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Finland fights human trafficking

Action Plan against Trafficking in Human Beings



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Venla Roth, Mia Luhtasaari

Ministry of Justice, Finland Helsinki 2021

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Abstract

The preparation of an action plan to combat human trafficking was agreed by the Government of Prime Minister Sanna Marin. On 2 April 2020, the Ministry of Justice appointed an intersectoral working group to prepare such an action plan.

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

The action plan is based on five strategic objectives and 55 actions. The plan will promote the detection of human trafficking, improve the standing of victims and enhance the establishment of criminal liability. The plan will also strengthen the mainstreaming of antitrafficking into the wider activities of the Government and intensify cooperation with civil society. The plan links anti-trafficking closely with analysis, assessment and research activities. The action plan seeks to prevent and reduce trafficking in human beings.

The plan will be implemented in 2021–2023. Its implementation will be monitored and reported by a working group. An external assessment of the implementation of the action plan will also be carried out.

Keywords	Trafficking in human beings, human trafficking, exploitation, crime prevention, prevention, intersectoral approach, government programmes, human rights
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Suomi torjuu ihmiskauppaa

Ihmiskaupan vastainen toimintaohjelma

Oikeusministeriön julkaisuja, Mietintöjä ja lausuntoja 2021:24		Teema	Mietintöjä ja lausuntoja
Julkaisija	Oikeusministeriö		
Tekijä/t Kieli	Venla Roth, Mia Luhtasaari suomi	Sivumäärä	86

Tiivistelmä

Pääministeri Sanna Marinin hallitus sopi ihmiskaupan vastaisen toimintaohjelman valmistelusta. Oikeusministeriö asetti 2.4.2020 valmistelua varten poikkihallinnollisen työryhmän.

Valmistelussa huomioitiin Eduskunnan ponnet ihmiskaupan vastaisen työn tehostamisesta ja uhrien aseman parantamisesta sekä kansainvälisten ihmisoikeussopimusten valvontaelinten Suomelle antamat suositukset. Valmistelussa kuultiin kokemusasiantuntijoita, kansalaisjärjestöjä ja moniammatillisia verkostoja. Lisäksi järjestettiin työpajoja ihmiskaupan vastaista työtä tekeville asiantuntijoille. Tavoitteena oli saada kattava kuva ihmiskaupan vastaisen työn haasteista ja kerätä näkemyksiä työn kehittämiseksi.

Toimintaohjelma perustuu viiteen strategiseen tavoitteeseen ja 55 toimenpiteeseen. Ohjelmalla edistetään ihmiskaupan ilmituloa, parannetaan uhrien asemaa ja tehostetaan rikosvastuun toteutumista. Ohjelmalla myös vahvistetaan ihmiskaupan vastaisen työn valtavirtaistamista osaksi laajempaa valtioneuvoston toimintaa sekä tiivistetään yhteistyötä kansalaisyhteiskunnan kanssa. Ohjelma sitoo ihmiskaupan vastaisen työn kehittämisen tiiviisti selvitys- ja tutkimustoimintaan. Toimintaohjelmalla pyritään ihmiskaupan ehkäisemiseen ja vähentämiseen.

Ohjelmaa toimeenpannaan vuosina 2021–2023. Työryhmä seuraa toimeenpanoa ja raportoi siitä. Ohjelman toteutumisesta teetetään ulkopuolinen arviointi.

Asiasanat Ihmiskauppa, hyväksikäyttö, rikosentorjunta, ennaltaehkäisy, poikkihallinnollisuus, hallitusohjelmat, ihmisoikeudet

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Finland bekämpar människohandel

Handlingsplan mot människohandel

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Referat

Statsminister Sanna Marins regering kom överens om beredning av en handlingsplan mot människohandel. Justitieministeriet tillsatte den 2 april 2020 en förvaltningsövergripande arbetsgrupp.

I beredningen beaktades riksdagens klämmor om förstärkning av arbetet mot människohandel och förbättring av offrens ställning samt rekommendationerna för Finland från övervakningsorganen i de internationella människorättskonventionerna. Vid beredningen hördes erfarenhetsexperter, medborgarorganisationer och multiprofessionella nätverk. Dessutom ordnades workshoppar för experter som arbetar mot människohandel. Målet var att få en täckande bild av utmaningarna i arbetet mot människohandel och få uppfattningar om utveckling av arbetet.

Handlingsplanen grundas på fem strategiska mål och 55 åtgärder. Planen främjar avslöjanden om människohandel, förbättrar offrens ställning och effektiviserar förverkligandet av det straffrättsliga ansvaret. Genom planen stärker man också arbetet mot människohandel till en funktionell del av statsrådets verksamhet i en större omfattning samt intensifierar samarbetet med medborgarsamhället. Planen binder utvecklingen av arbetet mot människohandel till utrednings- och forskningsverksamhet. Genom handlingsplanen strävar man efter att bekämpa och minska människohandel.

Planen verkställs under åren 2021–2023. Arbetsgruppen följer verkställandet och rapporterar om det. En extern utvärdering utarbetas om verkställandet av programmet.

Nyckelord Människohandel, utnyttjande, brottsbekämpning, förebyggande, förvaltningsövergripande, regeringsprogram, mänskliga rättigheter

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1 Introduction

The preparation of an action plan to combat trafficking in human beings was agreed by the Government of Prime Minister Sanna Marin. The Ministry of Justice was assigned responsibility for coordinating the preparation of the plan. For this purpose, the Ministry of Justice appointed an intersectoral working group on 2 April 2020. Government Anti-Trafficking Coordinator Venla Roth was appointed to chair the group and Senior Adviser Mia Luhtasaari of the Ministry of Justice to serve as the working group's secretary.

The members of the working group were designated to represent the ministries central to anti-trafficking action and the agencies within the ministries' administrative branches as well as civil society actors. The ministries represented on the working group are the Ministry of Justice, Ministry of the Interior, Ministry of Social Affairs and Health, Ministry of Economic Affairs and Employment and the Ministry for Foreign Affairs. The agencies within the ministries' administrative branches represented on the working group are the Assistance System for victims of human trafficking, the National Police Board and the Office of the Prosecutor General.

Members were also appointed to the working group to represent MONIKA – Multicultural Women's Association Finland, the Finnish Refugee Advice Centre, Pro-tukipiste, Victim Support Finland and the European Institute for Crime Prevention and Control (HEUNI). A permanent expert was appointed to the working group to represent the Non-Discrimination Ombudsman, who is Finland's National Rapporteur on Trafficking in Human Beings.

1.1 Key elements of the decisions on the appointment of the working group and the steering group

According to the decision on the appointment of the working group, the preparation of the action plan shall take into account any other preparatory proceedings on or related to the same theme that are currently underway, the resolutions of Parliament on the topic, and the recommendations issued to Finland by the international human rights treaty bodies.

The tasks of the working group are:

- 1) to draft the priorities for the action plan against trafficking in human beings;
- 2) to plan and implement workshops in support of the preparation of the action plan;
- 3) to take into account, in the preparation of the action plan, other projects currently underway, the resolutions of Parliament and the recommendations issued to Finland by the international human rights treaty bodies;
- 4) to prepare the action plan to combat human trafficking, inclusive of cost impacts, and the related implementation plan;
- 5) to monitor and support the implementation of the action plan and to report to the steering group on its implementation;
- 6) to report on its work to the Ministerial Working Group on Internal Security and Strengthening the Rule of Law; and
- 7) to carry out any other assignments given to the working group by the steering group.

According to the appointment decision, the working group will monitor the implementation of the action plan until the end of the Government term, 30 April 2023. In addition to the working group, the Ministry of Justice on 5 May 2020 appointed a steering group to monitor and, where necessary, to steer the accomplishment of the entries in the Government Programme concerning anti-trafficking action as well as the preparation and implementation of the action plan against trafficking in human beings. The steering group is chaired by Pekka Timonen, Permanent Secretary at the Ministry of Justice.

The steering group is tasked with attending to the policies of the authorities to advance the preparation of the projects, including any cost impacts and legislative amendments. Appointed by the Ministry of Justice, the steering group also serves as the steering group of the working group appointed by the Ministry of Social Affairs and Health to reform legislation on assistance to victims of human trafficking, the aim being to ensure the harmonisation of anti-trafficking action in the various administrative branches.

1.2 Development of Finland's anti-trafficking legislation

Before describing how the new action plan was prepared, we will briefly review the history of Finland's anti-trafficking legislation over the past two decades. Anti-trafficking action in Finland started with the adoption, in 2000, of the United Nations Convention against Transnational Organized Crime's Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.¹ In addition, in 2002 the European Union adopted a framework decision on combating trafficking in human beings.² Both the Protocol and the framework decision require States to establish trafficking in human beings as criminal offences, subject to certain conditions.

Penal provisions on trafficking in human beings were added to the Criminal Code of Finland (39/1889) in 2004, specifically to chapter 25 concerning offences against personal liberty. The aim of the amendments was to intensify action to combat human trafficking, pandering and prostitution. Underlying the amendments were international obligations and a need for change at the national level, which according to the government proposal had to do, above all, with detected cases of human trafficking in prostitution.³

Further amendments made to Criminal Code's provisions on human trafficking and pandering entered into force in 2015.⁴ The aim of these amendments was to bring the criminalisation of human trafficking more into line with the obligation to criminalise imposed in international instruments binding on Finland, and to clarify the distinction between the criminal offences of trafficking in human beings and pandering.

A central added value brought by the Council of Europe Convention on Action against Trafficking in Human Beings adopted in 2005 and ratified by Finland in 2012 has been to strengthen a human rights-based approach in anti-trafficking action.⁵ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA also imposes on the Member States stronger obligations to identify, assist and protect victims of human trafficking.⁶ Central aims of the regulations have been to promote the identification of trafficking victims and to improve their standing.

1 Finnish Treaty Series 70 and 71/2006.

2 2002/629/JHA.

3 Government proposal HE 34/2004. See also Ministry of Justice: Working group report 2003:5.

4 Government proposal HE 103/2014 and Legal Affairs Committee of Parliament report LaVM 15/2014.

5 (Finnish Treaty Series 43 and 44/2012) See also Explanatory Report: <https://rm.coe.int/16800d3812>.

6 2011/36/EU. For more information, see e.g. Koskenoja et al.: An unknown future: A report on the effectiveness of legislation concerning assistance for victims of human trafficking. Publications of the Government's analysis, assessment and research activities 24/2018.

Provisions on assistance to victims of trafficking in human beings were incorporated into the Act on the Integration of Immigrants and Reception of Asylum Seekers (Integration Act, 493/1999). The amendments to the Act entered into force in 2007.⁷ The provisions on assistance to victims of human trafficking were, for the most part, transferred 'as is' into the so-called Reception Act (Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings, 746/2011).⁸

The provisions on assistance to victims of human trafficking were subsequently changed by amendments entering into force in 2015. The changes aimed to strengthen the duties of the Assistance System to victims of human trafficking in law so as to make the identification of and assistance to victims of human trafficking a predictable and transparent system with clear-cut divisions of responsibilities. A further aim of the changes was to ensure the equal treatment of victims of human trafficking in the provision of services.⁹

In 2006, provisions on the residence permit to be issued to victims of human trafficking and on the reflection and recovery periods were added to the Aliens Act (301/2004). Under section 52a of the Aliens Act, a victim of trafficking in human beings staying in Finland is issued with a temporary residence permit if the residence of the victim of trafficking in human beings in Finland is justified on account of a pre-trial investigation or court proceedings concerning trafficking in human beings, the victim of trafficking in human beings is prepared to cooperate with the authorities in apprehending those suspected of trafficking in human beings, and the victim of trafficking in human beings no longer has any ties with those suspected of trafficking in human beings. Victims of human trafficking who are in a particularly vulnerable position may be issued a residence permit on a continuous basis. The issue of the residence permit is not conditional on the victim's cooperation with the authorities or the victim's residence in Finland being justified on account of a pre-trial investigation or court proceedings.¹⁰

Under section 52b of the Aliens Act, before issuing the abovementioned residence permit, a reflection period of at least thirty days and a maximum of six months may be granted to a victim of trafficking in human beings. The reflection period may be continued if the victim's personal circumstances so require. The total duration of the reflection period may

7 Government proposal HE 183/2006 and Administration Committee of Parliament report HaVM 23/2006.

8 Government proposal HE 266/2010.

9 Government proposal HE 266/2014 and Administration Committee of Parliament report HaVM 58/2014.

10 Issuing the residence permit is not conditional on the alien having secure means of support. If a victim of trafficking in human beings is issued with a temporary residence permit, his or her family members staying abroad are not issued with a residence permit on the basis of family ties. If he or she is issued with a continuous residence permit, family members are issued with a residence permit under section 47, subsection 3 of the Aliens Act.

be no more than six months altogether.¹¹ Under section 36 of the Reception Act, a Finnish citizen or an alien who is a victim of trafficking in human beings and resides in the country legally as provided in section 40 of the Aliens Act may, in connection with the decision-making concerning admittance to the Assistance System, be granted a recovery period of 30 days. The recovery period may be extended by at most 60 days if the personal circumstances of the victim of trafficking in human beings so require.¹²

In 2006, abuse of a victim of sexual trade, i.e. a victim of human trafficking or pandering, was established as a punishable criminal offence.¹³ The amendments to this effect entered into force in 2015 and their aim was to further enhance the protection under criminal law of victims of human trafficking and pandering.¹⁴

The 'Victims Rights Directive'¹⁵ is a key piece of EU legislation relating to the standing of victims of crime. The legislative amendments pertaining to it entered into force for the most part in 2016 in Finland. The most significant changes in legislation brought about by the Victims Rights Directive involve the duty of the pre-trial investigation authorities to inform victims of their rights, to carry out individual assessments of injured parties' need for protection, and to refer victims to support services. The assessment during the pre-trial investigation involves determination of matters such as whether special measures are required in the pre-trial investigation and the court proceedings in order to protect the victim from further suffering, intimidation or retribution. The provisions on the individual assessment of victims are laid down in chapter 11, section 9a of the Criminal Investigation Act (805/2011).

11 During the reflection period, a victim of trafficking in human beings must decide whether he or she will cooperate with the authorities as referred to in section 52a, subsection 1, paragraph 1. The reflection period may be suspended if the victim of trafficking in human beings has voluntarily and on his or her own initiative re-established relations with those suspected of trafficking in human beings or if the suspension is necessary on the grounds specified in section 36, subsection 1. In its most recent evaluation report on Finland, 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 (para 153).

12 The recovery period shall be suspended if the victim is decided to be removed from the assistance system under section 38f. After the termination of the recovery period, the director of the Joutseno Reception Centre shall, notwithstanding the secrecy provisions, be under the obligation to inform the police of the victim of trafficking in human beings and the decision on admitting the victim to the assistance system as well as of the necessary information referred to in section 37. During the recovery period, the victim referred to in subsection 1 is given the possibility to recover and reflect on cooperation with the competent authorities in solving the offence of trafficking in human beings. The pre-trial investigation authorities or the prosecutor may not be in contact with the victim during the recovery period without his or her consent.

13 Government proposal HE 221/2005, Constitutional Law Committee of Parliament report PeVL 17/2006 and Legal Affairs Committee of Parliament report LaVM 10/2006.

14 Government proposal HE 229/2014 and Legal Affairs Committee of Parliament report LaVM 38/2014.

15 Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

The then Ombudsman for Minorities (currently the Non-Discrimination Ombudsman) became Finland's National Rapporteur on Trafficking in Human Beings 2009. The duties of the autonomous and independent National Rapporteur include monitoring compliance with international obligations and the effectiveness of the national legislation.¹⁶

The Ombudsman for Minorities issued her first report to Parliament in the capacity of National Rapporteur on Trafficking in Human Beings in 2010.¹⁷ The Rapporteur gave an overview of Finland's anti-trafficking action to date and estimated that the greatest challenge in anti-trafficking action was the identification of victims of human trafficking. Victims either went wholly unidentified, or they were identified as victims of a crime other than human trafficking. In the 2014 report, the Rapporteur highlighted in particular the realisation, in the criminal justice process, of the rights of trafficking victims who had been subjected to sexual exploitation.¹⁸ The Rapporteur's third report submitted to Parliament in 2018 included two reviews of anti-trafficking action. Based on these, the Rapporteur gave recommendations on clarifying the legislation on assistance to victims of human trafficking, on amending legislation concerning the residence permit of trafficking victims, and on extending the powers of occupational safety and health authorities to human trafficking offences.¹⁹

The consideration of the reports has prompted Parliament to issue several resolutions on enhancing legislation and action by the authorities. Among other things, the resolutions have sought to improve the standing of victims of trafficking in human beings and to promote the establishment of criminal liability in trafficking cases. Based on the most recent report, Parliament required the Government to explore the possible needs for amendment of legislation in terms of diminishing the link between assistance to trafficking victims and the criminal justice process and strengthening a victim-driven approach in assistance, as well as with regard to the grounds for trafficking victims' residence permits. In addition, Parliament required the Government to determine the needs for legislative amendments pertaining to expansion of the powers of occupational safety and health authorities to trafficking offences.

16 Government proposal HE 193/2008 and Employment and Equality Committee of Parliament report TyVM 15/2008.

17 National Rapporteur on Trafficking in Human Beings: Report 2010. Human trafficking and related phenomena, and realisation in Finland of the rights of victims of human trafficking. Ombudsman for Minorities K 17/2010. Helsinki 2010.

18 National Rapporteur on Trafficking in Human Beings – Report 2014: Assessment of the status of anti-trafficking action and the realisation in criminal proceedings of the rights of victims of human trafficking victims who are subject to sexual trade, K 19/2014. Ombudsman for Minorities, 2014.

19 Report of the Non-Discrimination Ombudsman to Parliament, K 6/2018. Non-Discrimination Ombudsman 2018.

Established in 2014, the post of Government Anti-Trafficking Coordinator was initially based at the Ministry of the Interior. In 2020, the post was transferred to the Ministry of Justice. The Coordinator is responsible for the coordination in the Government of the action against trafficking in human beings.

Finland's first National Plan of Action against Trafficking in Human Beings was adopted in 2005.²⁰ Since then, Finland has prepared a number of action plans and programmes to combat human trafficking and carried out assessments of these. The most recent Action Plan concerned the years 2016–2017 and the aims of its actions included to promote the identification of human trafficking, victims' access to assistance, and national and international cooperation.²¹ The implementation of this plan is yet to be subjected to an assessment.

1.3 Recommendations of the international human rights treaty bodies

Finland is a State Party to several international human rights treaties that either concern anti-trafficking action or contain provisions applicable to trafficking in human beings. In addition to the abovementioned Council of Europe Convention on Action against Trafficking in Human Beings, these include in particular the Convention for the Protection of Human Rights and Fundamental Freedoms,²² the International Covenant on Civil and Political Rights,²³ the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,²⁴ Convention on the Elimination of All Forms of Discrimination against Women,²⁵ the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence,²⁶ the Convention on the Rights of

20 Ministry for Foreign Affairs: National Plan of Action against Trafficking in Human Beings. Publications of the Ministry for Foreign Affairs 18/2005. Helsinki 2005.

21 Government Action Plan against Human Trafficking 2016–2017 Publications of the Ministry of the Interior 29/2016. See also e.g. "Näkymättömät uhrin": Steering group proposal for specification of the Action Plan against Human Trafficking. Labour Administration publication 383/2007. Ministry of Labour 2007; Evaluation of the National Plan of Action against Trafficking in Human Beings and recommendations to develop legislation and measures concerning human trafficking. Final report of the Steering Group for the Plan of Action against Trafficking in Human Beings. Publications of the Ministry of the Interior, 17/2011.

22 European Human Rights Convention; Finnish Treaty Series 18 and 19/1990; as subsequently amended Finnish Treaty Series 71 and 72/1994, Finnish Treaty Series 85 and 86/1998, Finnish Treaty Series 8 and 9/2005, Finnish Treaty Series 6 and 7/2005, and Finnish Treaty Series 50 and 51/2010.

23 Finnish Treaty Series 7 and 8/1976; ICCPR.

24 Finnish Treaty Series 59 and 60/1989.

25 Finnish Treaty Series 67 and 68/1986; CEDAW.

26 Finnish Treaty Series 52 and 53/2015; Istanbul Convention.

the Child²⁷ and its Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography²⁸ and the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse ('Lanzarote Convention').²⁹ Human rights treaties are implemented in Finland by an Act.

The implementation of the treaties is monitored by independent and autonomous treaty bodies to which the States Parties shall submit periodic reports on the implementation of the treaty provisions and which issue recommendations to the States Parties to intensify the implementation of these provisions. The implementation of the human rights treaties is also monitored through individual complaints.

The human rights treaty bodies have issued several recommendations to Finland as a State Party to the treaties on intensifying the enforcement of treaty provisions concerning or applicable to anti-trafficking action. Among others, in their most recent concluding observations issued to Finland, the Committee against Torture³⁰, which monitors the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Human Rights Committee³¹, which monitors the implementation of the ICCPR, hold, in general terms alone, that Finland should continue its efforts to combat human trafficking and take effective action to prevent and eliminate it.

In its most recent evaluation report on Finland, the second of its kind, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA) urges the Finnish authorities to adopt as a matter of priority a National Action Plan and/or strategy addressing all forms of trafficking in human beings, 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.³²

Other topics addressed in the treaty bodies' recommendations include victim identification, victim assistance and protection, issues relating to entry into Finland, data collection, awareness-raising, training and education, and international cooperation. In addition, the Committee on the Elimination of Discrimination against Women (CEDAW Committee) has issued recommendations pertaining to women and trafficking in particular while GRETA

27 Finnish Treaty Series 59 and 60/1991.

28 Finnish Treaty Series 40 and 41/2012.

29 Finnish Treaty Series 87 and 88/2011.

30 CAT/C/FIN/CO/7.

31 CCPR/C/FIN/CO/6.

32 GRETA(2019)06; para 26.

has issued specific recommendations concerning trafficking in children and the rights and status of the child.

GRETA has paid particular attention to the identification of victims of human trafficking, urging the Finnish authorities to take steps including the introduction of a National Referral Mechanism to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Council of Europe Convention on Action against Trafficking in Human Beings (para 111). Another aspect to which GRETA draws attention is the association between victim identification and criminal proceedings (para 112), a point also raised by the Committee against Torture in respect of both victim identification and victim assistance.

GRETA draws particular attention also to the identification of child victims of trafficking in human beings and urges the Finnish authorities to ensure that the National Referral Mechanism contains rules and procedures on the identification and referral to assistance of child victims of trafficking in human beings. The European Committee on Social Rights³³ which monitors the implementation of the Revised European Social Charter has also drawn attention to the identification of child victims and the prevention of child trafficking.³⁴ GRETA also considers that the Finnish authorities should continue their efforts to detect and prevent trafficking in human beings through border control measures, in particular in the context of increased migration flows (para 89). Recommendations concerning the identification especially of woman victims and also victims of sexual violence and abuse have been issued to Finland by parties including the Human Rights Committee and the CEDAW Committee.³⁵

GRETA has also drawn attention to providing training to and increasing awareness among professionals to promote victim identification, in particular with regard to Finnish Immigration Service and reception centre staff and professional working with children (paras 112 and 144, among others). The Committee against Torture, among others, has held that Finland should prepare guidelines and provide specialised training in the identification of victims.³⁶ GRETA has moreover urged the Finnish authorities to take further steps to ensure that the non-punishment provision (Article 26 of the Convention) can be applied to all offences that victims of trafficking in human beings were compelled to commit, and to develop relevant guidance for police officers, prosecutors and judges (para 203).

33 Finnish Treaty Series 78 and 80/2002.

34 European Committee of Social Rights, Conclusions 2019, Finland, p. 11.

35 CEDAW/C/FIN/CO/7.

36 CAT/C/FIN/CO/7.

1.4 Preparation of the action plan

The working group launched the preparation of the new action plan for 2021–2023 by examining the current status of anti-trafficking action. The discussions sought to outline the key challenges which the new action plan should address. Account was also taken of other ongoing projects with connections to anti-trafficking action.

Besides seeking to address national challenges, the preparation of the action plan has also sought to implement the abovementioned recommendations of international human rights treaty bodies regarding anti-trafficking action. As a rule, the actions included in the plan are to be non-discriminatory, their implementation must promote gender equality and an approach that acknowledges gender diversity, and they must also take into account the rights of the child, the primacy of the child's best interests, and the right of the child to special protection.

Priorities in the preparation of the action plan

The working group proposed to the steering group that the action plan be prepared on the basis of six priorities. The aim of the priorities was to direct plan preparation towards a holistic approach, the ultimate objective of which is to prevent and reduce human trafficking in Finland. The steering group adopted the working group's proposal at its meeting of 25 May 2020. The priorities guiding the preparation of the action plan were:

- VIII. To reach and identify victims of human trafficking
- IX. To promote the detection of human trafficking
- X. To assist and protect victims of human trafficking
- XI. To intensify the establishment of criminal liability
- XII. To develop data collection and statistics compilation, and to increase awareness
- XIII. To put coordination on an established footing, to strengthen cooperation and to mainstream anti-trafficking action

During autumn 2020, the working group held a total of six workshops focusing on each of the adopted priorities. The aim of the workshops was to gather further information, dialogue on the challenges of anti-trafficking action and generate concrete suggestions for entries in the action plan. Also experts outside the working group were invited to give presentations at the workshops, to relate the practical challenges in anti-trafficking action and offer suggestions for concrete actions to address these challenges. Presentations were given by representatives of central and local government, civil society organisations (CSOs) and labour market organisations, and enterprises. The workshops were attended by a wide group of actors in society, from the authorities to civil society actors (See Appendix 1). All told, workshop participants numbered 130, working group members included.

During the course of the preparation of the action plan, the working group consulted both authorities and civil society actors. The working group also heard from experts by experience. The insights gained in these consultations have been summarised in this action plan in the section following the working group's views on the current status of anti-trafficking action. These views were formulated as a result of discussions taking place at working group meetings and in workshops. They also rely on the information provided to the working group by the abovementioned consulted parties. Appendix 2 contains more specific statistical data on topics such as numbers of identified victims of human trafficking, reports filed with the police and charges brought.

2 Views of the working group on the current status of anti-trafficking action

2.1 Detection of human trafficking

Human trafficking is hidden crime

Human trafficking is typically hidden crime and only some of the offences are estimated to be reported to the authorities. The working group preparing the action plan estimates human trafficking to be more prevalent in Finland than the number of cases detected would suggest. This estimate applies to all forms of human trafficking.

The working group estimates that Finnish authorities only learn of some of the human trafficking for the purpose of labour exploitation that takes place. Sectors and workplaces deemed by the working group to be of particular risk for human trafficking for the purpose of labour exploitation include the restaurant industry, the construction and cleaning industries, agricultural and seasonal work, barbershops, carwashes, nail salons and domestic work.³⁷

Most of the victims seeking help from the Assistance System for victims of human trafficking had been subjected to sexual violence outside Finland. Fairly little human trafficking relating to sexual exploitation where the crime was committed in Finland continues to be reported to the authorities in Finland when compared to many other European countries.³⁸

The working group estimates that trafficking related to criminal activity is also under-identified in Finland. According to a report by the Criminal Sanctions Agency, several victims of human trafficking whose commission of their crime was compelled, in the context of their victimisation, have been identified in Finland's prisons.³⁹

³⁷ See also Jokinen, Anniina & Ollus, Natalia (Ed.) (2019). Helsinki: HEUNI; Ylinen et al.: Detection of human trafficking for the purpose of labour exploitation. Investigation manual for pre-trial investigation authorities and checklist of occupational safety and health authorities. HEUNI Helsinki, 2020.

³⁸ For more on this topic, see the report of the Non-Discrimination Ombudsman to Parliament K 6/2018, p. 84, and the 2014 Report of the National Rapporteur on Trafficking in Human Beings, e.g. p. 113.

³⁹ Kaisa Tammi-Moilanen: Naisvankiselvitys. Selvitys naisvankien olosuhteista, toiminnoista ja turvallisuudesta. Criminal Sanctions Agency document series 'Monisteita' 4/2020.

The Assistance System for victims of human trafficking has seen a growing number of victims of forced marriage in recent years, yet the working group estimates that human trafficking related to forced marriage goes unreported to the authorities to some extent. The working group has discussed the needs to strengthen the expertise in this respect of actors in the criminal justice system in particular. In its report as well, GRETA urges the Finnish authorities to take forced marriage into account as a particular form of child trafficking. GRETA also urges improvement in the identification of victims (paras 111 and 143).

Child and youth trafficking is also estimated to remain hidden to some extent despite children and young people being at heightened risk of becoming trafficking victims. Children and young people are exposed to all forms of human trafficking. According to a report by the Assistance System for victims of human trafficking and HEUNI, the authorities' degree of awareness of child and youth trafficking varies, which may hamper the detection and discovery of cases as well as victims' access to assistance. Many child and youth victims of human trafficking are only identified as such as adults, even though they might have benefited from earlier access to the services in the Assistance System for victims of human trafficking.⁴⁰ Regardless, services for minors are primarily provided in the form of child welfare and subsequent after-care services.

In its most recent report on Finland, GRETA also 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 (para 71). GRETA also considers that the Finnish authorities should take steps to provide training to all professionals who work with child victims and to assist victims entering adulthood (para 38).

In 2020, Victim Support Finland, Pro-Tukipiste and MONIKA – Multicultural Women's Association identified a total of 120 victims of human trafficking in their low-threshold services. Around 63% of the victims identified by the organisations opted to seek admittance to the Assistance System for victims of human trafficking and around 57% to file a report with the police. Around 30% of the identified victims of human trafficking chose not to seek admittance to the Assistance System for Human Trafficking, for a variety of reasons. Some of them were referred to municipal services or reception services, or services provided by CSOs. However, around 18% of those identified by the organisations as victims of human trafficking wished to take no action, and it is likely that the authorities have never learned of their victim status. The advice and assistance provided by CSOs has been of particular importance to clients who have been on the fence about seeking out services from the authorities or who decide not to pursue their criminal case through official channels.

40 Elina Kervinen and Natalia Ollus: Lapsiin ja nuoriin kohdistuva ihmiskauppa Suomessa. HEUNI 2019.

Victims of human trafficking are often very vulnerable

There are several reasons for the low detection rate of trafficking in human beings. Often, the victims may be afraid of those who exploit them. The threat of violence, debt pressure, the shame and guilt from being deceived and exploited, social isolation and concern over one's own safety and future and that of loved ones would seem to put up barriers to reporting and seeking help from the authorities. Because of their vulnerable position, victims are also sometimes unaware that they are a victim of human trafficking or of any other crime, which also reduces the detection of human trafficking. The victim or persons known to them, in a similar vulnerable position, may also have previous negative and trust-eroding experiences of seeking out help or dealing with the authorities.⁴¹

Trafficking victims exploited in criminal activities may fear that they will be prosecuted for the crimes they were forced to commit. Sexually exploited trafficking victims who have been selling sex may fear that they will be refused stay in Finland pursuant to the Aliens Act if the authorities fail to identify them as a victim of human trafficking.⁴²

Trafficking victims forced into marriage, meanwhile, may fear that they will lose their residence permit obtained on the basis of family ties if they seek help or the authorities otherwise learn of their situation. An alien who has been issued with a temporary or continuous residence permit on the basis of family ties may be issued with a residence permit on the basis of close ties to Finland after these family ties are broken on the grounds that his or her personal circumstances are particularly difficult because his or her spouse committed or endorsed acts of violence or abuse against him or her or his or her child while their family ties were still in force, and it would be unreasonable to refuse the permit under the circumstances. (Aliens Act, section 54, subsection 6). Victims are not always aware of the above possibility, however.

Challenges are also faced in legislation and administrative practices

Further barriers to the detection of human trafficking arise from legislation and administrative practices. Firstly, under Finland's legislation, the right of trafficking victims to assistance under the Assistance System for victims of human trafficking and to a residence permit is largely linked to the criminal justice process and prosecution of the specific criminal offence of human trafficking. Despite earlier efforts to amend legislation and improve practices, the strong link between assistance from the Assistance System

41 See also Viuhko, Minna: Restricted agency, control and exploitation – Understanding the agency of trafficked persons in the 21st-century Finland. Helsinki: HEUNI, 2019.

42 Section 148, subsection 1, paragraph 6 of the Aliens Act (301/2004) provides that an alien may be refused entry into the country if there are reasonable grounds to suspect that he or she may sell sexual services.

for victims of human trafficking and the criminal justice process and its outcome would appear to cause some trafficking victims in need of assistance not to seek admittance the Assistance System in the first place.⁴³

Trafficking victims may also be less likely to seek admittance to the Assistance System because the legislation on assistance to victims of human trafficking is applied differently by different municipalities. In addition, the substance of municipal services may vary depending on e.g. the specific part of Finland where the victim lives.

The process of obtaining a residence permit for a victim of human trafficking is a lengthy one and, from the victim's viewpoint, its outcome is difficult to predict. Victims of labour exploitation may fear that they or their family members will be removed from the country in situations where the victim has sought help and the victim's actual earnings do not constitute sufficient financial resources for issuing a residence permit as required under the Aliens Act. In the absence of any other access to a residence permit and stay in the country, victims may acquiesce to work in poor conditions for perhaps a very long time. In such a case, the authorities may never learn of the exploitation.

The Non-Discrimination Ombudsman examined the application of the Aliens Act in 2016 and again in 2018. The Ombudsman reports that in practice, a high threshold has become established in applying the requirement of the trafficking victim being "in a particularly vulnerable position" in order to be issued a residence permit on a continuous basis, and that the Finnish Immigration Service's application of this provision has been limited. The processing times for a temporary residence permit are long and the requirement of a statement from the police or the prosecution authorities as grounds for the issue of the permit may serve to further prolong the process.⁴⁴

Authorities' resources and shortcomings in powers and cooperation pose challenges also to anti-trafficking action

The detection of trafficking in human beings also considerably depends on the extent to which authorities work to detect trafficking crime and monitor high-risk sectors as well as their resources, priorities and powers in anti-trafficking action. The more time and resources the authorities allocate, the more trafficking in human beings is detected. The situation is only made more challenging by the fact that the current resources of the

⁴³ See also Koskenoja et al.

⁴⁴ Report of the Non-Discrimination Ombudsman to Parliament 2018, K 6/2018.

Assistance System for victims of human trafficking, for example, do not permit victim outreach work.

Trafficking for the purpose of sexual exploitation takes place as far beyond the control of the authorities as possible. The experts taking part in the preparation of this action plan say that the extent to which this form of human trafficking is detected is nearly wholly dependent on the resources allocated by the pre-trial investigation authorities to intelligence-gathering and authority-driven investigation. The working group considers that the authorities currently lack sufficient awareness of what trafficking for the purpose of sexual exploitation looks like in Finland.

The detection of human trafficking for the purpose of labour exploitation is hampered by the nationally low number of occupational safety and health inspectors specialising in the supervision of foreign labour. Moreover, not all inspectors possess the skills to recognise circumstances indicative of human trafficking. The supervision of foreign labour, although on the increase in recent years, accounts for a fairly small proportion of all occupational safety and health inspections. The occupational safety and health divisions have not had any considerable resources to allocate to the investigation of new sites or phenomena, and the resources available have mainly been focused on managing requests for inspections and conducting joint inspections by the authorities. While the cooperation between the occupational safety and health authorities and the pre-trial investigation authorities has improved, the point was raised during the preparation of this action plan that such cooperation has not yet been made part of the institutional structures. The actions of the occupational safety and health authorities are further hampered by the fact that trafficking in human beings is yet to be covered under the so-called Enforcement Act (44/2006) which guides the actions of these authorities. Amendment of this Act is pending, however.

From the viewpoint of information-sharing between authorities, a practical problem arises from the fact that the occupational safety and health authority does not have comprehensive access to the data in the Register of Aliens that might be of help in the supervision of foreign labour and the identification of possible cases of human trafficking. Another point raised during the preparation of the action plan was that while human trafficking may also occur in domestic work, the on-site supervision of this high-risk sector is difficult under current legislation, because neither it nor its interpretation provide suspected labour exploitation as sufficient grounds to enter premises protected by the inviolability of the home.

2.2 Assistance for victims of trafficking in human beings

Trafficking victims' right to assistance is protected by law

In Finland, besides services implemented pursuant to general social welfare and healthcare legislation, victims of trafficking in human beings are also entitled to assistance and protection on the basis of the Reception Act. Under section 35 of the Act, the person requested to be admitted into the Assistance System is admitted where it is considered that, under the circumstances, he or she might be a victim of the offence of trafficking in human beings and needs assistance. A person who aids in the investigation of an offence of trafficking in human beings may also be admitted to the Assistance System if the person is in need of special assistance. The child of a victim or a person who aids in the investigation may also be admitted to the Assistance System when the child is in Finland and in need of assistance.

Chapter 6 of the Integration Act (Act on the Promotion of Immigrant Integration, 1386/2010) lays down provisions on the reimbursements from the State to municipalities regarding persons referred to in section 2, subsections 2 and 3 of the Act. The Ministry of Economic Affairs and Employment issued on 29 October 2013 a set of guidelines⁴⁵ based on which municipalities may seek reimbursement from the State for services including ones provided to trafficking victims. Municipalities may be paid from State funds a calculation-based reimbursement of the costs arising from the provision of referrals, advisory services and other activities supportive of integration to a victim of human trafficking who has been issued a residence permit on a continuous basis pursuant to section 52a, subsection 2 or section 54, subsection 5 of the Aliens Act. In addition, a municipality can be reimbursed for the costs of measures and services relating to victim status and provided to a victim of human trafficking due to their special needs, and be paid other reimbursements provided in sections 46–50 of the Integration Act. The government proposal on the Integration Act states that the Act shall also apply to victims of human trafficking who hold Finnish citizenship.⁴⁶ The Ministry is currently updating these guidelines, especially inasmuch as they apply to victims of human trafficking. The legislation underlying the guidelines has changed since the issue of the guidelines and administrative practices have also evolved.

Victims of human trafficking who are staying in Finland but who have no municipality of residence here, such as asylum seekers, non-registered EU citizens and persons arriving in Finland on a visa, are provided with the assistance measures intended for trafficking victims via the Joutseno Reception Centre, which is responsible for operating the Assistance

⁴⁵ Ministry of Economic Affairs and Employment, Reimbursement to municipalities of costs under the Act on the Promotion of Immigrant Integration (1386/2010). TEM/2331/00.03.05.02/2013.

⁴⁶ Government proposal HE 185/2010.

System for victims of human trafficking. In urgent cases, the municipality is responsible for care and financial support based on general legislation (Social Welfare Act, section 12).

Instruments underlying national special legislation on assistance to victims of human trafficking include the aforementioned Council of Europe Convention on Action Against Trafficking in Human Beings and the EU Anti-Trafficking Directive. The numerous provisions on assisting and protecting victims of human trafficking included in these instruments aim to secure the recovery of trafficking victims and prevent their re-victimisation. Article 11 of the Directive, for example, requires Member States to attend to victims with special needs, where those needs derive, in particular, from whether they are pregnant, their health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered.

In Finland, the Deputy Parliamentary Ombudsman issued, in 2019, a decision in which the Ombudsman held victims of human trafficking to be in a position of vulnerability and in need of special assistance and protection.⁴⁷ The Deputy-Ombudsman stated that the special status of a person identified as a victim of human trafficking is based on the international regulation recounted above, that is binding on Finland, and on national legislation. Victims of human trafficking are entitled to the full range of assistance referred to in the Reception Act, in which provisions on such assistance are laid down. This means that besides entitlement to the same general health and social services as all other residents in a municipality, victims of human trafficking also have the right, based on the legislation on assistance to victims, to receive the special support and services they need due to their victimisation.

In practice, this means that if the range of health and social services provided by the relevant municipality does not include services that meet the needs of the client, such services may be provided by other means pursuant to the legislation on assistance to victims of human trafficking. As the Deputy-Ombudsman states in the above decision, a municipality may charge the costs arising from assistance to a victim of human trafficking to the State via a Centre for Economic Development, Transport and the Environment (ELY Centre), as ultimately it is the State that is responsible for the costs incurred from assistance.

47 Deputy-Ombudsman decision EOAK/3489/2017.

Victims of human trafficking may be deprived of their right to assistance

Before addressing the challenges present in the provision of assistance to victims of human trafficking, it should be noted that in part, these are linked to wider problems in social welfare and healthcare. Many of the challenges relating to assistance to victims of human trafficking are also faced by several other groups of people and involve factors including the wider shortage of resources in the social welfare and healthcare system. However, this action plan examines issues of social welfare and healthcare expressly from the perspective of trafficking victims' access to assistance.

In the view of the working group, assisting and protecting victims of human trafficking presents a great deal of challenges. In practical assistance efforts, the special legislation on assistance to victims of human trafficking and its relationship with general legislation on social welfare and healthcare and with the social welfare and healthcare system is perceived as unclear and complicated. It would appear that the legislation and practices governing trafficking victims' assistance and protection are yet to be sufficiently integrated into the system of public services in Finland.

In the municipalities, clients' needs for services are assessed in the context of the assessment of need for services or treatment determined by the general legislation on social welfare and healthcare. Reliance on special legislation is not always necessary and instead, it may be possible to provide the services required by victims of human trafficking also pursuant to the general legislation on social welfare and healthcare. This is one of the reasons why municipalities to a fairly low extent claim reimbursements from the State for the costs of assistance to victims. Nonetheless, another explanatory factor may be that municipalities perceive the filing of claims for reimbursements from the State pursuant to special legislation to be excessively complicated and time-consuming. Municipalities may also be unfamiliar with the range of opportunities afforded by the special legislation on assistance to victims of human trafficking.

According to a report published in 2018, the right of victims to services provided pursuant to special legislation is accomplished to a varying extent in municipalities (or joint municipal authorities / joint municipal authorities for healthcare and social welfare). The situation may vary even within a municipality depending on the victim's individual case worker.⁴⁸ Not all municipalities have in place structures and procedures supportive of assistance to victims of human trafficking to support the equal treatment of such victims nationwide. While the working group estimates the challenges to be particularly great in healthcare, the situation is not wholly without problems in social welfare services either.

48 Koskenoja et al.

In its evaluation of Finland's assistance measures, GRETA also draws attention to the uneven provision of assistance due to differences between the municipalities (para 130). GRETA urges the Finnish authorities to ensure that the assistance provided to victims of human trafficking is adapted to their specific needs and is guaranteed to all victims of trafficking in human beings across the country, regardless of the service provider and place of residence. Training on the assistance of victims of trafficking in human beings should be provided to relevant municipal staff, such as social workers (para 131). The Committee against Torture, among others, has drawn attention to assistance measures and in particular the link between identification and assistance on the one hand and the criminal justice process on the other, holding that Finland should step up its actions to assist victims of human trafficking.⁴⁹

In the view of the working group, there would also appear to be a shortage of safe supported housing options suitable for victims of human trafficking. It has been pointed out in the working group that both short-term crisis housing along the lines of a shelter as well as longer-term supported housing would be required for victims of human trafficking. In the guidelines on the application of the current Shelters Act (Act on reimbursement out of State funds for providers of shelters for victims of domestic violence, 1354/2014), victims of human trafficking are excluded from shelter services unless the situation also involves domestic or intimate partner violence. It would be important for possible threats to personal security to be taken better into account in the provision of housing services in cooperation with the various authorities.

In its most recent report on Finland, the second of its kind, GRETA also pays particular attention to the lack of specialised shelters (para 130) and once again urges the Finnish authorities to ensure that the assistance provided to victims of human trafficking is adapted to their specific needs. GRETA urges Finland to increase the number of specialised shelters for victims of trafficking in human beings and to provide adequate funding to NGOs to whom the provision of specialised assistance to victims of human trafficking is delegated (para 131).

Services for asylum seekers identified as victims of human trafficking may be provided in the form of health and social services belonging to reception services and, in addition, as human trafficking victim assistance measures pursuant to special legislation. Reception centres refer a fair number of victims to the Assistance System for victims of human trafficking. However, in the view of the working group, the standard of expertise in providing assistance to victims of human trafficking varies among reception centres. The Assistance

49 CAT/C/FIN/CO/7.

System may not always be informed of the victims' need for services, which may slow down the provision of the services.

When a trafficking victim within the system of reception services requires assistance beyond ordinary reception services – for example trauma therapy, geared specifically to trafficking victims – access to the service may sometimes be arbitrary. This is due to the remote location of some reception centres. In other cases, while the service itself might be capable of being provided, gaining access to the service is so difficult, due to e.g. inconvenient access to transport, that because of poor health, the trafficking victim is not up to receiving the service.

Moreover, it may be difficult to provide trafficking victims within the Dublin process with long-term services in support of their recovery, as such victims may be transferred to another EU Member State. The situation becomes especially challenging if the victim has been exploited in the Member State to which they are being transferred and there is no certainty of access to assistance after removal from Finland. In fear of removal from Finland, victims may disappear from the Assistance System for victims of human trafficking and stay in the country for lengthy periods of time without any right of residence, only to return to the Assistance System perhaps years later and even worse off than before.

There is national variance in the policies of legal aid offices in granting legal aid to potential victims requiring initial legal advice relating to their position. There are also few legal aid attorneys familiar with the phenomenon of trafficking in human beings and the legislation relating to it. Moreover, under law (Criminal Procedure Act 689/1997), victims of human trafficking for labour exploitation purposes are not entitled to trial counsel free of charge when the crime investigated is designated as e.g. extortionate work discrimination.

The civil society organisations (CSOs) that work with the most vulnerable populations can reach and identify victims of human trafficking and refer them to public services. The low-threshold counselling services provided by CSOs that specialise in helping victims of human trafficking are especially important at the stage when trafficked persons require information about their rights and their opportunities to pursue their case before the authorities, as well as the consequences of such a course of action in relation to e.g. right of residence.

CSOs have expressed their concern over the future provision of funding to CSO-driven basic activities and activities specialising in the assistance and initial counselling of trafficking victims, as the resources of CSOs that specialise in such assistance and counselling are often insufficient relative to the needs of their client groups, project-based and unreliable. As stated above, GRETA has also drawn attention to the adequate resources of the CSOs that help victims.

2.3 Establishment of criminal liability

Criminal liability in human trafficking cases continues to be poorly established in Finland

Trafficking in human beings is a crime that is severely punished. However, the working group preparing the action plan has noticed considerable challenges in the establishment of criminal liability. The linkage of human trafficking to cross-border crime makes it more difficult to prosecute the main offenders. The volume of investigation to uncover crime undertaken by the pre-trial investigation authorities is considered modest relative to need. Moreover, the penal provision concerning trafficking in human beings is perceived as complex and difficult to apply in practice. The essential elements of the crime include factors that are hard to prove and open to interpretation. The possibility of human trafficking is not always taken into account at the start of a pre-trial investigation. In the context of the preparation of the action plan, it has become clear that all authorities involved in the criminal justice process require training in the identification of human trafficking. The working group is also concerned about the sufficiency of the resources of the prosecution authorities and courts.

The establishment of criminal liability is hampered by the long duration of the criminal justice process and the nationally considerable differences in the skills and work organisation of the actors in the process. Pre-trial investigations alone may take years to accomplish. During the preparation of the plan, both the Assistance System for victims of human trafficking and CSOs brought up the point that with drawn-out pre-trial investigations, the offenders have the chance to continue their criminal activities, leave the country, dispose of the proceeds of crime and the evidence of the crime, or otherwise hinder the accumulation of proof and evidence and make it more difficult for the victim to receive compensation.

The pre-trial investigation authorities have pointed out that investigation delivers the best results if it is conducted while the criminal activity is still ongoing or has only recently been reported by the victim to the authorities. The more time passes, the more difficult it is to obtain evidence of the crime. Consequently, the effective establishment of criminal liability in crimes of human trafficking requires the pre-trial investigation authorities to carry out also investigations to uncover crime.⁵⁰

50 The number of reports of human trafficking made to the police have increased considerably in recent years. However, to a certain extent there is bias at play here. A considerable number of the reports concern cases coming to light in the asylum process and under law, the investigation of such cases requires the order of a prosecutor. Since in these cases the crime was usually committed abroad and the offenders are beyond the reach of the authorities, only quite few cases are estimated to be such that a criminal investigation can be initiated in Finland.

Investigation to uncover crime is needed

The working group estimates that criminal liability in Finland is established differently depending, at least to some extent, on the kind of exploitation involved. The police are more likely to learn about labour exploitation and human trafficking than e.g. trafficking relating to sexual exploitation. This is partly due to the fact that the police have conducted joint operations with the occupational safety and health authorities. Some instances of human trafficking for the purpose of labour exploitation also come to light via the Assistance System for victims of human trafficking and the third sector. Nonetheless, it is the working group's estimation that human trafficking for the purpose of labour exploitation is more commonplace in Finland than the number of detected cases would suggest. In the view of the working group, it is obvious that the volume of investigation to uncover crime must be increased.⁵¹

The pre-trial investigation authorities annually learn of relatively little human trafficking relating to sexual exploitation and taking place in Finland. Cases mostly come to light in the context of the investigation of pandering cases. The detection of human trafficking and pandering relating to sexual exploitation requires the police to engage in exceptionally long-running surveillance and investigation, for which the police in recent years have had scant resources. Human trafficking relating to sexual exploitation also comes to light to a certain extent via the third sector. Other forms of human trafficking, such as forced marriage or exploitation in criminal activity, progress to the criminal justice process very seldom if at all.

Border Guard powers are limited

The Finnish Border Guard is a pre-trial investigation authority within the meaning of the Criminal Investigation Act and one of its duties is to combat cross-border human trafficking. Human trafficking relating to the arrangement of illegal immigration is a core function of the Border Guard's crime prevention. Uncovering human trafficking is a key element in border controls and in the criminal intelligence and investigation operations that are integrally linked to them. The Border Guard lacks competence to investigate human trafficking in the absence of a link to the arrangement of illegal immigration, however.

In recent years, the Border Guard have logged fairly few pre-trial investigations in which the crime investigated is designated as either trafficking in human beings or aggravated trafficking in human beings. Many possible victims of human trafficking nowadays meet the lawful requirements for entry into and stay in Finland, meaning that all information

51 See also Ylinen et al.

relating to the matter is transferred to the police or, with the victim's consent, reported to the Assistance System for victims of human trafficking. Nonetheless, the personal opinion of the possible victims of human trafficking detected in the context of border controls regarding the purpose of their travel and the job offered to them often prevents the matter from being reported.

Many of the pre-trial investigations conducted by the Border Guard over the years have ultimately been discontinued on the grounds that either no crime is deemed to have been committed or no charges can be brought against anyone. In many cases, the suspected human trafficking has taken place outside Finland and it has not been possible to obtain confirmation of the events despite enquiries dispatched to the relevant country.

The injured party in the crime of human trafficking is in a position of vulnerability

In the context of the preparation of the action plan, the point was raised that in many cases of human trafficking, the witnesses are subjected to intimidation: both external witnesses and such potential witnesses that may themselves be victims of trafficking and over whom the offender exercises control. Measures to improve safety and security are nonetheless reported as inadequate relative to demand, and the assessment of the need for protection required under the Victims Rights Directive is sometimes foregone.⁵²

Over the course of the criminal justice process, the victim may also be in the dark as to the progress made in the investigation. Besides the uncertainty borne from not knowing, the victim may also experience intimidation, shunning, defamation and persecution. All of this undermines the victims' wellbeing and slows down their recovery, which in turn leads to a growing need for health and social services as well as CSO support while also discouraging other victims from coming forward.

In general, the pre-trial investigation authorities and the Assistance System for victims of human trafficking work well together, yet this cooperation also is not without its challenges. During the course of the preparation of the action plan, the Assistance System has raised the point that pre-trial investigation authorities should be provided with training on human trafficking and that their awareness of the Assistance System and its functioning

⁵² The Ministry of Justice publication 44/2018 "A victim of crime in a criminal procedure – a proposal concerning good practices for recognising the needs of victims" supports application of a systematic need for protection. The publication contains wide-ranging recommendations concerning aspects such as the facilities of police departments and courts, the provision of information to the victim, ensuring the linguistic rights of the victim, the acquisition of legal counsel, referring the victim to support services, evaluation of the victim's need for protection, calling the victim for a hearing and taking the special needs of the victim into account during court proceedings.

and statutory official status should be increased. At times, the Assistance System has also encountered a challenge in obtaining support from the police to evaluate the potential security threat against a person within the Assistance System and the measures required to protect such a person.

3 Consultations with experts in support of action plan preparation

The working group consulted with experts by experience and anti-trafficking civil society organisations (CSOs) in support of the preparation of the action plan. The aim of the consultations was to supplement the snapshot of the status quo obtained by the working group and to gather views as to the development of anti-trafficking action.

The chair and secretary of the working group heard victims of human trafficking relate their personal experiences with the authorities in the context of assistance measures and the criminal justice process. Owing to the sensitive nature of the topic and for reasons of privacy, the number of actors representing the authorities who took part in the consultations was kept low. Some of the consultations were arranged jointly with the chair of the working subgroup of the Ministry of Economic Affairs and Employment preparing measures to combat the exploitation of foreign labour.

All told, the working group consulted with eight experts by experience. The consulted victims of human trafficking were all well along in their recovery and willing to express their views. Most of the consulted experts by experience had been victims of labour exploitation or human trafficking for the purpose of labour exploitation.

The working group also consulted with the Finnish Civil Society Platform against Trafficking in Human Beings, a network consisting of the National Church Council and 32 CSOs and researchers working on anti-trafficking issues. Some of the CSOs engage in hands-on victim identification, assistance and support provision. Twelve actors from the Platform took part in the consultations and eight of them also submitted a statement in writing.

The working group additionally consulted with multi-professional anti-trafficking networks in Kuopio, Lappeenranta, Oulu, Tampere, Turku and Vaasa. The aim of these consultations was to hear the experiences of different groups of professionals in anti-trafficking action at the local level.

Local consultations were attended by pre-trial investigation, justice, immigration and occupational safety and health authorities, health and social services authorities, legal counsel, and CSOs and labour market organisations. Experts in social welfare and healthcare as well as representatives of the police took part in all local consultations. Some of the participants also provided the working group with their views in writing in support of the preparation of the action plan. All told, dozens of professionals from a number of fields took part in the consultations (see Appendix 1).

3.1 Hearing from victims as experts by experience

According to the experts by experience, they had been systematically selected or pinpointed as targets by the people who exploited them due to awareness of their vulnerabilities relating to life circumstances or personal characteristics. This was also true for those victims who had been recruited in Finland by their exploiters.

Before entry into Finland, the exploiters had promised the consulted experts by experience e.g. a brighter future, a better job, or education opportunities for them and their family. After arriving in Finland and starting work, the conditions had, at worst, transformed into death threats that occasionally were also directed at family members left behind in the victim's country of origin. The victims' stories reflected their experience of being financially dependent on their exploiters.

The experts by experience raised the point that after arriving in Finland and when working here, they had hardly any knowledge of the labour market, taxation or residence permit legislation of Finland, nor were they aware of potential sources of information or help. The information that was available was perceived as difficult to understand and they felt that it had been of little help to them.

The exploiters, on the other hand, appeared well versed in the ground rules of the labour market and the experts by experience were under the impression that the exploiters knowingly took advantage of their victims' ignorance and vulnerability. The experts by experience recounted how the exploiters prevented their victims from gaining access to accurate information. The victims were told by their exploiters that Finland was a corrupt country and that with their connections, the exploiters could influence the asylum decisions and residence permit decisions of their victims as well as the actions of the police. The victims said that they had been afraid of the authorities and did not feel that they could trust the Finnish authorities. Many of the victims brought up their fears that either they themselves or their family members would be removed from the country without their need for assistance ever being recognised.

The accounts of the experts by experience indicated that access to assistance is often arbitrary and that experiences with the various parties providing assistance varied. A particular challenge brought to light was that reports filed with the police had led to nothing and that the victims did not feel they had been provided with any assistance regarding e.g. threats to personal security. Several months or even up to 1.5 years could elapse between the initial report to the police and the first interview with the police. More than one victim related inappropriate conduct on the part of the police in particular, including being yelled at in interviews.

The victims consulted as experts by experience also said that the processing of residence permit applications could take months or even years. The grounds for a permit and the permit application procedure were perceived to be unclear and the victims brought up how a temporary residence permit was not necessarily enough to prevent its holder from becoming re-victimised. From the victim's perspective, seeking assistance from the authorities could also result in problems in finding new employment.

A further perceived challenge was that the municipality had sometimes failed to recognise the human trafficking victim's need for assistance and the victims felt they had been denied support in their recovery. Some of the victims related having needed more intensive help and support than the municipality had been able to provide to them. There was turnover in professionals in situations where the victims would have needed more stable care relationships in order to recover from their experiences of exploitation. Some of the victims also said that they had been denied the right to integration services because their stay in Finland had been too long. The consultation with these victims also brought to light the long-term effects of being trafficked, such as the victims' intense anxiety and their trust issues. The victims spoke of their need to feel safe.

The authorities had not directed any supervision to the workplaces where the consulted experts by experience had been working. Many of the victims were confounded by the fact that their exploiters had not been brought to justice for their criminal acts. The fact that their exploiters had gone uninvestigated appeared to cause the victims to experience anxiety, depression and disappointment. Many of the exploiters continued to pursue their business, and some of the victims were aware of their exploiters continuing to recruit and exploit other vulnerable workers. Some victims limited their sphere of life voluntarily because of their fear of coming across their exploiter in a public place.

3.2 Consultation with the Finnish Civil Society Platform

In the consultation with the Finnish Civil Society Platform and in the written statements obtained, it was proposed that particular attention should be paid to the identification of human trafficking relating to sexual exploitation and the identification of forced marriages. The CSOs held that professionals and especially the actors in the criminal justice system required training on child trafficking and identifying the related sexual violence. The training and information needs of staff in the field of criminal sanctions were also brought up in the consultation. Attention was furthermore drawn to the training needs of the staff of the Finnish Immigration Service. The labour market organisations perceived training needs to exist also among trade union staff and elected employee representatives. In addition, it was proposed that awareness of workers' rights and the ground rules of employment in Finland should be increased among foreign workers.

The consultation brought up the proposal of building a 'firewall' that would allow victims of human trafficking who are in Finland without right of residence to report serious crimes without having to fear immediate removal from the country. There is no national definition for such a firewall, nor is there any great volume of research data on it, yet it may refer to an administrative procedure based in law that allows victims who are in Finland without right to residence to file police reports, seek admission to assistance and submit a residence permit application without fear of immediate removal from the country.⁵³ In the consultation with the Platform, it was held that the section of the current Aliens Act concerning denial of admittance or stay for the reason of selling sexual services hampers the identification of victims of human trafficking and jeopardises the realisation of victims' rights.⁵⁴

It was proposed during the consultation that victims of human trafficking should be guaranteed a better opportunity to stay in Finland when they have been identified as trafficking victims, and that access to a work-related permit and alien's passport be facilitated to address the situation of persons who are in Finland without right of residence. It was also held in the consultation that the residence permit processes of victims of human trafficking should be made more predictable and that the particular characteristics of human trafficking should be better acknowledged in the asylum process.

The risk of re-victimisation after removal from the country was also raised in the consultation, and it was held that this risk should better be taken into account in the asylum and residence permit processes. Particular concern was expressed regarding the safe return, post-asylum and residence permit process, of human trafficking victims currently in prison and about to be released from prison.

The challenges faced by municipalities in identifying and assisting victims of human trafficking were brought up in the consultation, as was the child welfare authorities' lack of expertise pertaining to human trafficking and their general resource shortages. The need of victims of human trafficking to gain access to shelters was also raised in the consultation. Attention was drawn to the central anti-trafficking role of the CSOs and concern was expressed as to their operating conditions.

During the consultation, more than one CSO brought up the need to influence the demand for prostitution and they proposed that purchasing sex should be more widely

53 The Report of the Non-Discrimination Ombudsman K 6/2018 recommends (p. 59) that persons staying in Finland without holding a residence permit should be guaranteed the opportunity to deal with the authorities without fearing that removal from the country would be enforced as a result of such dealings.

54 Section 148, subsection 1, paragraph 6 of the Aliens Act (301/2004) provides that an alien may be denied admittance or stay if there are reasonable grounds to suspect that he or she may sell sexual services. This topic is also addressed in the Report to Parliament of the National Rapporteur on Human Trafficking, K 19/2014.

punishable than at present. Further points raised in the consultation were the gendered nature of human trafficking and the fact that criminal liability should be established in respect of also other offenders and not just the main perpetrator of the crime of human trafficking. The need to develop criminal legislation relating to forced marriages was also brought up during the consultation. Another matter proposed was speeding up and prioritising the criminal justice process especially with regard to child victims of trafficking. Child trafficking involving online sexual violence against children was a further point raised.

In addition, it was brought up in the consultation that anti-trafficking action should be taken into account in Government as a horizontal theme and it was held that anti-trafficking aims should be incorporated into Finland's foreign policy and trade policy. In their statements, many of the organisations drew attention to securing anti-trafficking resources and expressed that hope that emphasis in anti-trafficking efforts could be given to the continuity of the activities. Several organisations considered necessary the entry in the Government Programme about reducing the linkage between victim assistance and the criminal justice process.

3.3 Consultation with local experts

Human trafficking as a phenomenon is transforming

The local consultations brought to light new exploitation phenomena that had previously been little reported to the authorities and in which links to human trafficking for the purpose of labour exploitation had been detected. Forest workers, for example, along with other posted workers⁵⁵ arriving in Finland, were mentioned as possible targets of exploitation. Based on the consultations, human trafficking and exploitation is also present in e.g. the transportation sector, shipyards, hair salons and berry farms.

The local actors reported having identified also exploitation in criminal activities. Forced marriages were likewise reported. In the consultations, third-sector actors in particular expressed their concerns for people who sell sex for drugs and people who are in Finland without right of residence, and the risk of such people becoming victims of human trafficking. The local actor consultations illustrated that trafficking is not limited to people of foreign background. Native Finnish trafficking victims have also been identified.

⁵⁵ Posting of workers means a situation where a foreign employer sends an employee to Finland for work. The employee can be sent to Finland as a subcontracting or temporary agency arrangement, or as an intra-group transfer.

Authorities' resource shortage hampers anti-trafficking action

The consultations reinforced the view that the detection of human trafficking requires the authorities to focus on and invest in proactive intelligence-gathering and investigation to uncover crime so as to keep up with the rate of transformation of the phenomenon of trafficking in human beings. This may prove challenging, however. The resource shortage of the authorities was emphasised in the local consultations. The occupational safety and health authorities, for example, reported that their supervision resources were only adequate for supervising and investigating the most serious cases. Nonetheless, in 2021 additional resources for the supervision of foreign labour are expected so that the posts of around 15 new inspectors and lawyers may be filled.

Inadequate resources were a topic raised also by the pre-trial investigation authorities and especially by representatives of the police. Owing to resource challenges, in many areas the police have been virtually unable to carry out any investigations to uncover crime. No human trafficking has therefore been detected. In the consultations it was held that the forfeiture of proceeds of crime should be made a stronger sub-objective of the establishment of criminal liability.

The pre-trial investigation authorities also brought up their needs for training. The legal provisions on human trafficking were perceived as difficult to apply in real life. Other factors raised were the training needs of prosecutors and the need for prosecutors specialised in human trafficking cases. Many of the actors engaged in the criminal justice process expressed their view that exploitation is easier to investigate as a crime other than human trafficking, which explains why pre-trial investigations of human trafficking appear lower in number than might be warranted in reality. The situation of the victims is not always examined holistically and instead the pre-trial investigation focuses on isolated offences, such as unlawful menace, assault or rape, meaning that human trafficking may go unidentified in the investigation.

The pre-trial investigation authorities found the investigation of human trafficking crimes to be demanding and arduous. The investigations become drawn out, which puts strain on the victims and increases the need for assistance while the processes are underway. Trafficking in human beings is often cross-border crime, which only adds to the challenges of its investigation. Obtaining evidence to prove the crime is often perceived to be challenging. It takes time to build trust with the victim, and this calls for resources also on the part of the pre-trial investigation authorities. At the consultations, the representatives of the Finnish Border Guard also drew attention to their limited powers to investigate human trafficking crimes. The Border Guard only investigates human trafficking crimes related to the arrangement of illegal immigration.

The occupational safety and health authorities moreover brought up the methods of intervening and imposing sanctions, which were perceived to be ineffective, as well as the challenges seen in cooperation among the authorities. The representatives of the Employment and Economic Development Offices (TE Offices) raised their concerns over the consequences of exploitation falling on the exploited worker instead of the exploiting employer. Cooperation among the authorities appeared to be further hampered by challenges in information flows, which were said to have to do with either legislation or dysfunctional administrative practices.

The victims' poor living conditions, posing to risk even to health and safety, were also brought up in the consultations. The supervision of living conditions would require methodological multi-authority cooperation also with authorities that at the national level have been less involved in anti-trafficking action to date. Living conditions supervision has been conducted in places in the form of multi-authority cooperation involving not only the police and the occupational safety and health authorities but also e.g. environmental health inspectors and the rescue and building control authorities. More such cooperation among multiple authorities would be needed.

Trafficking victims may have great need for assistance

In the consultations, it was stated that the need of victims of human trafficking for assistance may be of high intensity and that the number of appointments required to address this need may be considerably higher than basic-level municipal services are sometimes capable of accommodating. Besides general social welfare and healthcare legislation, also the special legislation on assistance to victims of human trafficking is the basis for some municipalities' provision of services to trafficking victims. However, this is not the case in all municipalities. The services needed by victims were determined to include intensive social counselling, family work and housing services.

The local actors related how victims, also those who already had access to assistance, were often left alone to deal with their situation. The victims lack social safety nets that would support them during the arduous and long-running official processes. Victims of human trafficking related to sexual exploitation in particular were reported to experience mental health issues and parenting issues.

Many asylum-seeker mothers who have been victims of human trafficking would require broader support during the asylum process and e.g. trauma therapy as well as training in support of integration to allow them to cope in everyday life. The actors brought up the need of victims of asylum seeker background for meaningful activities and access to employment or training, provided that such victims could take their children to daycare where

necessary. Concerns were also voiced in the consultations over people of asylum seeker background whose status as victim of human trafficking has not been identified in the asylum process.

The situation of people in Finland without right of residence was addressed at the consultations from a number of perspectives. The emphasis was in particular on the situation of people staying in Finland without right of residence, which situation was said to have been affected by the changes made in the previous Government term to the Aliens Act and the practices in dealing with aliens. These effects are seen e.g. in the difficulties to put one's stay in Finland on a lawful basis by means such as a worker's residence permit. According to the experts consulted, the authorities may view permit applications as evasion of the provisions on entry into Finland and as grounds for a decision on removal from the country.

Several of the actors taking part in the consultations were of the opinion that the number of people without right of residence had grown in Finland. At the same time, the number of people who are victims of human trafficking or other exploitation in Finland has also grown, as has their need for assistance. In the consultations, it came to light that there are also people staying in Finland without right of residence who at no point applied for international protection or a residence permit but instead arrived in Finland on a visa or under exemption from the visa requirement. There were also professionals among those consulted who felt that the threshold for acknowledging grounds for a residence permit for a victim of human trafficking has been set so high that the victims do not consider approaching the authorities a viable option for themselves. The consultations brought up the victims' experience of how it was easier even to submit to exploitation than to be removed from the country.

It was estimated in the consultations that the exclusions in the legislation on the Assistance System for victims of human trafficking presented challenges to victim assistance. A particular challenge was seen to arise from the fact that the legislation on the Assistance System excludes the victims of so-called associated crimes, for example pandering, from the services under the Assistance System. The provision in legislation under which the right to assistance from the Assistance System expires if the criminal justice process ends up concluding that the crime concerned is one other than human trafficking was also considered problematic.

Based on the consultations, CSOs play a key role in reaching vulnerable populations and in providing assistance on a low-threshold basis. In many towns, parishes have also been key actors in outreach work and assistance provision. Their actions have made it possible for the victims to connect with Finnish society.

The authorities would want more information on human trafficking

Needs for training and information provision in identifying human trafficking have been detected among several authorities on a local basis. These needs occur both among people in training and education and those already pursuing their profession. Training needs are equally present in substance abuse services, mental health services, youth work, child welfare, the Social Insurance Institution of Finland Kela, and the services of the Employment and Economic Development Offices (TE Offices). In the consultations, it came to light that support centres for victims of sexual assault could also do better at identifying human trafficking. The services of these support units are sought out by people who sell sex for drugs and who may also have become victims of human trafficking or other exploitation.

Training needs among shelter staff was a topic raised in several of the consultations. Shelters serve also victims of human trafficking and their staff would require additional knowledge in order to be able to identify the victims and the phenomenon. Moreover, those working in basic education as well as e.g. integration service providers and teachers of Finnish would be well placed to identify victims and refer them to assistance and services. However, this would require them to know more about human trafficking.

Local actors provided several proposals for development

At the local level, there was a desire for shared indicators to allow the identification of human trafficking. The need for regional coordination of the actions of the authorities was strongly voiced. One of the proposals for promoting anti-trafficking action was the development of a multi-authority cooperation structure at the local level. The consultations also brought to light the need for a police contact point to give e.g. CSOs low-threshold access for consulting the police on client situations.

Other areas of development mentioned had to do with practical guidelines and the inclusion of immigrant communities in anti-trafficking action. Hopes were expressed for better tools to reach native Finns in at-risk groups, such as addicts and homeless people, who may have become victims of human trafficking. The online platforms used by young people, for example, were brought up as a potential environment in which to reach possible victims of human trafficking. The phenomenon of 'sugar dating' was mentioned as a high-risk environment for human trafficking. In most cases, sugar dating involves an older man paying a younger woman for companionship.

4 Ongoing projects relating to anti-trafficking action

The Government is committed to anti-trafficking action and pursues it not only by means of this action plan but also several other projects that are currently underway. The following section describes these projects and actions in more detail to obtain a full picture of anti-trafficking action. Government anti-trafficking coordination has engaged in cooperation with most of the legislative and development projects presented below so as to ensure that the Government's projects on and relating to anti-trafficking action support each other to the greatest possible extent.

4.1 Ministry of Economic Affairs and Employment heads preparation of actions to prevent foreign labour exploitation

The Ministry of Economic Affairs and Employment appointed an intersectoral working subgroup to prepare actions to prevent, detect and combat the exploitation of foreign labour in all its forms. Attention will be paid to preventing exploitation and assisting victims by administrative means prior to any criminal justice process. Particular attention will be paid to assessing the practices of the immigration authorities and enhancing their efficiency and to developing the system of aliens legislation from the viewpoint of combating exploitation. The working group's mandate runs until the end of 2021. The Government Anti-Trafficking Coordinator serves as a permanent expert to the working subgroup and is tasked with coordinating the preparation of the actions with other projects inasmuch as these concern trafficking in human beings.

The first package of 14 actions was announced in August 2020. The Aliens Act will be amended to allow a worker, in the event of exploitation, to apply for a new job at another employer in the same or another profession. In addition, the worker would be entitled to a new fixed-term residence permit for the purpose of applying for a new job. The purpose of these amendments to legislation is also to promote the detection of work-related exploitation. The proposal moreover includes new sanctions on employers and contractors acting fraudulently.⁵⁶

⁵⁶ Government proposal HE 253/2020 was submitted to Parliament on 17 December 2020.

Non-legislative measures to combat exploitation are also under preparation. It is very important that cases of exploitation come to light and that this information is passed on to the appropriate authority with investigative powers. It is also important that the groups at risk of labour exploitation in particular are provided with information on the ground rules of the labour market, the duties and roles of the authorities, and the legal remedies that are currently available and in the pipeline. A separate development project is being prepared on this topic. The effective dissemination of information requires networking also with the CSO sector.

The provision of accommodation for foreign labour and especially the excessive fees charged for such accommodation are often a key element in the business model of labour exploitation. While several authorities in Finland are responsible for supervising the quality of housing, no authority has overall responsibility for coordinating the system of supervision. Such a system is now also under consideration.

4.2 Labour exploitation and human trafficking are also combated in the context of ethical public procurement and efforts to tackle the grey economy

The Government's strategy and action plan for tackling the grey economy and economic crime for 2020–2023 also promotes anti-trafficking action. A new approach on the part of the authorities is required to prevent and combat labour exploitation and human trafficking crimes, as no authority alone has sufficient resources to rein in the phenomenon. In multi-authority activities, the information held by the various authorities is integrated into a shared risk-based target selection process and supervision is targeted even more precisely than earlier for maximum effectiveness.

The integration of information and expertise gives a better grasp of the overall picture and makes it easier to address wrongdoing. The recovery of proceeds of crime will be one of the factors used to assess effectiveness. Projects to develop multi-authority activities and to determine the gaps in information-sharing and analysis will be implemented via the action plan for tackling the grey economy and economic crime. The Ministry of the Interior will have responsibility for the projects, both of which were launched at the start of 2021.

The Government adopted the National Public Procurement Strategy in September 2020.⁵⁷ The strategy consists of eight strategic visions and 25 objectives giving concrete expression to the visions. One of the eight visions is to promote social sustainability. According to this vision, procurement will promote corporate social responsibility in the form of cooperation between public administration and the private and the third sectors. Two concrete objectives are associated with the vision of social sustainability and one of these, reading “We will promote respect for human rights and fundamental labour rights in procurement,” is closely linked also to anti-trafficking action.

The above objective is pursued by means including the creation of tools to identify human rights risks at the national level and taking these into account in Finnish procurement. This involves an assignment from the Ministry of Finance to the European Institute for Crime Prevention and Control (HEUNI) to develop, during 2021, tools for the public sector to identify human trafficking risks at the national level and to take these into account in procurement in Finland. These tools can be used to prevent and identify labour exploitation and forced labour hiding within legitimate business structures. The action will be implemented in cooperation with the Ministry of Finance, the Finnish Association of Municipalities and the Procurement Finland action plan.

In addition to this project, in its projects underway or launched in 2021, HEUNI, in collaboration with its partners, will examine how labour exploitation is addressed in Finland, Sweden, Denmark and Norway,⁵⁸ and analyse cases of sexual and labour exploitation as well as the related illegal cash flows and modus operandi of the perpetrators.⁵⁹

4.3 Ministry of the Interior heads prevention and detection of human trafficking and promotes victim recovery

The National Police Board established in February 2021 a national unit to uncover and investigate human trafficking offences. Based at Helsinki Police Department, the unit seeks to build up the detection and investigation of human trafficking crime in particular in

57 National Public Procurement Strategy 2020. See [in Finnish]: <https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162418/Kansallinen%20julkisten%20hankintojen%20strategia.pdf?sequence=1&isAllowed=y>.

58 The project is entitled “Law in action” – Policy and legal responses to the exploitation of migrant workers in the Nordic countries.

59 EU ISF-P funded project ELECT THB.

cooperation with the National Police Board, the National Bureau of Investigation and local police departments.

The unit focuses on nationwide, organised, professional or otherwise wide-scale human trafficking crime taking place across the regional boundaries of several local police departments. The police departments will continue to investigate individual and regional cases of human trafficking and similar crimes in keeping with the regional responsibility principle. The departments will allocate active preventative measures to combat crime of this type and also take part in the nationwide efforts. The duties of the National Bureau of Investigation include the centralised formation and maintenance of the national situational picture in human trafficking crime. The National Prosecution Authority has also established a network of prosecutors specialised in human trafficking cases.

The action plan for preventing illegal entry and residence updated for 2021–2024 under the leadership of the Ministry of the Interior takes promoting the detection of human trafficking into account as a horizontal theme cutting across the entire action plan. The action plan aims to enhance the capabilities of the authorities to identify victims of human trafficking and other forms of exploitation. This approach will improve the referral of victims to the Assistance System for victims of human trafficking and increase the efficiency of criminal liability establishment with an eye to preventing and reducing human trafficking and the exploitation of people in a position of vulnerability.

In addition to the cross-cutting principle, the action plan also includes other measures aiming to prevent human trafficking and promote its detection. By looking into the potential for establishing a firewall, for example, the action plan seeks to contribute to lowering the threshold for victims to report the exploitation and crimes to which they have been subjected. This is envisioned also to promote the detection of human trafficking. Additional information is required on how such a firewall might actually function in Finland and on the experiences obtained with such a firewall in other countries.

The National Assistance System for victims of human trafficking, belonging to the administrative branch of the Ministry of the Interior, is the coordinator for the IKUT project (2020–2022) that seeks to develop the working life skills of victims of human trafficking, improve the employment services offered to victims, and support the involvement of the private sector in anti-trafficking action. The project will draw up a report on the standing of victims of human trafficking on the labour market and as employment services clients, build and implement working life coaching for victims of human trafficking, and increase businesses' awareness of human trafficking by means of training provision and themed seminars. The project is funded by the European Social Fund (ESF).

4.4 Ministry of Social Affairs and Health heads reform of legislation on assistance to victims of human trafficking and securing housing services for victims of human trafficking

On 1 June 2020, the Ministry of Social Affairs and Health appointed an intersectoral working group to prepare reforms in the legislation on assistance to victims of human trafficking. The purposes of the reforms include ensuring the equal treatment of victims in assistance provision regardless of where they live or whether they have a municipality of residence in Finland. The reforms also aim to diminish the linkage between assistance and the criminal justice process. The goal is to strengthen a victim-driven approach in assistance and ensure that going forward, assistance provision is to a stronger extent based on the victim's need for assistance.

One of the tasks of the working group is to submit a proposal on the organisation of the assistance system and to draft proposals for a new Act on assistance to victims of human trafficking as well as for the necessary updates to the so-called Reception Act and Integration Act, and also to draft the necessary references to human trafficking victims to be included in any other Acts. The working group is additionally tasked with submitting a proposal to clarify the system of reimbursement of costs arising from the provision of assistance to victims of human trafficking. The term of the working group will end on 31 December 2022. The Government Anti-Trafficking Coordinator has been called to serve as permanent expert to the working group.

The Finnish Institute for Health and Welfare has been commissioned by the Ministry of Social Affairs and Health, in relation to the entry in the Government Programme on safe and supported housing services for victims of human trafficking, to carry out a study aiming to analyse the capabilities of the current service system to respond to the housing service needs of victims of human trafficking and to identify any gaps in the services.

4.5 Child trafficking is combated through multi-authority cooperation

The Barnahus project steered by the Ministry of Social Affairs and Health and coordinated by the Finnish Institute for Health and Welfare incorporates information on child trafficking into its training modules as applicable. This also applies to online training under the project. The aim of the Barnahus project is a child-friendly, evidence-based process for investigating suspected cases of violence against children as well as support and

treatment provided on the basis of the same principles and available for all children who have encountered violence. These efforts also serve to prevent child trafficking and its ill effects.

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

The Non-Violent Childhoods – Action Plan for the Prevention of Violence against Children⁶⁰ contains a total of 93 national actions to prevent and reduce, in multidisciplinary cooperation, violence of all kinds against children under the age of 18. The action plan is based on national and international provisions and binding treaties as well as on recommendations and guidelines including the UN Convention on the Rights of the Child,⁶¹ the INSPIRE strategy programme of the World Health Organization, the 2030 Agenda Sustainable Development Goals, the Health Care Act (1326/2019) and the Child Welfare Act (417/2007).

The action plan seeks to promote the right of every child and young person to a safe growth and living environment free from violence, bullying and harassment, and to minimise the harm caused by violence and improve the standing of child victims in the current service, treatment and criminal justice systems. The plan takes into account children and young people in special positions of vulnerability, such as those with disabilities or limited capacity to function or belonging to ethnic or linguistic minorities, and also addresses certain specific issues (including human trafficking, female genital mutilation, honour-based violence, extremism). A total of six actions are recorded in the chapter on human trafficking issues. These actions were taken into account in the preparation of this action plan to combat trafficking in human beings and their implementation will be promoted in the context of the implementation of this plan.

The National Child Strategy serves to strengthen the realisation of the rights of children who are in a position of vulnerability and have been subjected to violence, and it also caters for efforts to combat child trafficking and other trafficking in human beings. Prepared by parliamentary committee, the strategy was published in early 2021. As from 2021, an implementation plan for the strategy will be prepared for each government term and

60 See https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/162554/STM_2020_34_J.pdf.

61 Finnish Treaty Series 59 and 60/1991.

the more specific actions to achieve the aims of the strategy will be determined in this context. Strategy implementation is integrally linked to other projects including the Barnahus project and the implementation of the Lanzarote Convention.

The Ministry of Social Affairs and Health has moreover appointed a working group to prepare a national implementation plan for the Lanzarote Convention in cooperation with the actors key to the topic. The working group is also tasked with monitoring and promoting compliance with the implementation plan. The working group and the National Child Strategy efforts work in tandem.

4.6 Human trafficking is combated as part of the Action Plan for Gender Equality and efforts to reduce violence against women and gender-based violence

The Government Action Plan for Gender Equality 2020–2023 contains several actions relating to human trafficking. In particular, the action plan monitors measures taken to improve the standing of victims of human trafficking. A situational picture of prostitution in Finland will also be formulated under the auspices of the action plan.

Human trafficking relating to sexual exploitation and forced marriage has multiple points of convergence with violence against women and gender-based violence. Underlying both are the same structures and norms that generate inequality, and it is therefore justified to identify also common actions and objectives to prevent and combat both phenomena. In 2021, the Committee for Combating Violence against Women and Domestic Violence (NAPE) will begin drafting its action plan for the coming four-year term, and linkages to the Action Plan to Combat Trafficking in Human Beings will be part of the discussions in this context. The Government Anti-Trafficking Coordinator has served as a permanent expert to NAPE and has been invited to join the Committee as a member for the new term.

The Action Plan to Combat Violence Against Women was published on 22 October 2020. It was prepared by an intersectoral working group appointed by the Ministry of Justice and in its preparation, account was taken of documents including the recommendations issued to Finland by GREVIO, the independent expert body responsible for monitoring the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence. The cross-cutting theme of the Action Plan is the prevention of violence. Of specific forms of violence, the Action Plan covers honour-related violence and digital violence. In addition, emphasis is placed on the work

to be carried out with perpetrators of violence and on the competence development of the authorities responsible for pre-trial investigation, the criminal justice process and criminal sanctions.

For instance, the action plan includes measures to strengthen the competence on topics including human trafficking of Criminal Sanctions Agency staff who work with woman prisoners and to develop support and assistance for woman prisoners who are victims of repeated violence or victims of human trafficking compelled to commit crimes. In addition, training, policies and guidelines will be developed in the context of the action plan for several groups of professionals on topics including honour-related violence, one form of which is forced marriage.

As outlined in the Government Programme, the Ministry of Justice will, in spring 2021, launch a review of the criminalisation of forced marriage. The review will produce an assessment memorandum examining the possible needs to develop and clarify legislation in light of the entries in the Programme of the Government of Prime Minister Sanna Marin and the GREVIO reports on Finland. Any needs for action in respect of preventing forced marriages, assisting victims and intensifying the establishment of criminal liability will be assessed once the above Ministry of Justice memorandum on the criminalisation of forced marriage is completed in 2021. In addition, the Ministry of Justice is currently drafting a government proposal on the annulment of a forced marriage.

The post of a Rapporteur on violence against women, as envisioned in the Government Programme, is also currently under preparation in the Ministry of Justice. The government proposal on these issue is to be submitted in spring 2021.

A comprehensive reform of the legislation on sexual offences is also currently under consideration in the Ministry of Justice. The aim is to strengthen the right of sexual self-determination and the right to physical integrity by updating the provisions on sexual offences into a clearly defined whole that reflects current views. The definition of the offence of rape is to be amended so that it will be based on the absence of consent while simultaneously ensuring appropriate legal safeguards for the defendant. The working group on the reform submitted its report in July 2020 and the consultation round on the report ended on 30 September 2020. Subsequent preparation of the reform is currently ongoing and the government proposal on the topic is to be submitted during 2021.

In addition, the European Institute for Crime Prevention and Control HEUNI is implementing the SARAH project⁶², with EU REC funding, to increase awareness of gender-based violence among migrant women and decision-makers and to improve the access to victims' services of migrant women subjected to gender-based violence. The project treats human trafficking as a form of gender-based violence. The two-year project was launched on 1 January 2021.

62 SARAH project (Safe, Aware, Resilient, Able and Heard – protecting and supporting migrant women victims of gender-based violence).

5 Objectives and actions of the Action Plan

5.1 Victims of human trafficking are reached and identified, exploitation is detected by the authorities

Finland is determined in its efforts to promote the detection of human trafficking. It is not only in the best interests of the victim but the whole of society that authorities are made aware of human trafficking. Human trafficking is a serious criminal offence that generates considerable proceeds of crime for the offenders. These proceeds encourage people to commit human trafficking offences, and consequently society must combat human trafficking with great resolve.

Finland eliminates the barriers to the detection of human trafficking by developing its legislation and administrative practices. The aim is for victims to perceive seeking out assistance from the authorities, applying for a residence permit and filing a report with the police on the exploitation they have been subjected to as a realistic option that they can exercise without concern for their personal safety. The aim is for a vulnerable victim of human trafficking to be able to deal with the authorities, for example, without fear of immediate removal from the country.

Finland develops the activities of its authorities towards a proactive approach in reaching and identifying victims of human trafficking. The aim is for the authorities central to anti-trafficking action to be familiar with the basic characteristics of the phenomenon of human trafficking and have the capabilities to intervene and when necessary, to refer the victims to assistance. Vulnerable victims of human trafficking must be better reached and identified. Groups where victims of human trafficking in a position of special vulnerability can be found include people selling sex, addicts, homeless people, children and young people who have absconded from their substitute care placement, and people in Finland without right of residence.

The awareness of key authorities and other actors regarding human trafficking will be increased and their competences strengthened. These measures will also be extended more strongly to actors working with particularly vulnerable groups of people whom current anti-trafficking action is yet to reach to a sufficient extent. Municipal authorities play a particularly important role in reaching and identifying victims of human trafficking who are in a position of vulnerability. Cooperation between municipal authorities and CSOs engaged in outreach work will be improved. The trafficking awareness of professionals working with children and young people will be increased.

Finland is developing tools besides those relating to pre-trial investigation or the criminal justice process to address cases of exploitation and to prevent continued exploitation. Such tools may involve e.g. administrative sanctions on and other consequences to the exploiters, taking into account the necessary issues of *ne bis in idem*. This will require close cooperation and real-time information-sharing among multiple authorities. Changes to legislation may also be required.

Human trafficking is a constantly dynamic phenomenon that always finds new forms and methods of expression. Finland actively monitors the development of the phenomenon and prepares to combat forms of human trafficking that are wholly novel or have been little detected to date. Such poorly recognised and identified forms of human trafficking known to occur in many other European countries include exploitation in criminal activities and in benefit fraud.

Actions

1. Strengthen the resources of foreign labour supervision and develop the supervision to identify labour exploitation and promote its detection. A particular goal is to identify and detect serious exploitation involving violation of the minimum terms of employment. Ensure the availability of interpretation during occupational safety and health inspections undertaken on the authority's initiative and in client meetings whenever this is necessary to identify labour exploitation and promote its detection. **Responsibility: Ministry of Social Affairs and Health (Occupational Safety and Health). Timeframe 2021–2023**
2. Improve information-sharing among authorities and review the effectiveness of the provisions governing rights to disclose and access information. At the same time, improve the timeliness of information-sharing among the occupational safety and health authority, the Employment and Economic Development Offices (TE Offices) and the Finnish Immigration Service in respect of occupational safety and health inspections. This topic is promoted also in the multi-authority cooperation project included in the strategy and action plan for tackling the grey economy and economic crime. **Responsibility: Ministry of Social Affairs and Health (Occupational Safety and Health). Timeframe 2021–2023**
3. Determine the supervisory powers of the authorities in respect of housing conditions of possible victims of human trafficking and the interfaces between the functions of the authorities. Conduct a subsequent assessment of needs for development and further action. **Responsibility: Ministry of**

Social Affairs and Health (Occupational Safety and Health). Timeframe 2021

4. Examine the opportunities of occupational safety and health administration and other authorities to carry out inspections of work done on premises protected by the privacy of the home. Conduct an assessment of needs for development and further action on the basis of the examination. **Responsibility: Ministry of Social Affairs and Health (Occupational Safety and Health). Timeframe 2021–2022**
5. Develop and update the online training materials of the occupational safety and health authority on human trafficking for the purpose of labour exploitation to make the materials suitable for use by other authorities as well. **Responsibility: Ministry of Social Affairs and Health (Occupational Safety and Health). Timeframe 2021–2022, funding EUR 10,000 Ministry of Social Affairs and Health**
6. Develop proactive tools to better reach and identify vulnerable victims of exploitation and human trafficking. The project to promote detection seeks to prevent and combat labour exploitation and human trafficking for the purpose of labour exploitation in particular. **Responsibility: Ministry of Economic Affairs and Employment in cooperation with Government anti-trafficking coordination. Timeframe 2021–2023, funding EUR 300,000 Ministry of Economic Affairs and Employment**
7. Organise training for staff in the fields of pre-trial investigation, criminal justice and criminal sanctions in order to identify victims of human trafficking and improve their standing (topics to include identification of trafficking for forced criminal activities). Ensure that basic and continuing education for the police and for criminal sanctions staff includes information about human trafficking and exploitation for criminal activities as a form of human trafficking. **Responsibility: Ministry of Justice, Criminal Sanctions Agency, National Police Board, Assistance System for victims of human trafficking. Timeframe 2021–2023**
8. Engage in cooperation between civil aviation authorities and operators to identify and prevent human trafficking. A reporting and alert system to notify the competent authorities without delay of suspected cases of human trafficking will be developed for this purpose. **Responsibility: Finnish Transport and Communications Agency Traficom, Ministry of Transport and**

Communications, Assistance System for victims of human trafficking, National Police Board, Finnish Border Guard. Timeframe 2021–2023

9. Develop training materials on the identification and prevention of human trafficking for actors in the field of aviation. This work be based on an intersectoral approach and it will draw on existing resources. The materials can also be utilised in other forms of transport. **Responsibility: Finnish Transport and Communications Agency Traficom, Ministry of Transport and Communications, Assistance System for victims of human trafficking, National Police Board, Finnish Border Guard. Timeframe 2021–2023**

10. Put together, on the basis of existing information, a concise information kit on human trafficking and related exploitation to be used in support of education. **Responsibility: Government anti-trafficking coordination and the Assistance System for victims of human trafficking in cooperation with the Ministry of Education and Culture and the Finnish National Agency for Education. Timeframe 2021**

11. Determine, in the internal human trafficking guidelines of the Finnish Immigration Service, an internal processing time target for the consideration of temporary residence permits on the basis of human trafficking and allow deviation from the target only for justified reason. Examine practice and case law on residence permits on a continuous basis issued to victims of human trafficking, actively update country data relating to the topic and take into account in decision-making international obligations, an approach based on fundamental freedoms and human rights, and the risk of re-victimisation. Prepare a training plan on the phenomenon of human trafficking for the Immigration Service. **Responsibility: Finnish Immigration Service. Timeframe 2021–2023**

5.2 Victims of human trafficking receive the assistance and support they need

Finland helps all victims of human trafficking. Based on international treaties, EU legislation and national legislation, victims of human trafficking are entitled to assistance, support and protection commensurate with their needs. Victims of human trafficking have the right to this assistance, support and protection even if they do not hold right of residence in Finland.

Child victims of human trafficking are afforded special protection. In the provision of assistance to victims of human trafficking, account is also taken of their gender and their special needs for psychological assistance and support arising from violence, sexual violence included. Finland's anti-trafficking action is guided by fundamental freedoms and human rights.

Assistance for victims of trafficking in human beings is based not only on general social welfare and healthcare legislation but also special legislation intended to strengthen the standing of victims as a group entitled to services. A key aim of the special legislation is to secure services for victims of human trafficking also when the services provided pursuant to general social welfare and healthcare legislation are not sufficient for victims to recover and avoid re-victimisation. In such cases, the services needed by the victims shall be provided pursuant to the special legislation, as stated in the 2019 decision of the Deputy Parliamentary Ombudsman.⁶³

Finland will strengthen the competences of social welfare and healthcare professionals and their abilities to identify and assist victims of human trafficking. Training and guidelines will be provided to support social welfare and healthcare professionals in their work. Cooperation between the authorities and CSOs will also be improved. Information on the grounds for State reimbursements to municipalities and the reimbursement procedure will also be better provided. The aim is for victims of human trafficking to gain access to assistance and for society to be able to respond better and more equally to their often intensive and diverse needs for help.

Finland will enhance cooperation between the entities that provide victims with assistance and services, not only nationally but also regionally, for example by establishing cooperation networks and service progressions. In the interests of enhancing cooperation, the assistance provider entities will be brought together to discuss common procedures to further build up assistance to victims of human trafficking and to share best practices to strengthen competences. At the same time, the recovery of victims of human trafficking will be promoted and their re-victimisation prevented by improving their access to integration services.

Finland will develop its legislation on assistance to victims of human trafficking in such a way that it will better secure the nationwide equality of victims in access to services. In the context of legislative reform, Finland will diminish the link between assistance and the criminal justice process so as to allow victims to receive assistance, support and protection regardless of the initiation, progress or outcome of the criminal justice process, in the

63 EOAK/3489/2017.

manner required under international human rights obligations binding on Finland and by EU legislation. Victims' right to services will be evaluated on the basis of an individual assessment of needs. The right of victims to safe, secure and supported housing services will be secured in the context of the legislative reform.

Municipalities and the future wellbeing services counties will play a key role also in safeguarding services to victims of human trafficking. The health and social services reform will ensure that going forward, victims of human trafficking will be secured access to the services they need in the area where they live or stay. Tools for promoting and supporting the practical implementation of these services, including specialised expertise and the regional consolidation of competences, will be reviewed in the context of the reform.

Victims of human trafficking require also other services besides health and social services. In many cases, the victims have a need for e.g. legal aid and legal counselling. Finland's aim is to ensure equal access to legal counselling and legal aid for victims of human trafficking also for needs involving extrajudicial matters and matters unrelated to the criminal justice process. Efforts will be made to ensure the availability of competent and skilled legal aid and legal counselling in the matters of victims of human trafficking through training and, when necessary, be reviewing the personnel resource needs of legal aid offices and enabling the use of private legal counsel as well. Cooperation in the field of training with e.g. the Finnish Bar Association will also sought to be increased.

Actions

12. Assess, where necessary, the resource needs of the Assistance System for victims of human trafficking. **Responsibility: Ministry of the Interior. Timeframe 2021–2023**
13. Prepare a clarified Kuntainfo circular to municipalities to ensure that the decision EOAK/3489/2017 (issued on 28 June 2019) of the supreme overseer of legality cascades down into municipal decision-making. The circular will instruct municipalities on the rights of victims of human trafficking based on the legislation in force and on the opportunity to apply for reimbursement from the State for costs incurred from services to victims of human trafficking (including the option of purchased services). The opportunity will also be taken to highlight best practices. **Responsibility: Ministry of Social Affairs and Health. Timeframe 2021**
14. Prepare a memorandum on the status quo of the reimbursement system with the aim of determining challenges in the application of the legislation in force. The memorandum will serve to support the legislative reform project

of the Ministry of Social Affairs and Health concerning assistance to victims of human trafficking. **Responsibility: Ministry of Economic Affairs and Employment in cooperation with the Ministry of Social Affairs and Health. Timeframe 2021**

15. Prepare the National Referral Mechanism concurrently with the law-drafting project of the Ministry of Social Affairs and Health to promote victim identification and ensure victim access to assistance. Pursue this topic in cooperation with the OSCE Office for Democratic Institutions and Human Rights (ODIHR). **Responsibility: Government anti-trafficking coordination together with the working group, Assistance System for victims of human trafficking, Ministry of Social Affairs and Health, Finnish Institute for Health and Welfare. Timeframe 2021–2022**
16. Determine a model for the service progression of victims of human trafficking that is adaptable to local needs as necessary. This will take place concurrently with the law-drafting project of the Ministry of Social Affairs and Health. **Responsibility: Ministry of Social Affairs and Health, Finnish Institute for Health and Welfare, Government anti-trafficking coordination together with the working group, Assistance System for victims of human trafficking. Timeframe 2022**
17. Incorporate anti-trafficking action focusing on children and young people in the work to develop centres of expertise and support. Development will take place in close cooperation with the working group preparing the action plan and monitoring its implementation. **Responsibility: Ministry of Social Affairs and Health. Timeframe 2021–2023**
18. Ensure that the right of victims of human trafficking to safe, secure and supported housing services is realised in the manner laid out in the Government Programme. This work will take place as part of the legislative and development project of the Ministry of Social Affairs and Health and the Finnish Institute for Health and Welfare. **Responsibility: Ministry of Social Affairs and Health, Finnish Institute for Health and Welfare. Timeframe 2021–2022**
19. Organise training for social welfare and healthcare professionals on assistance to victims of human trafficking. In designing this training, make use of existing materials. Add an individual training module to the online training offering of the Finnish Institute for Health and Welfare and communicate the training opportunities to social welfare and healthcare professionals. The entities responsible will engage in close mutual cooperation. **Responsibility: Finnish**

Institute for Health and Welfare, Assistance System for victims of human trafficking. Timeframe 2021–2023

20. Include information about human trafficking and the related exploitation in the continuing education of professionals working with children and young people. **Responsibility: Ministry of Education and Culture, Finnish National Agency for Education, Finnish Institute for Health and Welfare. Timeframe 2021–2023**

21. Study ways to promote access to services under the Integration Act, such as integration training, and to services in support of employment and wellbeing in respect of victims of human trafficking who have exceeded the integration period. Where necessary, the Employment and Economic Development Offices (TE Offices), municipal employment trials and migrant guidance and counselling points will be sent a letter with instructions based on the study. In the context of the reform of the Integration Act, ensure the access of victims of human trafficking to services to promote integration. The aim is to prevent re-victimisation and to reinforce the victims' wellbeing and attachment to society. **Responsibility: Ministry of Economic Affairs and Employment, Assistance System for victims of human trafficking. Timeframe 2021–2022**

22. Provide training in the identification of victims of human trafficking and in their service needs to the staff of Employment and Economic Development Offices (TE Offices), instructors in training to migrants (especially in reading and writing instruction) and the staff of municipal employment trials and multi-professional guidance and counselling points. This action will be pursued in cooperation with the IKUT project in the Assistance System for victims of human trafficking. **Responsibility: Ministry of Economic Affairs and Employment, Assistance System for victims of human trafficking. Timeframe 2021–2022**

23. Organise interactive training for legal aid offices and increase the dissemination of information about the phenomenon of human trafficking. The particular goal is better identification of victims and ensuring equality among them by harmonising the legal aid decisions issued to victims of human trafficking in cases where they are assisted by private legal counsel. Legal aid should extend also to extrajudicial legal counselling on topics including the standing of victims in Finland, the Assistance System for victims of Human Trafficking, the criminal justice process, and assistance in filing a request to investigate or

a police report and in applying for compensation. **Responsibility: Ministry of Justice. Timeframe 2021–2023**

24. Assess the resource needs of legal aid offices to secure legal counselling and legal aid to victims of human trafficking. **Responsibility: Ministry of Justice. Timeframe 2021–2023**

5.3 Criminal liability is established in human trafficking offences

Finland strives for the pre-trial investigation authorities to have a comprehensive and nationwide situational picture of human trafficking crime and for the activities of the pre-trial investigation authorities, the police in particular, to be ambitiously managed by means of results-oriented management towards more efficient and higher-quality crime prevention and investigation of human trafficking offences. The aim of effective establishment of criminal liability is to prevent human trafficking.

Finland's approach to combating human trafficking is phenomenon-based. Finland considers it important that the phenomenon of exploitation is holistically addressed. The criminal justice process assesses the fulfilment of the essential elements of the offence in individual cases on the basis of factors including the evidence available. What is essential is that criminal liability in exploitation cases is established in a manner that takes into account the legal safeguards of the suspect/defendant and that the victims are provided with the assistance they need.

Finland hones its criminal justice process for higher quality and greater efficiency. The goal is for all pre-trial investigation authorities to possess adequate basic expertise and competence to identify all forms of human trafficking.

Finland detects human trafficking and improves the identification of human trafficking in the criminal justice process. The goal is to increase the criminal justice process actors' human resources allocated to anti-trafficking action as necessary and to strengthen their competences and also to intensify cooperation between the pre-trial investigation authorities and the supervisory authorities in order for criminal liability to be established. At the same time, the operating conditions and competences of other criminal justice process actors and the criminal sanctions sector will be ensured. The cooperation between the pre-trial investigation authorities and prosecution authorities during pre-trial investigation will be enhanced.

The pre-trial investigation authorities will take part more widely and actively in anti-trafficking efforts in the European multidisciplinary platform against criminal threats (EMPACT) under the EU Policy Cycle for organised and serious international crime.

Finland will enhance information-sharing among authorities to promote the detection of human trafficking and to establish criminal liability. To this end, efforts will be made to ensure that the inter-authority rights of disclosure of and access to information support the detection of human trafficking. Cooperation between the police and other authorities will also be supported at the local level in order to detect human trafficking and exploitation. Cooperation will also be pursued with CSOs.

Actions

25. Intensify anti-trafficking efforts in policing by boosting intelligence-led policing and investigations to uncover crime, strengthening guidance and resources, and leveraging multi-professional approaches and international cooperation. **Responsibility: Ministry of the Interior, National Police Board and National Bureau of Investigation in cooperation with the Finnish Border Guard. Timeframe 2021–2023**
26. Formulate and maintain a nationwide situational picture on human trafficking crime in support of operative and strategic management. The situational picture will be used in support of internal and external communications. **Responsibility: National Bureau of Investigation and National Police Board in cooperation with the Finnish Border Guard. Timeframe 2021–2023**
27. Examine the anti-trafficking training needs of the pre-trial investigation authorities and assess the need to publish a report in the publication series of the Ministry of the Interior. Organise training for the pre-trial investigation authorities to bolster competences nationwide, taking into account the needs for basic, advanced and continuing training coming to light in the examination. The potential offered by external funding will be taken into account in the examination of training needs and in the implementation of the training, and cooperation will be pursued as necessary with parties including the Assistance System for victims of human trafficking, CSOs and HEUNI. **Responsibility: Police University College, National Police Board and National Bureau of Investigation in cooperation with the Finnish Border Guard. Timeframe 2021–2023**
28. Leverage the modelling developed in the context of the strategy and action plan for tackling the grey economy and economy to increase the effectiveness of the prevention and investigation of human trafficking offences. In

the design of the models, particular attention will be paid to child trafficking offences. The modelling will provide support in drawing up investigation plans for human trafficking crime, developing the multi-professional supervision events targeted to various sectors, and increasing the efficiency of tracking and seizing proceeds of crime. **Responsibility: Ministry of the Interior, National Police Board and National Prosecution Authority. Timeframe 2021–2023**

29. Examine the potential for amending the Criminal Investigation Act so that investigative measures targeting possible victims of human trafficking should, whenever possible, be assigned to investigators and head investigators specialising in such assignments. **Responsibility: Ministry of Justice. Timeframe 2021–2023**
30. Promote advances in the detection of human trafficking and the establishment of criminal liability and, where necessary, initiate topical research projects in support of development of the legislation that steers the activities of the authorities and regulates their powers. In follow-up, particular attention will be paid to legislative development needs coming to light in the prevention and investigation of online trafficking offences, i.e. offences committed on or via the internet. **Responsibility: Ministry of the Interior. Timeframe 2021–2023**
31. Systematically develop multi-authority cooperation. The occupational safety and health authorities will engage in the necessary cooperation with relevant other authorities in planning and executing supervision. Such authorities include police departments, the human trafficking investigation unit of the police, the Finnish Tax Administration and the Border Guard. Cooperation with the rescue authorities and the environmental health authorities will also be taken into account in the planning and performance of inspections. **Responsibility: Ministry of Social Affairs and Health, National Police Board. Timeframe 2021–2023**
32. Assess the potential for enabling the use of videotaped interviews in court proceedings on human trafficking offences and associated crimes. **Responsibility: Ministry of Justice. Timeframe 2021–2022**
33. Review the potential for expanding the powers of the Finnish Border Guard to investigate human trafficking offences also when these do not involve the arrangement of illegal immigration. **Responsibility: Ministry of the Interior. Timeframe 2021**

34. Assess the resource needs of prosecutors to increase the efficiency of cooperation in pre-trial investigation and to ensure the establishment of criminal liability in the criminal justice process. **Responsibility: Ministry of Justice. Timeframe 2021–2023**
35. Designate, from among the special prosecutors, those special prosecutors who are well versed in human trafficking offences to provide expert advice to the pre-trial investigation authorities and other prosecutors. **Responsibility: National Prosecution Authority. Timeframe 2021**
36. Establish a peer network of special prosecutors and any other prosecutors who prosecute cases of human trafficking to allow prosecutors to share information and experiences as well as best practices in cases of human trafficking offences. Organise advanced specialised training on human trafficking on a regular basis for prosecutors who prosecute human trafficking cases. **Responsibility: National Prosecution Authority. Timeframe 2021**
37. Examine the training needs of judiciary staff in both general and administrative courts to promote the identification of human trafficking and establish criminal liability more effectively. Where necessary, incorporate human trafficking issues in the training plan of the judiciary. **Responsibility: National Courts Administration. Timeframe 2021**
38. Where necessary, assess the additional resource needs of the judiciary. **Responsibility: Ministry of Justice, National Courts Administration. Timeframe 2021–2023**

5.4 Human trafficking is combated together and on a wide front

Finland views human trafficking as an issue that affects the whole of society. Human trafficking is a serious violation of its victims' rights at the most fundamental of levels. It undermines the competitiveness of honest and law-abiding businesses and reduces tax revenues. Human trafficking generates considerable proceeds of crime.

In Finland, anti-trafficking action is viewed as an intersectoral system carried forward by multiple ministries and authorities in cooperation. Besides specific actions to fight human trafficking, anti-trafficking action also encompasses efforts to promote gender equality and the rights of the child, to combat violence against women, the sexual exploitation of

children and the grey economy and economic crime, to prevent foreign labour exploitation and to engage in sustainable public procurement. Anti-trafficking action also promotes the achievement of the Sustainable Development Goals. The efficient reconciliation of actions will require coordination at the Government level also going forward.

Finland sees the State as having primary responsibility for anti-trafficking action. Nonetheless, it is important that these efforts are pursued on a wide front together with the various actors in society.

CSOs and labour market organisations play an important role in reaching and identifying victims of human trafficking, in providing them with advice and referring them to the assistance provided by the authorities. Trust between CSOs and the authorities will be reinforced to promote the detection of human trafficking and to refer victims to the assistance provided by the authorities. Another major role of the CSOs is to spark societal debate, raise concerns and engage in debate.

Finland considers it important to ensure the continuity of the basic activities of CSOs that specialise in identifying, assisting and advising victims of human trafficking as well as the activities of CSOs specialising in anti-trafficking. While fixed-term project funding serves a purpose in the anti-trafficking activities of CSOs, it is important also to assess how sustained basic work among vulnerable populations and activities specialising in the provision of assistance and advice to victims of human trafficking are to be funded.

Finland fights human trafficking and labour exploitation by promoting respect for human rights and fundamental principles and rights at work also in public procurement. Ethical public procurement seeks to prevent and reduce human trafficking and labour exploitation in subcontracting chains.

Finland sees cooperation with businesses and employers as a condition for successful anti-trafficking action. Human trafficking and labour exploitation occur also within legitimate business. Besides sharing in the responsibility for preventing and addressing exploitation, going forward, businesses and employers may play a greater role than at present in e.g. offering alternative, non-exploitative employment opportunities to victims of human trafficking.

The drafting of any corporate responsibility legislation will involve also a review of aspects relating to labour exploitation and anti-trafficking. Cooperation between the private and public sectors is considered an important component of anti-trafficking also in the international setting.

Actions

39. Ensure that anti-trafficking action is incorporated into the implementation of the intersectoral child strategy currently under preparation. **Responsibility: Prime Minister's Office. Timeframe 2021**
40. Include anti-trafficking action to the extent possible in the report on equality policy to be submitted to Parliament by the end of 2021. **Responsibility: Ministry of Social Affairs and Health. Timeframe 2021**
41. Review the Government-level coordination structure of anti-trafficking action. The review will include alternative implementation methods, base of activities included, and resource needs as well as a proposal on the duties of coordination, including the gathering and sharing of information and communicating anti-trafficking action to the general public via e.g. the website www.ihmiskauppa.fi. The review will also take into account the duties and spheres of responsibility of other anti-trafficking actors, such as the National Rapporteur on Human Trafficking, the trafficking investigation unit of the police and the Assistance System for victims of human trafficking, and seek to harmonise these so as to avoid unnecessary duplication of efforts. **Responsibility: Government anti-trafficking coordination. Timeframe 2021, funding EUR 15,000 Ministry of Justice**
42. Support the construction of a cooperation network between authorities and CSOs and strengthen the capabilities of actors in identifying human trafficking related to gendered violence and sexual abuse, promoting its detection and referring the victims to assistance. **Responsibility: Government anti-trafficking coordination in cooperation with the working group. Timeframe 2021–2023**
43. Improve the cooperation between municipalities and the Assistance System for victims of human trafficking by organising regional discussion forums to share information and experiences in assisting victims and agree on joint policies to ensure trafficking victims' access to assistance and equality in access. **Responsibility: Government anti-trafficking coordination in cooperation with the working group and the Ministry of Social Affairs and Health in particular. Timeframe 2021–2023**
44. As a part of implementing corporate social responsibility, increase awareness of human trafficking and labour exploitation among businesses and labour market organisations and also awareness of the tools to combat these phenomena. Work together with businesses and labour market organisations

on issues of human trafficking in the context of the IKUT project coordinated by the Assistance System for victims of human trafficking. Make use of existing information and training materials and supplement these where necessary. **Responsibility: Assistance System for victims of human trafficking, HEUNI, Ministry of Economic Affairs and Employment. Timeframe 2021–2023, additional funding EUR 15,000 Finnish Immigration Service**

45. Ensure that combating labour exploitation, including risks in local sub-contracting chains, is taken into account in efforts to promote the social responsibility of businesses and the public sector, and emphasise that combating labour exploitation is a component of compliance with ordinary due diligence. Prepare a set of guidelines on how efforts to combat human trafficking and labour exploitation can be taken into account in procurement. These guidelines will include model contractual terms for risk mitigation. The action will be implemented in cooperation with the Procurement Finland action plan for effective public procurement. **Responsibility: Ministry of Finance in cooperation with the City of Vantaa and HEUNI. Timeframe 2021**
46. Improve the opportunities for supervision during the term of contracts. Examine ways to improve access to information so that reports on compliance with obligations would be available to contracting entities also during the term of contracts. Clarify guidelines so as to make workplaces aware of how and to whom problems should be reported. Share best practices in bringing problems to light. **Responsibility: Ministry of Economic Affairs and Employment, Ministry of Finance. Timeframe 2021–2023**
47. To the extent possible, incorporate the prevention of human trafficking in the Government Report on Development Policy and ensure that the issue of human trafficking is taken into account in promoting Finland's foreign policy objectives in the contexts where this is necessary. Such contexts include equality, violence against women, sustainable development and international migration. **Responsibility: Ministry for Foreign Affairs. Timeframe 2021 –**

5.5 Anti-trafficking action is developed on a data-driven basis

Finland's anti-trafficking action is data-driven. Data needs are constantly being surveyed as a part of anti-trafficking action. Analysis, assessment and research activities will be closely linked to the development of anti-trafficking action. Once analysis, assessment and

research have delivered results, the necessary legislative and other steps will be evaluated to promote the detection of human trafficking, improve the standing of victims and intensify the establishment of criminal liability.

Finland is building up its compilation of statistics on human trafficking. Data-driven anti-trafficking requires reliable and comparable statistical data, which in turn requires statistical systems capable of fulfilling such data needs.

The modernisation of police information systems will ensure that when recording a report to the police, human trafficking is classified also according to purpose of exploitation and that the same data transfers to the information systems of the justice authorities as well. The development of statistics-keeping is also important with regard to the implementation of human rights obligations binding on Finland.⁶⁴

Independent and impartial assessment of anti-trafficking action and recommendations for its development are welcomed. Independent assessment, such as in the reports of the Non-Discrimination Ombudsman who serves as National Rapporteur on Human Trafficking, can provide data on the efficiency, issues and possible side effects of anti-trafficking action. The data and the recommendations based on it can help further enhance the efficiency of anti-trafficking, develop it and, when necessary, re-direct it.

Actions

48. Examine why the provision of the Criminal Code concerning abuse of a victim of sexual trade is only seldom applied. The examination will look into the reasons for the low numbers of reports filed with the police, pre-trial investigations, considerations of charges and verdicts. **Responsibility: Ministry of Justice, Government anti-trafficking coordination. Timeframe 2020–2021, funding EUR 30,000 Ministry of Justice**
49. Examine the application of the criminal provisions on human trafficking and associated crimes (e.g. pandering, extortionate work discrimination, aggravated extortion) and any challenges relating to their application. The examination will also look into the capacity of criminal procedure legislation in force to promote the identification of victims of human trafficking in the criminal justice process and to safeguard the standing of victims during it.

⁶⁴ Among others, GRETA in its most recent report on Finland once again urges the Finnish authorities, for the purpose of preparing, monitoring and evaluating anti-trafficking policies, 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 (para 43).

Responsibility: Government anti-trafficking coordination together with the project steering group. Timeframe 2021–2022, funding EUR 110,000 Government’s analysis, assessment and research activities

50. Review the status quo relating to the fundamental principle of the legal system of imposing no punishment for a crime a person is compelled to commit (principle of non-punishment). With regard to human trafficking offences, the review should look into how this principle is realised in practice. Any reasons for non-realisation should moreover be determined. The purpose of the review is to generate data for the authorities in the development of their practices so that exploitation in criminal activities would be better identified as a form of human trafficking already at the outset of the criminal justice process. **Responsibility: Ministry of Justice. Timeframe 2021, funding EUR 30,000 Ministry of Justice**
51. Review the manner of application of the grounds for a residence permit of a victim of human trafficking under the Aliens Act and any challenges encountered in application. Based on the review, assess measures to harmonise the practices of the authorities and any needs for amendment of legislation. The aim is for residence permit legislation concerning human trafficking and its practical application to be as clear and predictable as possible so as not to be perceived by victims of human trafficking as a barrier to reporting their exploitation. **Responsibility: Ministry of the Interior. Timeframe 2021, funding EUR 20,000 Ministry of the Interior and Ministry of Economic Affairs and Employment**
52. Review the manner of application of the provisions of the Aliens Act concerning the reflection period for victims of human trafficking. This review will examine the extent to which reflection periods are granted, to whom they are granted and by which authority. Based on the review, assess measures to harmonise the practices of the authorities and safeguard the standing of victims in the context of e.g. supervisory measures. **Responsibility: Ministry of the Interior. Timeframe 2022, funding EUR 25,000 Ministry of the Interior**
53. Review the manner of application of the provision of the Aliens Act on suspicion of selling sex (section 148, subsection 1, paragraph 6) as grounds for denial of admittance or stay and, based on the review, assess any needs for amendment of legislation and needs to develop practices. **Responsibility: Ministry of the Interior. Timeframe 2022, funding EUR 25,000 Ministry of the Interior**

54. Develop shared operating models, including definitions used as the basis for statistics, under the leadership of the Government Anti-Trafficking Coordinator and in cooperation with Statistics Finland and other data-collecting authorities. The commensurable data will be aggregated by Statistics Finland in a coordinated manner. Anti-trafficking coordination will support Statistics Finland in data aggregation. **Responsibility: Statistics Finland in cooperation with Government anti-trafficking coordination, the Ministry for Foreign Affairs and other competent ministries. Timeframe 2021–2023**

55. Develop the statistical database of the Assistance System for victims of human trafficking by the addition of a statistical tool capable of adapting to the proposals in the legislative project of the Ministry of Social Affairs and Health. **Responsibility: Ministry of the Interior, Finnish Immigration service, Assistance System for victims of human trafficking. Timeframe 2021–2023, funding EUR 50,000 Ministry of the Interior**

6 Implementation and monitoring of the action plan

The working and steering groups will monitor the implementation of the action plan and the effectiveness of its actions. Implementation will be monitored by means of an implementation plan to be prepared separately. The implementation of the actions will involve close cooperation with civil society actors and in particular the CSOs that engage in trafficking victim identification and assistance. The implementation of the actions under the action plan must promote non-discrimination and gender equality, mainstream a perspective that acknowledges gender diversity, and take into account the rights of the child, the primacy of the child's best interests and the right of the child to special protection.

At the conclusion of the action plan period, the working group will prepare a report on the implementation of the action under the leadership of the Government Anti-Trafficking Coordinator. In addition, the implementation of the action plan will be subjected to an external assessment inclusive of proposals to serve as the basis for the planning of future activities. It will presumably be necessary to prepare a new action plan after the expiration of the term of this action plan to take anti-trafficking action forward from the point reached by the implementation of this current plan.

APPENDIX 1. List of organisations signing up for the consultations and workshops arranged as part of the preparation of the action plan

Organisations (59) signing up for consultations

Asianajotoimisto Röyti & Ruokonen attorneys at law
Church social work centre – parishes of Turku and Kaarina
Deaconess Foundation
South Karelia Social and Health Care District Eksote, social work
Elpidia rf association
Regional State Administrative Agency for Southern Finland, Occupational Safety and Health
FinnWID – Finnish Women in Development
Helsinki Deaconess Foundation, traveller population work
Regional State Administrative Agency for Eastern Finland, Occupational Safety and Health
Eastern Finland Court of Appeal
Eastern Finland Police Department
Southeastern Finland Police Department
Southeast Finland Border Guard District
International Organization for Migration
City of Kuopio (Social Services, Employment Services)
Kuopion settlementti Puijola association
Kuopio Parish Union
Kuopio health and social services centre, refugee healthcare
Lakiasiaintoimisto Pia Holm Oy law firm
Lappeenranta Reception Centre
Southwestern Finland Police Department
Western and Inland Finland Regional State Administrative Agency 2012
Physicians for Social Responsibility – Finland, Global clinic
United Methodist Church – Finland
National Council of Women of Finland
NYTKIS - The Coalition of Finnish Women's Associations
City of Oulu (well-being services, services for immigrants)
Oulu Legal Aid Office

Oulu Police Department
Oulu Cathedral Parish
Oulu Reception Centre
Service Union United PAM
Save the Children
Pirkanmaa Hospital District
Ostrobothnia Centre for Economic Development, Transport and the Environment
Ostrobothnia Police Department
North Ostrobothnia Employment and Economic Development Office (TE Office)
Regional State Administrative Agency for Northern Finland, Occupational Safety and Health
Northern Finland prosecution district
Pro-tukipiste
Victim Support Finland
Savo Vocational College
Setlementti Tampere
Central Finland Police Department
Protect Children
The Central Organisation of Finnish Trade Unions (SAK)
Foundation of the Salvation Army in Finland
Finnish Red Cross
City of Tampere
Federation of Evangelical Lutheran Parishes in Tampere
Tarina Reception Centre
Turun ensi- ja turvakoti ry, Crisis and violence response
City of Turku, Emergency Social Services and Crisis Emergency Support
Turku YMCA
Vaasa mother and child home and shelter, Avokki service without accommodation
City of Vaasa, adult social work
Finnish White Ribbon Union
Vapauta Uhri ry association
Vuolle tyttöjen talo help and support centre for girls

Organisations (73) signing up for workshops

A-Clinic Foundation
Confederation of Finnish Industries (EK)
Federation of Mother and Child Homes and Shelters
City of Espoo
The Division of Occupational Safety and Health at the Regional State Administrative Agency for Southern Finland

Folkhälsans Förbund federation
Hansel Ltd
Helsinki Court of Appeal
Helsinki District Court
City of Helsinki (Immigration Unit, Mental Health and Substance Abuse Services, and
Emergency Social Services and Crisis Emergency Support)
Helsinki Police Department
Helsinki Reception Centre
European Institute for Crime Prevention and Control, affiliated with the United Nations
(HEUNI)
Helsinki University Hospital, SERI sexual assault support centre
City of Hämeenlinna, adult social work
Assistance System for victims of human trafficking / Joutseno Reception Centre
Eastern Finland Police Department
National Bureau of Investigation
Real Estate Employers association
Salpaus Further Education
Krits – Finnish Foundation for Supporting Ex-offenders, VAT network
Association of Finnish Municipalities
Ombudsman for Children in Finland
Central Union for Child Welfare
Nihtisilta Reception Centre of Luona Oy
Finnish Immigration Service
Finnish Immigration Service, Reception Unit
MONIKA – Multicultural Women’s Association, Finland
Nihtisilta Reception Centre / Luona Oy
Ministry of Justice
Legal Register Centre
Finnish National Agency for Education
Finnish Refugee Advice Centre
Service Union United PAM
Save the Children
Ostrobothnia Police Department
Poikien Talo help and support centre for boys
Police College of Finland
National Police Board
National Police Board / Barnahus project
Pro-tukipiste
Finnish Border Guard
Criminal Sanctions Agency
Criminal Sanctions Agency / Vanaja prison

Victim Support Finland
The Central Organisation of Finnish Trade Unions (SAK)
Samaria rf. association
Ministry of the Interior (Police Department and Migration Department)
Suomen Osuuskauppojen Keskuskunta (SOK) Corporation
Ministry of Social Affairs and Health (Department for Clients and Services in Healthcare and Social Welfare, Department for Safety, Security and Health and Department for Work and Gender Equality)
Stadin Etsivät youth outreach work
Protect Children
Suomen Kurdit ry – Finland’s Kurds association
National Prosecution Authority (Southern Finland and Western Finland prosecution districts)
Talonrakennusteollisuus ry association
City of Tampere
Finnish Institute for Health and Welfare
Statistics Finland
Traumacom
City of Turku, Welfare Division
University of Turku
Ministry of Economic Affairs and Employment
Ministry for Foreign Affairs
Uusimaa Employment and Economic Development Office (TE Office)
No Fixed Abode NGO – Vailla vakinaista asuntoa ry
Office of the Prosecutor General
State Treasury
City of Vantaa
Finnish Tax Administration
Ministry of Finance
Prime Minister’s Office, National Child Strategy
Family Federation of Finland
Office of the Non-Discrimination Ombudsman

APPENDIX 2. Statistical data on human trafficking in Finland

Human trafficking is hidden crime and no comprehensive statistical data is available on human trafficking as a whole. Statistical data relating to human trafficking is compiled by various authorities and CSOs. The statistics are not directly comparable. Some of the data derives from the statistics of the criminal justice system, some from information collected by certain parties that provide assistance to victims.

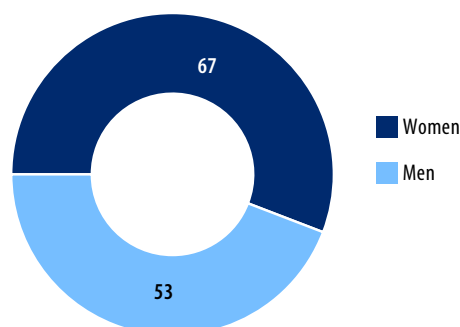
Victim identification and assistance

The actors who work with individual clients play a key role in the identification of victims of human trafficking. Authorities such as the Border Guard, the police, occupational safety and health, and social welfare and healthcare staff may come in contact with possible victims.

The client work of parishes and CSOs also brings them in contact with people who may have become victims of human trafficking. Finland has at least four organisations engaged in activities targeted specifically to providing support and assistance to victims of human trafficking: MONIKA – Multicultural Women’s Association, the Finnish Refugee Advice Centre, Pro-tukipiste and Victim Support Finland (‘Four-Leaf Clover Alliance’). These organisations collect annual data on the victims of human trafficking identified by them. In 2020, the said organisations identified a total of 120 cases indicative of human trafficking (Figure 1): 67 women and 53 men.

Kuvio 1. Source: MONIKA – Multicultural Women’s Association, Finland, the Finnish Refugee Advice Centre, Pro-tukipiste, Victim Support Finland, 2021.

Victims of human trafficking identified by organisations in 2020, a total of 120 cases

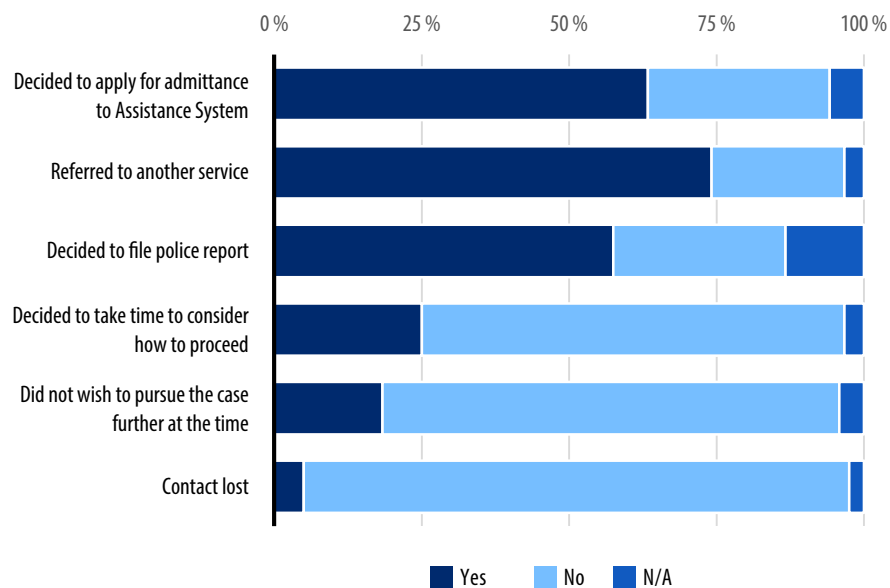


The organisations review the victims’ situation, inform them of their rights and seek to help the victims take their cases to the authorities. In 2020, 63% of victims identified by CSOs applied for admittance to the Assistance System for victims of human trafficking and 58% filed a report with the police (Figure 2). In 74% of the cases, the CSOs referred the victims to other services, such as municipal or CSO-provided services.

In their activities, third-sector actors can reach also victims who are afraid of the authorities due to their position of vulnerability. The CSOs also identify cases where persons identified as victims of human trafficking did not wish to pursue their case (18%), meaning that the possible trafficking was not reported to the authorities and the person concerned did not receive assistance from the services of the authorities in the capacity of a trafficking victim.

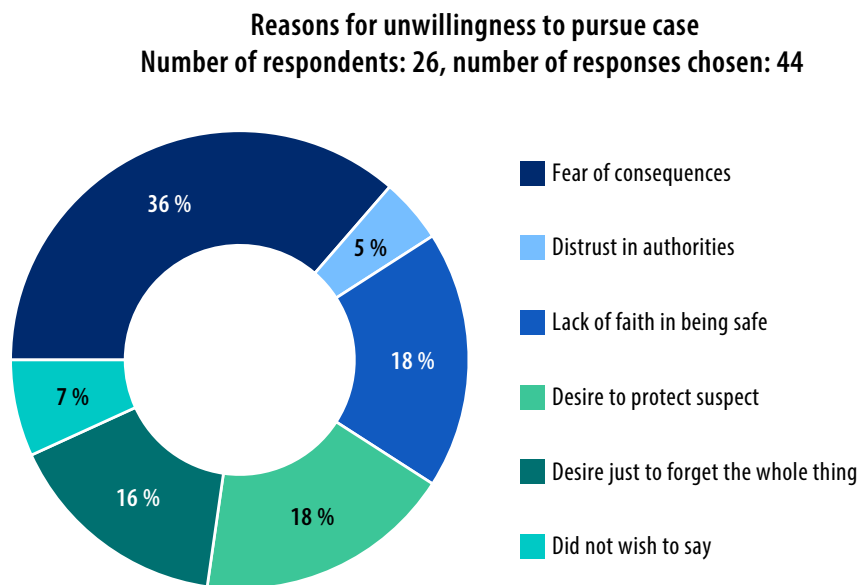
Kuvio 2. Source: MONIKA – Multicultural Women’s Association, Finland, the Finnish Refugee Advice Centre, Pro-tukipiste, Victim Support Finland, 2021.

Course of action taken by victims identified by CSOs in 2020



In cases where the victims did not wish to pursue their case, fear of consequences is a factor in 36% of cases (Figure 3). Other reasons are: the victims do not believe that they would be safe if they pursued their case (18%); they wish to protect the suspect (18%); and/or they want to try and forget the exploitation to which they were subjected (16%).

Kuvio 3. Source: MONIKA – Multicultural Women’s Association, Finland, the Finnish Refugee Advice Centre, Pro-tukipiste, Victim Support Finland, 2021.

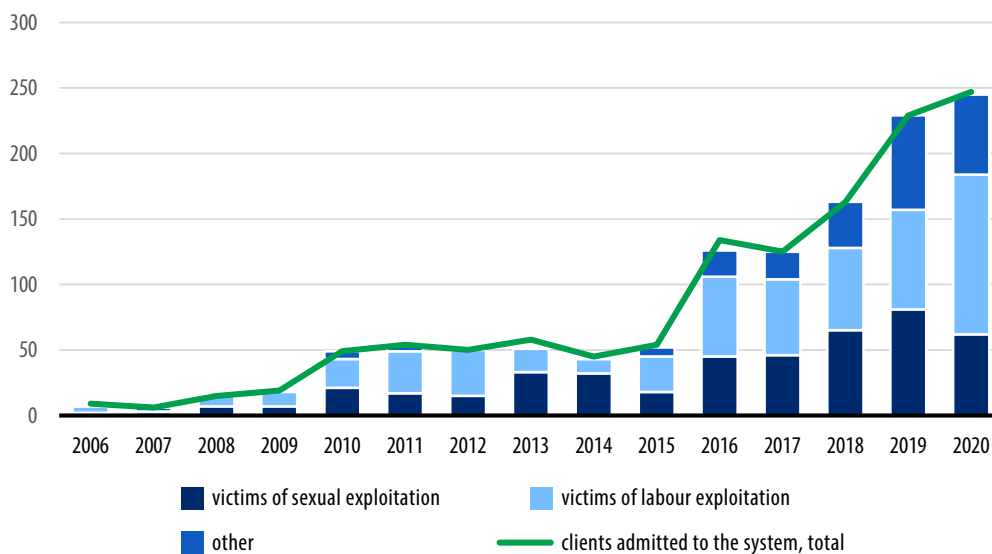


The number of persons admitted to the Assistance System for victims of human trafficking has grown considerably between the establishment of the system and approach of the 2020s (Figure 4). In 2006–2009, an average of 12 new clients were admitted to the system each year. In 2010–2015, the corresponding figure was 52, and the steepest increase took place in 2016–2020 when an average of 180 new clients were admitted to the Assistance System each year. In 2020, 247 people were admitted to the Assistance System, the highest number since its establishment.

Figure 4 also shows that among people admitted to the Assistance System for victims of human trafficking, labour exploitation was the most common purpose of exploitation in 11 of the years reported, and that the number of labour exploitation victims came to 552 between 2006 and 2020. On the other hand, victims of sexual exploitation have been regularly referred to the Assistance System, which over the same time frame has provided assistance to a total of 451 clients who were victims of sexual exploitation. The category “Other” in the Figure includes people who are considered to have become victims of human trafficking in the form of forced marriage, criminal activity or organ or tissue trade, or who were forcibly recruited to become child soldiers or beggars.

Kuvio 4. Source: Assistance System for victims of human trafficking 2021.

Individuals admitted to the Assistance System in 2006–2020 broken down by purpose of exploitation



In 2020, victims were referred to the Assistance System for victims of human trafficking especially by reception centres (88 applications) and the Finnish Immigration Service (63). Victims also sought out the Assistance System on their own initiative in 2020 (70 applications). In the same year, 49 victims were referred to the system by legal counsel.

Adults have made up the majority (92%) of the clients admitted to the Assistance System (Figure 5). In 2020, for example, a total of ten minors were admitted to the system. The dependent children of adult clients of the Assistance System are also entitled to the services of the system. In 2020, 50 minor children of a client were admitted to the Assistance System. Woman clients in particular often have dependent children.

Figure 5 also shows that in 2015–2020, women and girls accounted for 58% of new Assistance System clients and men for 41%. The clients also include non-binary individuals.

Kuvio 5. Source: Assistance System for victims of human trafficking, 2021.

Age and gender breakdown of new clients in the Assistance System

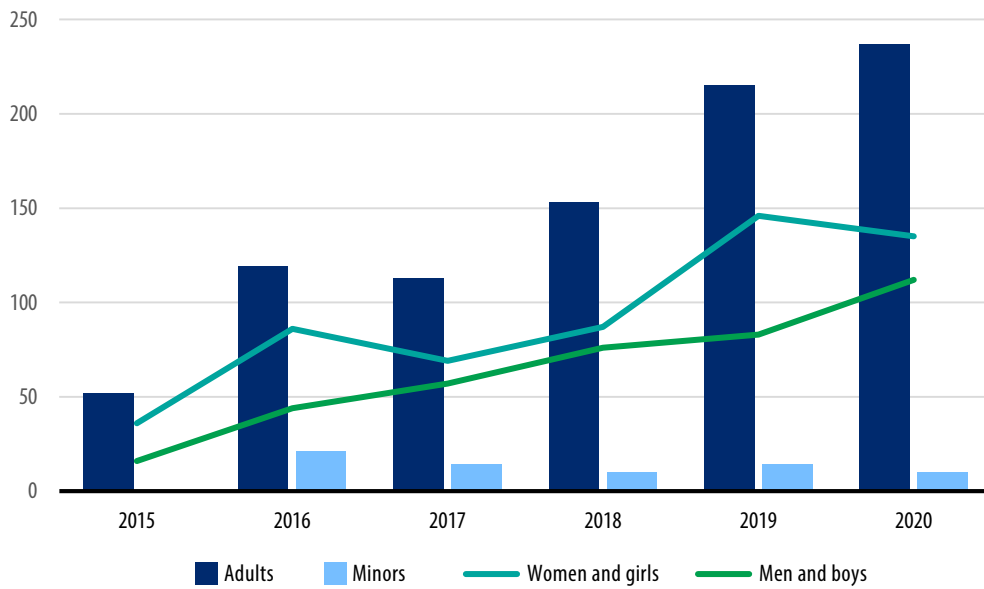
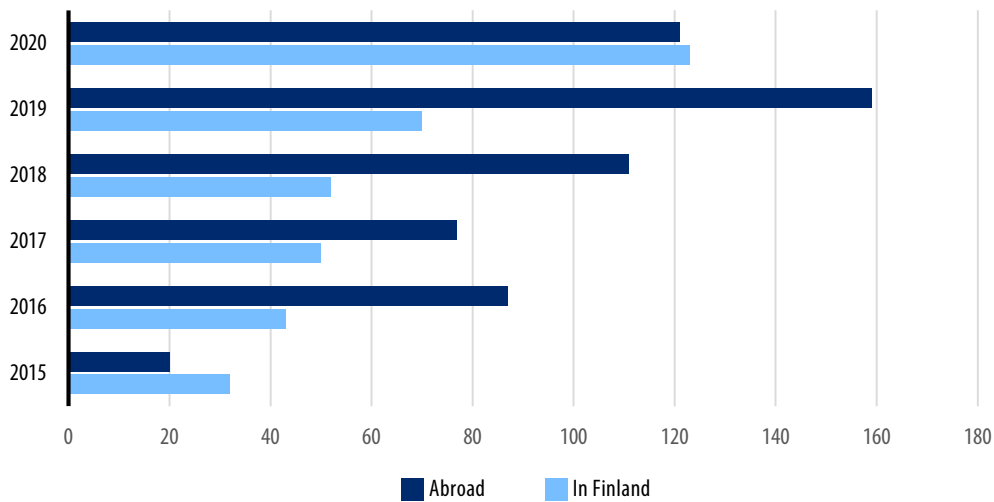


Figure 6 illustrates how a greater number of new clients admitted to the Assistance System for victims of human trafficking had been exploited abroad than in Finland. Only in 2015 and 2020 were there more people who were exploited in Finland than abroad. In 2015, the number of people exploited in Finland was 32, compared to 20 people exploited abroad. In 2020, the figures were 123 and 121, respectively.

Kuvio 6. Source: Assistance System for victims of human trafficking, 2021.

Place of victimisation of clients admitted to the Assistance System



Further information on the clients of the Assistance System for victims of human trafficking is available in the reviews published twice annually at www.ihmiskauppa.fi.

Human trafficking cases in the criminal justice process

The number of cases of trafficking in human beings and its associated crimes reported to the police has been on the rise. In 2015, 68 cases were reported to the police; in 2020, 197. Figure 7 illustrates the cases reported by designation of criminal offence. The most common designations have been trafficking in human beings and aggravated trafficking in human beings, in which the greatest increase in number of cases is also seen, from 27 reports in 2017 to 112 in 2020. The next most common designation is extortionate work discrimination, of which 64 reports were filed with the police in 2020. In 2020, the number of reports of pandering and aggravated pandering filed with the police was 30 while only one report was filed regarding abuse of a victim of sexual trade.

Kuvio 7. Source: National Police Board, 2021.

Cases of trafficking in human beings and its associated crimes reported to the police in 2015–2020, no.

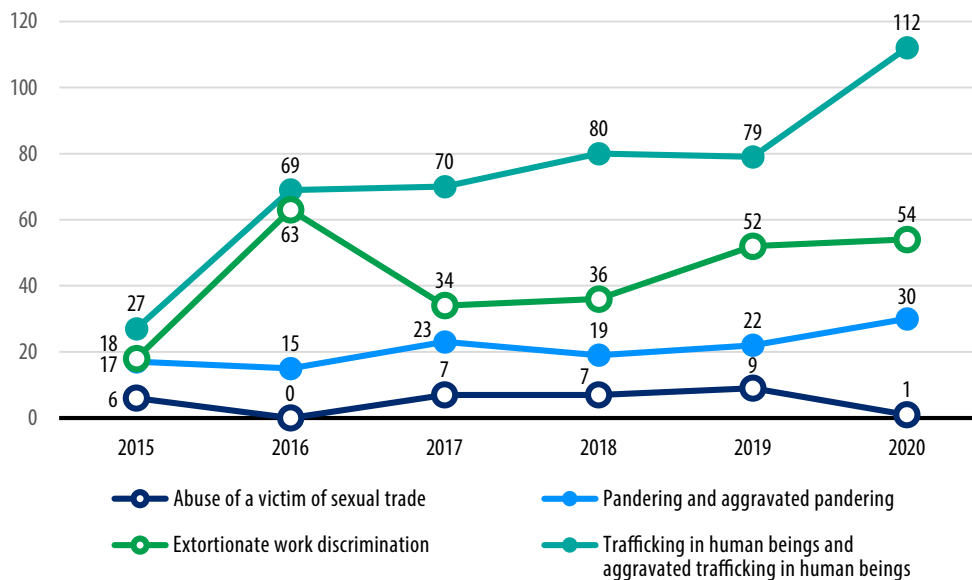


Figure 7, which illustrates the crimes reported to the police, does not indicate the manner in which cases reported as trafficking in human beings or an associated crime have proceeded in the criminal justice process.

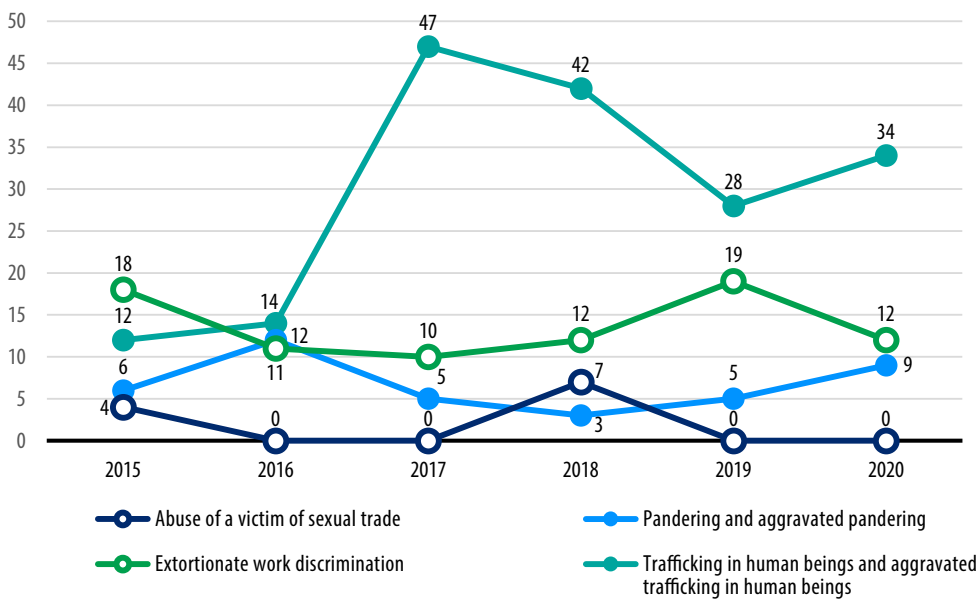
In recent years, the Border Guard has logged fairly few pre-trial investigations in which the offence was designated as either trafficking in human beings or aggravated trafficking in human beings. Three such cases were recorded in the statistics in 2015, two in 2016, one in 2018 and one in 2020. No human trafficking offences were recorded in the statistics in 2017 and 2019. The reason for the low number of investigations or failure to launch investigations is attributable especially to the fact that many potential victims of human trafficking these days fulfil the lawful requirements for entry into and stay in Finland, meaning

that the matter may not necessarily attract sufficient attention at border controls or in other action taken by the Border Guard.⁶⁵

The number of cases submitted to the prosecution authority under the designation of trafficking in human beings or aggravated trafficking in human beings was 12 in 2015 and 34 in 2020 (Figure 8). No significant trend in the cases of extortionate work discrimination and pandering submitted to the prosecution authority appears in the years under examination. The number of these cases has varied annually between three and nineteen. Very few cases concerning abuse of a victim of sexual trade have been submitted to the prosecution authority (four in 2015, seven in 2020).

Kuvio 8. Source: National Prosecution Authority, 2021

Cases submitted to the prosecution authority in 2015–2020 broken down by designation of criminal offence, no.



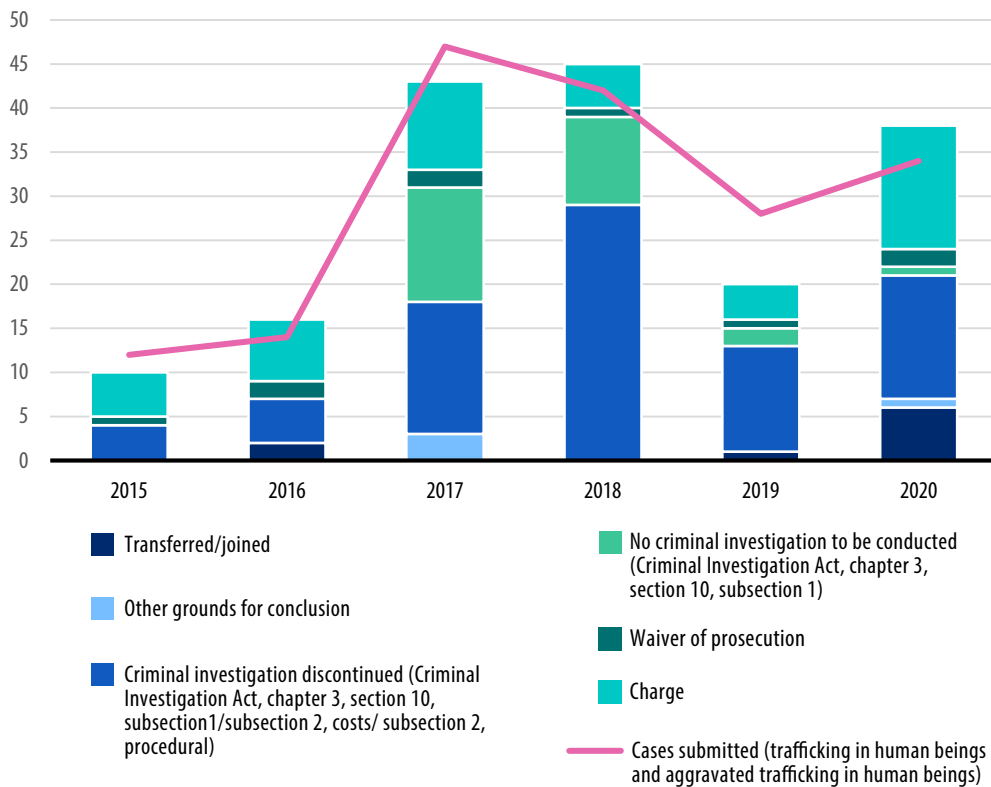
65 The Border Guard also has more limited pre-trial investigation powers than the police. Under the legislation in force, the Border Guard only investigates human trafficking offences involving also the arrangement of illegal immigration. However, in their activities in border controls, receipt of asylum applications, removals from the country and supervision of aliens, the Border Guard constantly comes across persons who may be presumed to be potential victims of human trafficking or belong to a group at risk of victimisation. In such situations, when the threshold of launching a pre-trial investigation is yet to be met, the Border Guard conveys the information obtained in such encounters to the competent pre-trial investigation authority and other authorities so that they may take action. In other words, cases such as these are not recorded in the statistics as pre-trial investigations carried out by the Border Guard.

Figure 9 examines the progression within the National Prosecution Authority of cases submitted to the prosecution authorities under the designations of trafficking in human beings or aggravated trafficking in human beings. In 2015, 12 cases under the designations of trafficking in human beings or aggravated trafficking in human beings were submitted to the prosecution authorities. Since then, the number of human trafficking cases submitted to the prosecution authorities has been on the rise and in 2020, the comparable figure was 34. In 2020, the number of charges brought increased considerably (41%) from previous years, when charges were brought in an average of 16% of cases. While the graph “Cases submitted” depicts the number of cases submitted to the prosecution authority in the relevant year, the outcomes of these cases may appear in subsequent years.

With regard to 2017–2019 in particular, it should be taken into account that a significant number of the cases submitted to the prosecution authority never proceeded to the stage of actual consideration of charges (Figure 9). By decision of the prosecution authority, pre-trial investigation was foregone in a considerable number of cases (60% in 2017; 93% in 2018; 50% in 2019). One of the explanatory factors for this might be the inclusion in the figures of cases involving asylum seekers who had become victims of human trafficking abroad. Such cases were closed due to lack of evidence or the costs of the investigation. In part, these figures correlate with the increase in the numbers of clients in the Assistance System for victims of human trafficking in the same years in respect of people victimised abroad (Figure 6).

Kuvio 9. Source: National Prosecution Authority 2021

Cases of trafficking in human beings and aggravated trafficking in human beings submitted to the prosecution authority and decisions thereon, no.



With regard to the figures for the prosecution authorities, it should be noted that the prosecution authorities do not keep statistics on case designation or the various offences designated in an individual criminal case. For the prosecution authority and the police, a single case or designation may involve several suspects and several victims (injured parties).

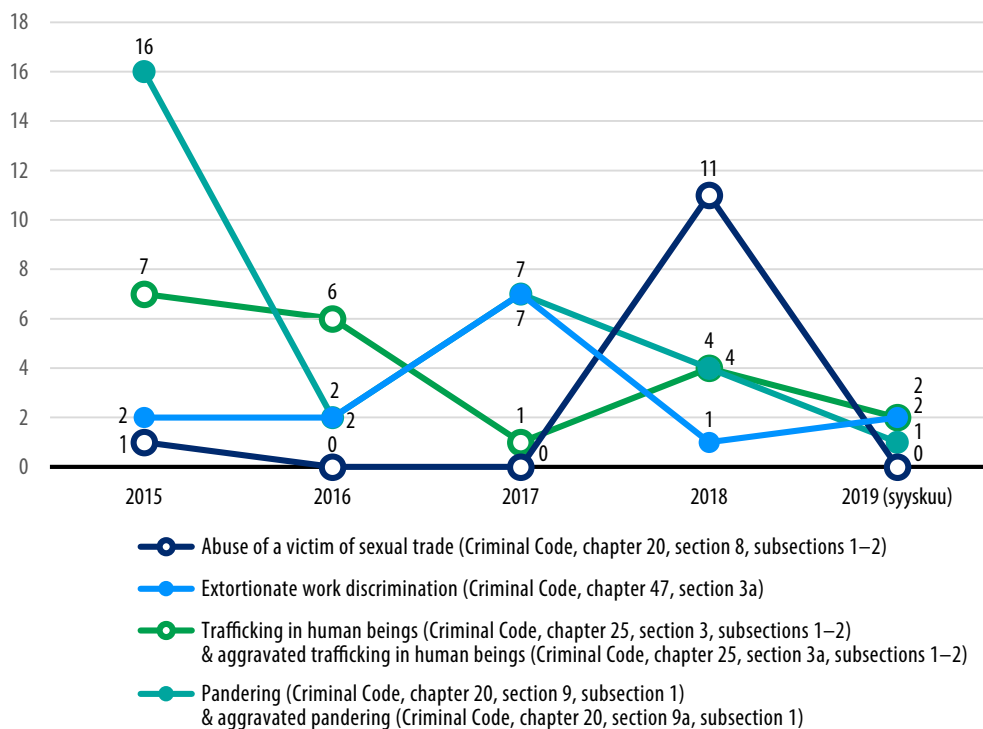
Figure 10 indicates that the numbers of persons convicted of trafficking in human beings and its associated crimes are low, and that no significant trend appears in the period under examination. In 2015, for example, the number of persons convicted by the courts of the offences of trafficking in human beings or aggravated trafficking in human beings was seven, while by the end of September 2019⁶⁶ two convictions had been handed down. The number of persons convicted of pandering would seem to be an obvious

66 The statistics extend until 30 September 2019.

exception, however, as it appears to have declined from 2015 (16) to 2019 (1). The number of persons convicted of the offence of abuse of a victim of sex trade was higher in 2018 (11) than in other years under examination.

Kuvio 10. Source: Statistics Finland, 2021

Persons convicted in court (district courts and court of appeal) in 2015–2019 by designation of offence, no.



The Supreme Court's decisions on this topic include at least cases KKO:2014:80 and KKO:2015:89, both of which concerned human trafficking related to sexual exploitation. The decision in case KKO:2017:60 moreover concerned sentencing. A victim of human trafficking had been kept under the control of a man and his daughter for several years, during which the victim had borne the man three children. In 2020, the Supreme Court granted leave to appeal in a human trafficking case involving berry-picking. The issue before the Supreme Court is whether the acts committed by the entrepreneur in question constitute one or 26 offences of trafficking in human beings. The Supreme Court will also consider the matter of sentencing.

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