

# The EU Mutual Learning Programme in Gender Equality

## Combatting trafficking in women and girls for the purpose of sexual exploitation

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### Comments Paper - Finland



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# Human trafficking in the Finnish context

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## 1. The case of Finland

### 1.1. Introduction

Most of the identified victims of human trafficking for sexual exploitation in Finland are women and girls, as in most European countries. Sexual exploitation and human trafficking are tightly interlinked with other forms of violence against women and girls. According to the FRA study nearly half of the Finnish girls (over 15 years-old) and women had faced violence at some point of their life (FRA, 2014). Very little of the violence is actually reported to the police as majority of perpetrators are someone the victims are close to. The national police has estimated that around 20% of sexual violence / exploitation is reported annually (Poliisibarometri 2016).

Victims of human trafficking for sexual exploitation are not often recognized in Finland, as has noted for example the National Rapporteur for Human Trafficking, the National Assistance System for Victims of Trafficking and the four main NGOs<sup>1</sup> working directly with the victims. The phenomenon is particularly seldom identified or investigated with the cases that have taken place in Finland.

Before recent years, trafficking was considered a transit or destination issue strongly related to organised crime, but the understanding has increased to truly comprehend that trafficking also takes place inside the borders of our own country. There are also very few Finnish nationals officially identified as victims of THB, as majority of all victims of trafficking officially identified remain to be outside the European Union.

A functioning platform for multisector co-operation would be required especially for the practical matters related to the assistance and protection of victims and criminal processes. A National Anti-Trafficking Coordinator was appointed in 2015 to create a mechanism for multisector coordination but the coordination did not start to work in a practical manner and currently the post of the Coordinator is under evaluation. NGOs have been included in some working groups and networks, but the cooperation between NGOs and authorities remains unformalized.

A new Action Plan 2017-2018 was launched in 2016. The new Action Plan does not clearly define priorities, concrete activities or responsible stakeholders, nor does it state allocated budgetary resources per activity. The funding for the NGO's working directly with victims of trafficking has remained limited.

The Non-Discrimination Ombudsman acts as the (Independent) National Rapporteur on Trafficking in Human Beings. The Rapporteur monitors action against human trafficking in Finland, human trafficking at large, compliance with international

<sup>1</sup> The so-called-four-clover NGO Alliance: Monika – Multicultural Women's Association, Victim Support Finland, Pro-tukipiste and The Finnish Refugee Advice Center.

obligations and the effectiveness of national legislation. The National Rapporteur has been a crucial actor on the public and political discussions on trafficking and has pointed out the deficiencies in the system.

Human trafficking is often discussed as a separate issue from prostitution and is strongly considered an organised crime, migration and national safety issue, and not so much an issue related to social-and health politics. It is also important to notice, that Finland is a strong believer in gender-neutral policies when it comes to providing services. There are also only few NGO's offering services to *only women and girls* who have been subjected to violence or exploitation.

Currently the official National Assistance System for Victims of Human Trafficking and official assistance for VOTs is linked with the criminal process, which raises the threshold for most victims of sexual exploitation, as selling sex can also lead to deportation. The Assistance System is an independent authority, that has an obligation to report every case of THB to the police after reflection and recovery period (max.6 months) has ended. This means all the information on the victims taken to the Assistance System will be passed to the police.

Due to the increased amount of undocumented people in the country, it can be considered more people are vulnerable and subjected to exploitation. There have not been any information campaigns or educational programmes aiming to abolish the demand for prostitution or human trafficking for sexual exploitation. Most preventive work is done in the NGOs besides some awareness-rising campaigns. The partial criminalization aimed to reduce the demand, but has not proven to be effective, as there are very little convictions.

The official Assistance System published their half-year-review regarding the first half of 2018 (1.1.-30.6.), which showed that they had all together 370 customers, officially identified victims of human trafficking and their underage children, in their services. By October the number was already over 400. The national Assistance System for Victims of Trafficking took in all together 12 newly identified victims of sexual exploitation in Finland in the first 6 months of 2018. (Ihmiskaupan Uhrien Auttamisjärjestelmä, Puolivuotiskatsaus 2018.).

The four NGO's working most with the victims of human trafficking gather their own shadow data as more than half of the victims do not show up in the officially gathered data, and during the period of 01/2018-09/2018 they had identified 48 victims of trafficking. Of these 48 persons 25% was linked to forced prostitution and 29,17% linked to other forms of sexual exploitation. In 72% of the identified cases the exploitation had taken place in Finland. In the last National School Health Study (Kouluterveyskysely) over 3000 young people stated that someone had tried to buy sex from them. It's important to remember, that these numbers only show the situations that young people themselves recognize as commercial sexual exploitation or an attempt of it.

Even if the numbers of victims of THB all together has risen, there are very little convictions on trafficking. Official identification can take place in three different stages: through the criminal process, immigration process (by granting a special residence permit for a victim of THB) or by the National Assistance System. The NGO's or municipal social-and health sector can't officially identify a victim of THB.

## 1.2. Most important legislation regarding human trafficking and sexual exploitation

- Human trafficking
  - Finland signed the Action against Trafficking in Human Beings Convention in August 2006 and ratified it on 1 September 2012.
  - An amendment to the Act (746/2011) on the reception of persons seeking international protection and the identification of and assistance to victims of trafficking in human beings (*the Reception Act*) entered into force in July 2015.
  - In 2006, certain grounds for issuing residence permits to victims of trafficking in human beings were added to the (*Aliens Act 301/2004*).
  - Human trafficking and aggravated human trafficking entered into Finnish Criminal Code in 2004 (*Criminal Code, Chapter 25 sections 3–3a; 650/2004*)
- Prostitution, sexual exploitation
  - Current legislation in Finland prohibits purchasing sex from victims of pandering and human trafficking and from a person under 18-years-old (*Criminal Code, chapter 20 section 9a 650/2004, Criminal Code, chapter 20 sections 6–7 20.5.2011/54, Criminal Code, chapter 20 section 8a 25.8.2006/743*)
  - Pandering and aggravated pandering are criminalized (*Criminal Code, chapter 20 section 9 563/1998 and Chapter 20 section 9a 650/2004*)
  - Buying and selling sex in public space is prohibited by Public Order Act (*Public Order Act, section 7*)
  - Reasonable cause for selling sex can be a reason to refuse an entry in the country or deport a third-country-national (*Aliens Act, Chapter 9, Section 148*).

Besides the previously mentioned it is important to note, that Finland has also ratified Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and The Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). The implementation of the Istanbul Convention is still undergoing, and NGO's and other relevant stake-holders have stated their strong concern on the fact that work combating violence against women in Finland still under-resourced. Finland is currently being evaluated by GRETA and GREVIO on the issues related to trafficking (GRETA) and sexual exploitation (both).

## 1.3. Policy debate

Human trafficking has been in the public discourse during 2018 especially due to a report by the Non-Discrimination Ombudsman together with the European Institute for Crime Prevention and Control (HEUNI). The report assed the Finnish legislation that applies to assistance for victims of human trafficking.

One of the main recommendations was to change the current situation of the connection between the assistance and criminal proceedings. Close link between the assistance and the criminal proceedings discourage many victims of human

trafficking, especially in the cases of sexual exploitation, from seeking official assistance. In practice this means the victims are left without official help and do not get their rights met. For a big portion of victims the NGO's are the only way to get assistance for human trafficking without negative consequences.

The current act on shelters has no explicit stipulations on the provision of services to victims of human trafficking, but the applied practice has made it impossible to offer shelter services to victims of human trafficking if they have not also been subjected to intimate partner violence. A new act on shelters is currently under review and a new proposal has been made.

During 2018 there's been a strong citizen initiative demanding the change for the legislation on sexual violence to change the legal definition of rape on the basis of the absence of consent. Commercial sexual exploitation, prostitution or human trafficking has not been part of the discussions around consent and MeToo-movement.

In the beginning of October 2018 three parliamentarians released an initiative demanding that the grounds for deportation on the grounds of selling sexual services should be removed in order to protect the most vulnerable.

## 2. Lessons learned

### 2.1. Good practises

In Finland, the services that belong to the rights for assistance for officially identified victims of trafficking are relatively wide. The few specialized NGO's working with the theme have long experience working with the victims of trafficking and sexual exploitation. There has been a clear need for specialized and gender-specific low-threshold services, in this case to immigrant women and victims of trafficking that have not found other services that would not take into account the forms of exploitation they face. One well-working example is supported housing period after the shelter-period for immigrant women victims of violence, exploitation and trafficking. In all low-threshold services it's important to offer services also to undocumented women and girls, and anonymously and sharing information to third-parties and authorities on adult victims only with their agreement.

The role of the independent Rapporteur in Finland has been very important for the public and politic discussions around the topic and can be recommended as a good political tool to fight trafficking. As an independent actor the National Rapporteur has more space for critic and voicing concerns about the policies around trafficking.

The National Action plan aims to build stronger structures on the anti-trafficking work. The national coordinator for Anti-Trafficking work, if used effectively, can build a bridge between all the sectors working with the prevention, identification and assistance of victims.

One can not highlight enough the importance of educating all relevant stake-holders working with possible victims, including interpretators, police, lawyers, and professionals on the social-and health sector. *Project Hoiku* (2017-2018) directed to the health sector and the trainings done by NGO's for different professionals are good examples of these effective good practises. Active and effective prevention

work among youth can be done by improving sexual health education to widen the information provided on sexual exploitation and the low-threshold-services.

Outreach work is often the only way to reach certain vulnerable groups that don't necessarily have any means finding the services on their own. Information is passed on from peer-to-peer, and sometimes the victims find their way to the service by someone else also using the same services. Outreach-work has been done in Finland with for example substance abuse users, youth and ethnic minorities, for example thai-women.

The renewed website for the National Assistance System for Victims of Trafficking ([www.ihmiskauppa.fi](http://www.ihmiskauppa.fi) / [www.humantrafficking.fi](http://www.humantrafficking.fi)) has a wide range of information for both the victims and people meeting possible victims of trafficking, including for example identification tools, information on different forms of trafficking, information on the legal rights of the victims and on different services for the victim, including the low-threshold NGO services. The National Assistance System also offers anonymous consultation for anyone needing help assisting a victim, or victims themselves, as do the NGO's working with victims. The National Assistance System has a 24/7 helpline. The NGO's offer help in several languages.

The Finnish Assistance of Victims has one particularly strong aspect: the official assistance can be offered also to a people that have been victimized outside of Finland – and also to those who have been victimized in the past in the case they still need assistance regarding the exploitation they have previously experienced. The legal rights of the victim are versatile, and victims can have a wide range of services, including free specialized legal aid and a specialized residence permit, if everything goes well.

## **2.2. Moving forward: Transferability, Conclusions and Recommendations**

Making legislative changes aiming to reduce demand should always have a strong emphasis on protection of the victim. This means in practice, that selling of sex should be decriminalized in all circumstances and cannot be grounds for deportation. Assistance for victims of trafficking should be done from a strong social- and health-sector point of view in co-operation with the sufficiently funded low-threshold-services of the NGO's. Assistance has to be organised separately from criminal proceedings. Attention must be put also the length of the criminal proceedings (which in Finland are in the cases of THB often as long as 5-9 years) as they can be very re-traumatizing for the victims. Long criminal proceedings will affect the victims will to co-operate with the authorities. From this point of view, it would be necessary to have a specialized police unit for the crimes of THB to improve the current situation of the investigations. Attention must be paid also to our residence permit processes so it would better identify different forms of exploitation and take that into account while making decisions on the permits.

The NGO's and other stake-holders working with victims must also comply with accepted standards of professional ethics, personal integrity, impartiality and clear boundaries ensuring that victims are treated professionally for example in the cases of need for an abortion or sexual health services.

Effort should be put into improving the identification process at all levels (including asylum process). If victims are identified, services must be provided considering the



fact that most victims of sexual exploitation and trafficking need long-term-assistance, psycho-social-support and are at great risk for re-traumatizing, re-victimization and new crisis phases may emerge when some processes move to the next stage. More attention should be put into accessibility of services also for sexual-and gender minorities, disabled women and girls and ethnic minorities. The structures of assistance should involve all levels from NGO's to regional and municipal authorities including Child Protection Services.

Victims of human trafficking should have access to supported and safe housing services in various situations. The responsibilities should be divided clearly and all actors need to be informed of appropriate procedures concerning the safe housing of victims of human trafficking. Sufficient funding is needed for the specialized services in both NGO's and official assistance of victims.

Efforts should be made to identify also the less-identified forms of human trafficking in the purpose of sexual exploitation, including those that take place in a relationship-context for example forced marriage interlinked with sexual exploitation, as well as the exploitation of non-immigrant girls and young women both online and offline. Forced prostitution and other commercial sexual exploitation are the forms usually on the frontier of discussions, but it is important to note that it does not cover all of human trafficking for sexual exploitation. We have clear information that many female, immigrant victims of many different forms of THB often also have experienced sexual exploitation and other forms of violence.

We need more conversation on the demand: there is no particular demand for victims of trafficking but rather it's all part of demand for different forms of exploitation or in this context prostitution.

Lastly, one of the good practice from Finland that could easily be transferred is the possibility for anonymous consultation (from both authorities and civil society) for both the victims and professionals working with victims. This gives the victim a real and full picture of their options on seeking assistance and justice.

### 3. Sources and more information:

National Action Plan on Trafficking:

[http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79762/lhmiskaupan%20vastainen%20toimintaohjelma\\_eng.pdf](http://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/79762/lhmiskaupan%20vastainen%20toimintaohjelma_eng.pdf)

The unknown future. Report by the Non-Discrimination Ombudsman together with the European Institute for Crime Prevention and Control (HEUNI).

<https://tietokayttoon.fi/documents/1927382/2158283/An+unknown+future.pdf/de58c765-d4f7-4ddf-b23c-345ec1c65686/An+unknown+future.pdf.pdf>

National Rapporteur on Human Trafficking: <https://www.syrjinta.fi/web/en/human-trafficking>

Assistance System for Victims of Trafficking : <http://www.ihmiskauppa.fi/en>

Finnish Legislation in English: <http://www.finlex.fi/en/laki/kaannokset/>

<https://humanrightscentre.yhdistysavain.fi/?x170869=205832>



FRA, 2016: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-violence-against-women-survey>

Poliisibarometri, 2016 : [https://www.poliisi.fi/tietoa\\_poliisista/poliisibarometri](https://www.poliisi.fi/tietoa_poliisista/poliisibarometri)

Project Hoiku: <https://iom.fi/fi/hoiku>