trafficking (paragraph 49);
- While welcoming the steps taken since the first evaluation to raise awareness of THB amongst the general public, GRETA considers that the Finnish authorities should continue their efforts to raise awareness of THB and design future actions in this area in the light of impact assessment of previous measures, focusing on needs identified. Greater attention should be paid to informing the public about THB for the purpose of sexual exploitation and the criminalisation of the purchase of sexual services from victims of THB (paragraph 56);
- While welcoming the measures taken to prevent THB for the purpose of labour exploitation, GRETA considers that the Finnish authorities should make further efforts in this area, in particular by:
 - continuing to sensitise relevant officials, including labour inspectors, police officers, prosecutors and judges, about human trafficking for the purpose of labour exploitation and the rights of victims;
 - ensuring that on-going training is provided to labour inspectors to enable proactive identification of human trafficking cases, and that labour inspections are properly resourced, frequent and targeted at sectors with a heightened risk of human trafficking, focusing on the rights of the workers rather than on their immigration status paragraph 63);
- GRETA considers that the Finnish authorities should take steps to:
 - raise public awareness about the risks and different manifestations of child trafficking, including for the purpose of forced marriage;
 - sensitise and train child welfare professionals across the country on risks of trafficking and effective prevention measures;
 - raise awareness by including THB as a topic in the national school curricula, including as regards online safety, accompanied by appropriate training of teachers (paragraph 72);
- GRETA considers that the Finnish authorities should clarify the reporting obligations of suspected cases of THB for the purpose of organ removal and take steps to ensure that health-care professionals are provided with sufficient training to enable them to identify and refer to assistance victims of THB (paragraph 78);

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- GRETA encourages the Finnish authorities to sign and ratify the Council of Europe Convention against Trafficking in Human Organs as this would contribute to the prevention of trafficking for the purpose of organ removal (paragraph 79);
 - GRETA considers that the Finnish authorities should strengthen their efforts to discourage demand that fosters all forms of exploitation that leads to trafficking, including by adopting legislative, administrative, educational, social, cultural or other measures, in partnership with civil society, trade unions and the private sector. This should include measures to promote awareness among businesses, strengthen corporate social responsibility and prevent trafficking in supply chains, in line with the Guiding Principles on Business and Human Rights (paragraph 85);
 - GRETA considers that the Finnish authorities should continue their efforts to detect and prevent THB through border control measures, in particular in the context of increased migration flows. This should include introducing a checklist to identify potential victims of THB applying for visas and the provision of written information to foreign nationals planning to travel to Finland, in a language that they can understand, in order to alert them to the risks of THB and to inform them of their rights and where to turn for advice and assistance. GRETA refers in this context to the United Nations Office of the High Commissioner for Human Rights (OHCHR) 2014 Recommended Principles and Guidelines on Human Rights at International Borders (paragraph 89);
 - GRETA considers that the Finnish authorities should:
 - keep under review whether the obligation of the Assistance System to inform the police about victims admitted into the Assistance System may have a discouraging effect on victims' willingness to be referred to the Assistance System and guarantee that, in practice, victim identification is dissociated from the victim's co-operation in with the police;
 - continue to provide training on identifying victims of THB to staff of the Immigration Service and of Reception Centres;
 - take steps to ensure that a negative decision about a person's acceptance into the Assistance System is not a factor when examining that person's asylum application (paragraph 112);
 - GRETA considers that the Finnish authorities should take steps to:
 - train all professionals working with child victims of trafficking, including representatives of unaccompanied children, to recognise and respond appropriately to their individual needs and the best interests of the child;
 - provide assistance to adolescent victims of trafficking who are transitioning to adulthood, according to their needs (paragraph 144);
 - GRETA considers that the Finnish authorities should ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, including when they are unable to co-operate with the authorities (paragraph 166);

- GRETA considers that the Finnish authorities should ensure that in the context of the return procedures for victims of trafficking:
 - due regard is paid to the rights, safety and dignity of the person and the status of legal proceedings, which implies protection from retaliation and re-trafficking in line with the 2006 UNHCR's Guidelines on the application of the Refugees Convention to trafficked people and their possible entitlement to asylum when deciding upon applications for asylum of persons who are at risk of being re-trafficked or otherwise persecuted should they be obliged to return to their State of origin or residence;
 - returns are planned in a way which leaves sufficient time to make arrangements with the appropriate services in the receiving State regarding continued support services for the victims;
 - no return of a child victim of THB is carried out before a thorough assessment of the child's best interest has been carried out and arrangements made for the necessary support measures upon arrival in the receiving country (paragraph 187);
- GRETA invites the Finnish authorities to examine whether the provisions of the Criminal Code adequately define this offence (forced marriage, paragraph 192);
- GRETA considers that the Finnish authorities should establish as a criminal offence the use of services from victims of trafficking which are the object of exploitation other than sexual exploitation, with the knowledge that the person is a victim of human trafficking (paragraph 195);
- GRETA welcomes the application of the CC provisions on corporate criminal liability in THB cases and invites the Finnish authorities continue making use of them (paragraph 199);
- GRETA considers that the Finnish authorities should ensure that THB offences for all types of exploitation are proactively investigated and prosecuted promptly, leading to proportionate and dissuasive sanctions, by building further the capacity and specialisation of police officers, prosecutors and judges (paragraph 215);
- GRETA considers that the Finnish authorities should make full use of the measures available to protect victims and witnesses of THB, including the use of the witness protection programme, and take additional measures to ensure that they are adequately protected from potential retaliation or intimidation during judicial proceedings (paragraph 222);
- GRETA invites the Finnish authorities to reinforce co-operation in the search for missing children (paragraph 231);
- GRETA welcomes Finland's contribution to international co-operation through the funding of projects in countries of origin of victims of trafficking and considers that the Finnish authorities should further develop international co-operation with a view to prosecuting offenders and assisting victims of THB (paragraph 232);
- Taking into account the important role played by civil society in implementing anti-trafficking activities and supporting victims of THB, GRETA considers that civil society should be adequately consulted on anti-trafficking policies, including the future of the National Co-ordinator's function and the development of anti-trafficking action plans at national or municipal level. In this context, GRETA considers that the co-operation between the municipal authorities and civil society should be reinforced (paragraph 238).

Appendix

List of public bodies, intergovernmental organisations, non-governmental organisations and other civil society actors with which GRETA held consultations

Public bodies

- Ministry of the Interior
- Ministry of Justice
- Ministry of Foreign Affairs
- Ministry of Social Affairs and Health
- Ministry of Education
- Ministry of Economic Affairs and Employment
- National Bureau of Investigation
- National Police Board
- Border Guard
- Immigration Service
- Assistance System for Victims of Human Trafficking
- Office of the Prosecutor General
- Supreme Court
- National Rapporteur on Trafficking in Human Beings (Non-Discrimination Ombudsman)
- Ombudsman for Children
- Parliament (Committee on Legal Affairs, Committee on Administration, Committee on Employment and Equality Committee)
- City of Helsinki

Intergovernmental organisations

- International Organization for Migration
- European Institute for Crime Prevention and Control, affiliated with the United Nations¹¹³

Civil society organisations

- Pro-tukipiste
- Monika-Naiset Liitto
- Rikosuhrapäivistys
- Nytkis
- Finnish Refugee Advice Centre
- Association of Finnish Local and Regional Authorities

¹¹³ Operates under the auspices of the Government of Finland and the United Nations

Government's comments

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

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

The Convention requires that "the report and conclusions of GRETA shall be made public as from their adoption, together with eventual comments by the Party concerned." GRETA transmitted its final report to the Finnish authorities on 15 April 2019 and invited them to submit any final comments. The comments of the authorities, submitted on 15 May 2019, are reproduced hereafter.



15 May 2019

Final comments of the Government of Finland
on the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland
(second evaluation round)

The Government of Finland acknowledges the receipt of the final report drawn up by the Group of Experts on Action against Trafficking in Human Beings (GRETA) concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland (second evaluation round), which was adopted by GRETA at its 34th meeting, held on 18-22 March 2019.

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

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

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

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