

**National Plan of Action against Trafficking in Human Beings  
Finland**

## Forewords

Trafficking in human beings is one of the most widespread human rights problems today. Poverty, unemployment, armed conflicts and other crises are the most usual reasons for people leaving their home countries - either voluntarily or under coercion - in search for more secure living conditions. In the combat against trafficking, it is crucial to protect the rights of victims of abuse by the best possible means.

Even in Finland, there is reason to actively take measures to prevent trafficking in human beings and to help victims. According to certain estimates, Finland is a country of transit or destination for hundreds of victims of trafficking. Most often, victims come from countries that are geographically close to Finland and have a lower standard of living. Trafficking is supported, both in Finland and in other countries, by the demand for cheap labour as well as for prostitution.

In its report on the human rights policy of Finland, submitted to Parliament on 31 March 2004, the Government expressed its commitment to the preparation of a national programme of action against trafficking in human beings. In August 2004, the Ministry for Foreign Affairs set up a working group to prepare a draft plan of action for the Government. The working group completed its work in the spring of 2005, and the plan of action was adopted by the Government on 25 August 2005.

The plan of action proposes measures relating to the identification of victims, prevention of trafficking, protection and assistance of victims, bringing of traffickers to justice, dissemination of information and awareness-raising, and implementation of and follow-up to the plan of action. The plan of action adopts a human rights-based approach to trafficking in human beings, paying particular attention to the individual needs and rights of victims.

The Ministries and other authorities have already taken measures to reach the objectives set in the plan of action and to implement the proposed measures. The plan of action is done but the work against trafficking continues.

Minister for Foreign Affairs

Erkki Tuomioja

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## **1. Summary**

### **1.1 Purpose of the plan of action**

In its report on the human rights policy of Finland, submitted to Parliament on 31 March 2004, the Government expressed its commitment to the preparation of a national programme of action against trafficking in human beings. On 26 August 2004, the Ministry for Foreign Affairs set up a working group to prepare a draft plan of action. The final draft was handed to the Minister for Foreign Affairs on 31 March 2005.

The working group was to assess, on the basis of the provisions of law relating to trafficking in human beings which had entered into force on 1 August 2004, the means that were already available and those that might be needed in future for the purpose of more efficiently preventing trafficking in human beings, protecting and assisting victims of trafficking, ensuring the prosecution of perpetrators, and combating organised crime. The plan of action also provides guidelines for the identification of victims and proposes measures to disseminate information on trafficking in human beings and to increase awareness thereof. The working group aimed at examining the whole cycle of trafficking from the recruitment of victims to their safe return and integration in society in the country of origin or destination. The plan of action adopts a multidimensional and human rights-based approach to trafficking in human beings, paying particular attention to child and gender-sensitive issues.

The plan of action is meant to be taken into account in various sectors of activities of the Government. The Ministry of Justice is preparing a separate bill to amend the provisions of law establishing the purchase of sexual services as a criminal offence.

### **1.2 Main dimensions**

The plan of action is based on three main dimensions that are mainstreamed throughout the text.

The first dimension is a human rights and victim-based approach to all action against trafficking in human beings. The problem of trafficking is recognised as being a serious concern and challenge for the protection of human rights. Therefore, the prevention of human rights violations occurring in connection with trafficking in human beings and the protection of the rights of victims are set as the cross-cutting objectives of the plan of action.

The protection of the rights of children is part of the human rights dimension. The special situation of children is to be taken into account in all types of action against trafficking in human beings. In particular, the need of child victims for special protection and child-specific assistance is recognised in the plan of action. In all action against trafficking in human beings and children, the best interests of the child will be a primary concern.

The victim-based approach focuses on the individual needs of victims for protection and assistance as well as on a broad understanding of their experiences. The situation of the victim is assessed as a whole with a view to finding, in cooperation with the victim, such solutions as would best enhance his or her rehabilitation and prevent revictimisation.

The second dimension in the plan of action is the gender aspect. This aspect refers to the significance of gender as a factor contributing to a person's role and position in society as well as to his or her personal experiences. The gender aspect highlights the specific experiences of female and male victims, taking into account that the effects of actions against trafficking in human beings have different effects on women and men, respectively. The gender-sensitive issues have links to other factors such as ethnic background. The plan of action recognises that the discriminatory elements of trafficking in human beings contribute, in particular, to an increased risk of women and girls to be victimised and make the identification of victims more difficult.

The third dimension is a comprehensive and multidimensional approach, underlining the importance of cooperation among different professionals. Considering the multiple aspects of trafficking in human beings, the action taken in response must be comprehensive. In the combat against trafficking, the preventive measures, the protection and assistance of victims, and the bringing of those responsible for trafficking to justice are equally important. On the one hand, the appropriate protection and assistance of victims further contribute to the prevention of crime and the prosecution of offenders. On the other hand, the prosecution of those responsible for trafficking enhance preventive measures and the access of victims to justice.

Cooperation among authorities as well as between authorities and the third sector and trade unions play an important role in the action against trafficking in human beings. Successful action requires cooperation in different fields and at different levels both in Finland and in international fora. The exchange of information between the different interested parties must be flexible, while respecting at the same time their respective fields of competence and responsibilities and taking into account the safety of victims.

### **1.3 Objectives of the plan of action, proposed measures and responsible authorities**

#### ***1.3.1 Identification of the victims of trafficking in human beings***

##### **Objective**

The identification of victims is a necessary condition for the de facto implementation of the measures proposed in the present action plan. The objective of the plan of action is to enable rapid identification of victims so as to make it possible to resort to the planned assistance measures without delay. Therefore, it is worth underlining the importance of initiatives by the authorities and others working with victims of trafficking and vulnerable groups, in the identification of victims. No proof of trafficking within the meaning of criminal law is required but it is sufficient that there is reason to suspect that the person in question is a victim of trafficking in human beings. The identification of victims is to be enhanced by comprehensive training of authorities and third-sector organisations. Efforts will also be made to increase general awareness of trafficking in human beings so as to make the public aware of the possible existence of trafficking in their own surroundings and to increase the preparedness of everyone to identify victims.

##### **Proposed measures and responsible authorities**

- Training will be provided in the identification of victims for all entities working with victims of trafficking in human beings and children, including authorities and relevant service-providers.
- Specific methods to facilitate the identification of victims will be created and supported. Such methods include both investigative methods and victim helplines.

- Training will be provided not only for the police and customs and border authorities, but also for the relevant service-providers such as social welfare and health care, school and youth, parish and NGO workers. The awareness of trade unions of trafficking in human beings should also be increased. It is particularly important to provide concrete training in the identification of victims for the personnel of municipalities, parishes and NGOs performing investigative work, as well as for persons working in reception and emergency units and responsible for victim supportlines.
- Information compiled by different service units, on the special aspects of trafficking in human beings through or into the territory of Finland will be used as training materials in the training of different personnel groups.
- It is particularly important to identify child victims rapidly. In case there is no certainty as to the age of the victim, the treatment of the victim must be based on the presumption that he or she is a minor and the treatment must therefore be particularly sensitive.
- Special methods will be developed for the protection of the rights of children, ensuring that children are treated as such.
- The cooperation among non-governmental organisations, child welfare authorities and other authorities will be increased.
- Particular attention will be paid to cases where a minor travels with an adult other than his or her parent or relative. Close cooperation with transportation companies will be aimed at, with a view to encouraging them to inform the authorities of such cases.
- Information facilitating the identification of victims will be produced in a portable form (such as cards), and access to such information will be given to all authorities that are in practice responsible for the identification of victims.
- International cooperation among countries of transit and destination will be made more effective.
- Cooperation and exchange of information with international organisations will be increased.

*Responsibility: All authorities in their own fields of activity.*

### **1.3.2 Prevention of trafficking in human beings**

#### **Objective**

*Preventing trafficking as effectively as possible.* The measures proposed in the action plan aim at contributing to the prevention of trafficking in human beings by tackling its root causes, by reducing the vulnerability of potential victims, by increasing control by authorities, and by drawing attention to the responsibility of users (e.g. employers). Another objective is to reduce demand. It is hoped that the proposed measures also contribute to the prevention of revictimisation. States bear the main responsibility for the prevention of trafficking in human beings but cooperation among international organisations, third-sector actors, trade unions and companies also plays an important role.

#### **Proposed measures and responsible authorities**

##### **1. Implementation of international agreements**

- The Government Bill implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, will be submitted to Parliament in the autumn of 2005.

*Responsibility: Ministry of Justice*

- The national implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is under consideration.

*Responsibility: Ministry for Foreign Affairs*

- The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, will be implemented by the end of 2005.

*Responsibility: Ministry for Foreign Affairs*

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, will be implemented by 6 August 2006.

*Responsibility: Ministry of the Interior*

- The negotiations for the conclusion of a European Convention on action against trafficking in human beings will be completed and its implementation will be prepared.

*Responsibility: Ministry for Foreign Affairs*

## **2. Neighbouring area cooperation**

- The training of consular and visa authorities and other staff of diplomatic and consular representations, in the prevention of trafficking in human beings and in the management and monitoring of the safe return of victims, will be developed with the particular aim of preventing revictimisation.
- In different sectors of cooperation between Finland and Russia, including regional cooperation, attention will be paid to the problem of trafficking in human beings and its prevention. Particular attention will be paid to the gender and child-sensitive issues.
- Means will be developed to ensure the safe return of victims, particularly minors, to their country of origin.

*Responsibility: Ministry for Foreign Affairs*

## **3. Development cooperation**

- The meaning of a human rights based approach to every-day development policy will be clarified.
- Support will be provided for projects of international non-governmental organisations (INGOs) relating to the prevention of trafficking in human beings and the protection and assistance of victims. In the provision of support, special attention is given for projects taking gender or child-sensitive issues into account.
- Support is provided for the implementation of projects introduced by local non-governmental organisations relating to trafficking in human beings, within the framework of funds reserved for local development cooperation. Special attention is devoted to projects taking gender or child-sensitive issues into account.

*Responsibility: Ministry for Foreign Affairs*



#### **4. Industrial safety**

- Active measures will be taken to control industrial safety in fields where there is a risk of the use of illegal migrant workers or of inappropriate treatment or discrimination of workers.
- Measures will be taken to strengthen the obligation of industrial safety authorities to report cases of the use or misuse of illegal migrant workers to the police.
- The involvement of industrial safety authorities will be increased in the operations carried out by the National Bureau of Investigation and other authorities in such sectors and workplaces where cases of trafficking in human beings are suspected.

*Responsibility: Ministry of Social Affairs and Health*

#### **5. Guarantees of compliance with the minimum conditions of work for migrant workers, and action against grey economy**

- The exchange of information will be increased between employment and tax authorities in respect of decisions on residence permits for migrant workers.
- The right of employment agencies to obtain information from the tax authorities, on the fulfilment of tax and other payment liabilities by the employer referred to in the residence permit, as well as to verify the accuracy of the information concerning wages paid earlier, will be strengthened.
- The cooperation among authorities in the suppression of grey economy and economic crime will be strengthened.
- Instructions and information targeted at employers and workers will be increased, including information to increase the awareness of migrant workers of their rights and obligations.

*Responsibility: Ministry of Labour, Ministry of the Interior, National Bureau of Investigation*

#### **6. Visa policy as part of the control of immigration**

- There is constant cooperation among the diplomatic and consular representations issuing visas, other national immigration authorities and Schengen partners to prevent human trafficking.
- The identification and prevention of trafficking in human beings is part of all training of visa officers and other staff of diplomatic and consular representations.
- The discretion powers afforded by the Aliens Act and the provisions of the Schengen acquis to the authorities in respect of the issue of visas will be used, in particular, in such cases where the purpose of entry into the country remains unclear or where there is reason to believe that the visa applicant attempts to evade immigration rules. For the purpose of using their discretionary powers, the visa officers may request information from other authorities both in Finland and other countries.
- Where a visa is applied for the travel of a minor, the consent of parents is required, where necessary.
- Diplomatic and consular representations are advised to strengthen their cooperation with the representations of other Schengen countries, with a view to preventing their country of duty from becoming a country of origin or transit for illegal immigration into the Schengen territory.
- The prevention of trafficking in human beings is taken into account in the further development of the Schengen acquis.

*Responsibility: Ministry for Foreign Affairs*

## **7. Civilian crisis management and peacekeeping operations**

- The prevention of trafficking in human beings will be made part of the training of civilian and military personnel.
- The awareness of those participating in civilian and military crisis management operations, of trafficking in human beings, and their preparedness to identify, protect and assist victims, will be increased.
- Information materials concerning trafficking in human beings will be prepared for the training of crisis management personnel and national authorities.

*Responsibility: Ministry for Foreign Affairs, Ministry of the Interior, Ministry of Defence*

### ***1.3.3 Assistance to the victims of trafficking in human beings***

#### **Objective**

*Assisting victims in different ways, with the aim of their empowerment.* Victims are provided with services according to their individual needs including, where necessary, measures to prevent their revictimisation. The services are provided in accordance with the main principles underlying the present plan of action. In all assistance, the human rights based approach is the guiding principle. Successful assistance also requires cooperation among authorities and third-sector organisations.

#### **Principles**

- Victim-based approach.
- Empowerment of victims as an objective.
- Cooperation among authorities and between authorities and third-sector actors.
- Integration of victims by providing services and informing them of the services available.
- Services provided must not be labelling or revictimising.
- Cultural diversity and culture-sensitivity as objectives.
- Ensuring the safety of victims and workers.

#### **Proposed services and responsible authorities**

##### **1. Investigative work**

- Means will be sought to include investigative methods in the basic training of social welfare and health care professionals.
- Support will be provided for the networking of those performing investigative work.
- The involvement of immigrants in the performance of investigative work will be supported.

*Responsibility: Ministry of Labour, Ministry of Social Affairs and Health, Ministry of Education*

##### **2. Emergency assistance**

- Emergency assistance will be provided as soon as the victim is found, reached or identified.

*Responsibility: Ministry of Labour, Ministry of Social Affairs and Health*

### **3. Support for victims**

- Victims are ensured, according to their individual needs, the following services:
  - Housing
  - Means of living
  - Education
  - Employment
  - Social assistance
  - Mental support
  - Health care services
  - Administrative assistance

*Responsibility: Ministry of Labour, Ministry of Social Affairs and Health*

### **4. Legal assistance and counselling**

- In the provision of legal assistance, the different aspects of trafficking in human beings are taken into account.
- Necessary measures will be taken to ensure the access of victims to legal assistance.

*Responsibility: Ministry of Justice*

### **5. Integration**

- In connection with the integration of victims into society, information will be increased on the victim's personal legal status and on access to services.
- The possibilities of victims to enter working life and further education, as well as possibilities to act in Finnish society in general will be improved by means of particular integration measures, including language training.

*Responsibility: Ministry of Labour*

- The integration of victims of trafficking in human beings will be supported by means of educational services:
  - The educational and research system will be developed, taking into account the special needs of immigrants.
  - Tolerance and positive attitudes towards different cultures will be underlined in all education.
  - The participation of immigrant women and girls in education will be particularly enhanced.
  - The internationalisation of professional education will be supported by developing school curricula and teaching methods and by enhancing international cooperation.
  - The access of immigrant students to professional education after basic school education will be improved.
  - The possibilities of immigrants to get in-house training will be improved.
  - The dropout of immigrant students of professional education will be reduced, by means of remedial education and support person arrangements and with the help of teaching in the immigrants' own language.

*Responsibility: Ministry of Education*

## **6. Special assistance to child victims**

- The provisions of the Child Welfare Act and the principles of child welfare will be complied with in the treatment of child victims.
- The best interests of the child shall be a primary concern in all assistance.
- The expertise of specialists in child welfare shall be used in the provision of assistance for children.
- After the identification of a victim who is presumably a minor, safe accommodation will be provided as soon as possible. The child will be provided with adequate information, care and education in accordance with his or her age.
- It is recommended that all child victims of trafficking in human being or child asylum seekers be designated a personal representative without delay.
- The best ways for the appropriate organisation of emergency services for children will be assessed.
- Necessary measures to detect the child's parents or custodians will be taken, taking the best interests of the child duly into account.
- An assessment will also be made of the best ways to organise other forms of assistance to child victims.

*Responsibility: Ministry of Labour, Ministry of Social Affairs and Health*

## **7. Residence permit and reflection delay**

- The Aliens Act will be supplemented by new provisions adding the status of a victim of trafficking in human beings among the grounds on which a residence permit may be issued.
- It will be made possible for victims of trafficking in human beings, who have been issued a residence permit on this ground, to work in Finland without a work permit.
- During the consideration of the issue of a residence permit for a possible victim of trafficking, the person residing in the country unlawfully will not be refused entry. In respect of the refusal of entry, particular care will be applied in order to prevent revictimisation.
- The necessary measures will be taken to ensure that victims of trafficking in human beings may be granted a reflection delay already before the filing of an application for residence permit.

*Responsibility: Ministry of the Interior, Directorate of Immigration*

### ***1.3.4 Bringing traffickers to justice***

#### **Objective**

*Enhancing the prosecution of those responsible for trafficking in human beings, and thereby preventing trafficking.* Another objective is to lower the threshold of victims to participate in criminal proceedings and to ensure the safety of victims and witnesses. These measures are related to the suppression of organised crime in general. In this respect, cooperation among authorities is of utmost importance.

#### **Proposed measures and responsible authorities**

##### **1. Suppression of offences of trafficking in human beings**

- The Police will devote attention and resources to the suppression, monitoring and detection of trafficking in human beings, prostitution and related criminal activities.
- Support will be provided for the Surveillance Unit for Illegal Foreign Labour and the Illegal Immigration Intelligence subordinate to the National Bureau of Investigation. The work of these two units also covers the suppression of trafficking in human beings. The units work in close cooperation.

*Responsibility: Ministry of the Interior, National Bureau of Investigation*

## **2. Cooperation among authorities**

- Cooperation among the Police, the Customs and the Border Guard in the suppression of illegal immigration will be developed and strengthened.
- Efforts will be made to ensure fluent exchange of information between the authorities. The exchange of information must take place in due respect for the victim's privacy and human rights, taking his or her safety into account.
- International cooperation in action against trafficking in human beings and illegal immigration will be developed and strengthened.

*Responsibility: Ministry of the Interior, National Bureau of Investigation, Border Guard, Customs*

## **3. Protection of witnesses**

- Efforts will be made to enhance the possibility of anonymous presentation of evidence in criminal proceedings concerning trafficking in human beings.
- Support is given to the proposals of the working group on the protection of witnesses, concerning the introduction of risk analyses to be prepared in cooperation among authorities and the establishment of a national support group familiar with the protection of witnesses.
- The needs to improve the protection of witnesses will be assessed, and the legislative and administrative reforms required will be implemented.
- The need for the protection of the victim and his or her family members as well as the means of protection will be established even if they are not heard in criminal proceedings.

*Responsibility: Ministry of Justice, Ministry of the Interior*

### ***1.3.5 Dissemination of information and awareness-raising***

#### **Objective**

*Suppressing trafficking in human beings through the dissemination of information and awareness-raising, including the provision of public information and introduction of various targeted measures. The purpose is to support and enhance the prevention of trafficking in human beings, the assistance and protection of victims, the prosecution of traffickers and the suppression of organised crime.*

#### **Proposed measures and responsible authorities**

##### **1. Research**

- Financing will be provided for research on trafficking in human beings and reports will be produced on the basis of such research in all relevant sectors of administration.
- The integration of different aspects of trafficking in human beings in relevant research projects or programmes will be proposed.

*Responsibility: All authorities in their own fields of activity, Ministry of Education*

## **2. Dissemination of information**

- The needs for the provision of public information and the means of providing information will be assessed in all relevant sectors of administration.
- A commitment is made to inform the public of trafficking in human beings and related problems.
- Efforts will also be made to improve the quality of public information by increasing cooperation with the media and the third sector.

*Responsibility: All authorities in their own sectors of administration*

## **3. Training**

- Training will be provided for all persons and bodies involved with different aspects of trafficking in human beings and working with victims of trafficking. Such training will emphasise the protection of human rights.

*Responsibility: All authorities in their own fields of activity.*

## **4. National rapporteur**

- A proposal will later be made for the designation of a national rapporteur on trafficking in human beings.

*Responsibility: to be determined later*

## **5. Global education**

- The problem of trafficking in human beings will be made part of global education.
- When the contents of basic school education are being developed, the increasing international cooperation and the cultural diversity of Finnish society will be paid attention to.
- New teaching materials will be produced.
- In the fields of culture, sports and youth policy, the work of non-governmental organisations providing global and peace education will be supported with public funds.
- The problem of trafficking in human beings will be taken into account in the planning of a national strategy for global education.
- The amount of public funds reserved for global education within the framework of development cooperation will be raised.

*Responsibility: Ministry of Education, Ministry for Foreign Affairs*

## **6. Teacher training**

- Different aspects of trafficking in human beings will be systematically included in the basic and further training of teachers.
- It will be ensured that teaching materials contain adequate information on ethnic minorities and human rights.

*Responsibility: Ministry of Education*

### **7. Information society**

- The challenges of information society will be responded to by producing computer-based materials relating to trafficking in human beings, both for teachers and students.

*Responsibility: Ministry of Education*

## **1.4 Implementation of and follow-up to the plan of action**

A follow-up mechanism based on cooperation among the relevant entities will be created for the present national plan of action against trafficking in human beings. The follow-up mechanism is meant to ensure the appropriate implementation of the objectives and proposed measures set forth in the plan of action.

The follow-up will be based on a system where two Ministries chair a steering group by turns. The Ministry of Labour will chair the work first and the Ministry of the Interior acts as substitute. The chairmanship entails responsibility for coordinating the implementation of the plan of action, whereas each relevant Ministry is responsible for the implementation and monitoring of measures within its own field of activity.

It is proposed that the members of the steering group include representatives of the Ministry for Foreign Affairs, the Ministry of Social Affairs and Health, the Ministry of Justice and the Ministry of Education, as well as the Border Guard and the National Bureau of Investigation. It is further proposed that representatives of the third sector and scientific research be invited to participate in the work of the steering group as expert members.

The steering group will assess the success of the implementation of the measures proposed in the plan of action. These assessments will be used as a basis for future work against trafficking in human beings. The proposed steering group will prepare a more detailed plan of action by the end of 2006, on the basis of information and experience obtained.

## 2. Introduction

Trafficking in human beings is a worldwide phenomenon that affects both countries of origin and countries of transit and destination. Through trafficking, which may also be called a modern form of slavery, human beings are subjected to sexual and labour exploitation, and there are organs removed from persons with a view to obtaining financial profit. Trafficking in human beings causes great suffering not only to the victims, but also to persons close to them. At the same time, it reduces wellbeing in affected societies and disrupts their supporting structures, particularly as trafficking is to a large extent connected with organised crime and grey economy.

Trafficking in human beings is a challenge for the protection of human rights both in international contexts and in Finland and its neighbouring regions. Not only does trafficking constitute a violation of such core human rights as the right to the liberty and security of person, but it may also entail violations of various other civil and political rights as well as economic, social and cultural rights. Trafficking in human beings further constitutes a violation of the prohibition of slavery and servitude and of the prohibition of cruel, inhuman or degrading treatment. The most serious forms of trafficking also violate the right to life.

Finland is a country of transit and destination for trafficking in human beings. Victims are brought to Finland for the purposes of both sexual and labour exploitation, and victims are further taken to other European countries through Finland. Most of victims of trafficking brought to Finland or transferred through Finland are young women or men, but nor can the possibility of trafficking in minors be excluded. According to the estimate of the working group that prepared the present plan of action, Finland is a country of transit or destination for hundreds of victims of trafficking every year.

Efforts are made to combat trafficking in human beings by means of international agreements and other forms of international cooperation. Such cooperation takes place, among others, within the frameworks of the United Nations, the European Union, the Council of Europe, the Organization for Security and Cooperation in Europe, the Stability Pact for South-Eastern Europe the Nordic Council of Ministers, the Council of the Baltic States, and the Nordic-Baltic Task Force against Trafficking in Human Beings.

The Government of Finland is clearly committed to the action against trafficking in human beings. Finland supports international efforts to this effect by means of active participation in the preparation and development of rules and their effective national implementation as soon as possible. New provisions of the Penal Code entered into force on 1 August 2004, establishing trafficking and aggravated trafficking in human beings as criminal offences. The provisions of the Penal Code on corporate liability and the provisions of the Coercive Measures Act on telecommunications interception in connection with criminal investigations were at the same time extended to also apply to these types of offences. The legislative amendments are based, on the one hand, on international obligations binding on Finland and, on the other hand, on national needs.

In its report on the human rights policy of Finland, submitted to Parliament on 31 March 2004, the Government expressed its commitment to the preparation of a national programme of action against trafficking in human beings. The preparation of such a programme is recommended, among others, in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Article 9), the implementation of which is being prepared in Finland.

On 26 August 2004, the Ministry for Foreign Affairs set up a working group to prepare a draft plan of action by the end of January 2005. The mandate of the working group was later extended until the end



of February 2005. The final draft was handed to the Minister for Foreign Affairs, Erkki Tuomioja, on 31 March 2005.

The working group was to assess, on the basis of the provisions of law relating to trafficking in human beings which had entered into force on 1 August 2004, the means that were already available and those that might be needed in future for the purpose of more efficiently preventing trafficking in human beings, protecting and assisting victims of trafficking, ensuring the prosecution of perpetrators, and combating organised crime. The working group aimed at examining the whole cycle of trafficking from the recruitment of victims to their safe return and integration in society in the country of origin or destination.

The present plan of action proposes measures relating to:

- the ensuring of the identification of victims (Chapter 5),
- the prevention of trafficking in human beings (Chapter 6),
- the protection and assistance of victims (Chapter 7),
- the ensuring of the prosecution of perpetrators (including the protection of victims) (Chapter 8),
- the dissemination of information and awareness-raising (Chapter 9), and
- the implementation of and follow-up to the plan of action.

The present plan of action also aims at describing the phenomenon of trafficking (Chapter 3) and providing a definition of trafficking in human beings (Chapter 4).

Each authority involved is responsible for the implementation and financing of measures proposed for its own sector of administration.

A follow-up mechanism based essentially on cooperation among the relevant entities and the third sector is proposed in the present national plan of action. The follow-up should aim at developing and reforming Finnish action against trafficking in human beings, in view of worldwide developments of trafficking and of the related international rules.

The success of the implementation of the measures proposed in the plan of action will be assessed, and these assessments will be used as a basis for future work against trafficking in human beings. A more detailed plan of action will be prepared by the end of 2006, on the basis of information and experience obtained.

### 3. Description of the phenomenon of trafficking

The problems relating to illegal immigration both into Finland and through Finland have increased in the past few years and they increasingly involve serious and organised forms of crime. According to an estimate of Europol (the European Police Office), approximately 50% of some 500,000 illegal immigrants entering the EU Member States are smuggled to their territories by networks of organised criminal groups. Of the illegal immigrants entering Finland, approximately half have been brought into the country as part of organised activities. According to the estimate of the working group preparing the present plan of action, Finland is the country of destination or transit for hundreds of victims of trafficking each year.

Trafficking in human beings is strongly linked with migratory movements and related factors. Poverty, unemployment, various forms of persecution, wars or conflicts and other internal or international crisis situations increase emigration. In many cases, this is added by a dependent position of women in their country of origin: low income, lack of education, subjection under the control of another person, and violence make it easier to decide and leave. One particular reason for immigration is, indeed, that poverty is increasingly a problem of women, which clearly is a factor contributing to trafficking in human beings. Traffickers aim at financial profits through the transport of persons from one country to another. After the transport, the victims are subjected to various forms of abuse in their countries of destination.

In cases of trafficking, the countries of destination are often either countries located close to the countries of origin, where the general living conditions are at least slightly better than in the country of origin, or countries where there already is a large community of persons with the same cultural background. Very often, the countries of destination also have, when compared with other countries, a stronger economy than the average, characterised by demand for cheap or even non-paid labour for example in the fields of construction or catering as well as by illegal business activities relating to prostitution or sex tourism, which are factors enhancing trafficking in human beings.

Furthermore, the activities of traffickers are often facilitated by deficient legislation or inadequate implementation of legislation. The awareness of the possibility of trafficking in human beings is in practice insufficient. For example, in situations where women escape poor living conditions and end up working as prostitutes under coercion, they may become victims of trafficking who continue to have poor living conditions. In the country of destination, they may be removed from the country as illegal immigrants, falling again in the hands of criminals in the country of origin, only to be compelled to further leave to work in some other geographical area in similar conditions. A different application of legislation to victims instead of refusing entry into the country, in connection with the investigation of illegal immigration or crime, would make it easier to ensure the availability of evidence in the criminal proceedings. At the same time, it would open up the possibility to improve the protection of victims in the future.

Phenomena that are closely linked with trafficking in human beings, such as illegal immigration and prostitution, increasingly have characteristics of international crime. International networks of criminal groups plan and carry out their activities effectively and in a coordinated manner, which also makes it more difficult for authorities to suppress them. At the same time, an effective criminal organisation produces a larger number of potential victims of trafficking to be used, among others, for prostitution and as illegal labour for construction companies. The organised forms of activities also increasingly involve economic crime, as the illegal activities often produce significant amounts of illegal money that needs to be placed again in normal consumption by means of money laundering operations. Trafficking in human beings and smuggling of persons are considered to be, in addition to illegal trade in firearms and narcotic substances, among the most important sources of income of organised criminal groups. In

Austria, for example, it has been estimated that the value of such illegal activities in Europe is some 5 milliard euro a year, which is more than the value of trade in narcotic substances in the same area. The proceeds mainly derive from the charges of travel arrangements and documents, and the blackmailing and abuse of victims and their family members. Depending on the country of origin, nationality and the country of destination, one person may have to pay even 10,000 to 20,000 euro for a single journey.

In respect of trafficking in human beings, Finland is estimated to be both a country of transit and a country of destination. Trafficking and aggravated trafficking in human beings were established as criminal offences under the Finnish Penal Code on 1 August 2004. By the end of 2004, no offence fulfilling the elements of trafficking had been detected. However, in respect of older cases of offences of illegal entry into the country, it is difficult to estimate to what extent they may have involved characteristics that would fulfil the elements of trafficking under the present provisions of law. For example, a case concerning Chinese stone quarries that gained publicity at the end of 2002 might have fulfilled the elements of trafficking. In that case, the perpetrator was convicted of labour discrimination under the provisions of law that were in force at the relevant time.

Victims of trafficking who possibly reside in Finland most likely end up working as illegal labour or prostitutes. Most of the persons working as prostitutes in Finland are foreigners. According to an estimate, there are some 60 women offering sexual services in Helsinki restaurants every day, for example. According to another estimate, there are some 200 to 300 prostitutes working daily in the Helsinki area.<sup>1</sup> Apart from prostitution in restaurants, there are also massage service providers offering sexual services.

Nor may the possibility of abuse of minors fulfilling the elements of trafficking be excluded in Finland. In this respect, unaccompanied minors seeking asylum are considered to be a particular group at risk.<sup>2</sup> It is possible that there is also sexual abuse of minors fulfilling the elements of trafficking in Finland. In any case, it may be considered certain that Finland is a country of transit in respect of trafficking in children. Furthermore, there have been Finnish citizens guilty of sexual abuse of children abroad. Sale of organs of children and adults is, however, very unlikely in Finland due to laws and regulations preventing it.

There have been indications of abuse of migrant workers in Finland, among others, at restaurants maintained by foreigners and at construction sites. Abuse is considered to take place for example where the working conditions are poor or the income is inadequate when compared with the standard of living in Finland. Abuse of labour is also often related to recovery of debts that have been caused to the worker by some means, or to the recovery of travel expenses. A situation of dependency is often caused by a general lack of money: the person subjected to abuse has no possibility to obtain the necessary documents for a journey back home or to otherwise change the situation. It is known that there are illegal workers coming to Finland for example from countries that were part of the former Soviet Union, as well as from the Middle and Far East and South-Eastern Europe.

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<sup>1</sup> According to Anna Kontula, there are slightly over 7,900 prostitutes working in Finland every year, of whom 3,350 either are Finnish nationals or reside permanently in Finland. (Presentation held at a meeting of the Finnish union of sexual professionals in Helsinki on 13 January 2005.)

<sup>2</sup> In Sweden, where the yearly number of unaccompanied minors seeking asylum has been about 500, it has also been estimated that at least some of them are victims of trafficking in human beings. (Barbro Holmberg, Minister responsible for immigration affairs, address "Barnet i asylprocessen" to Sylösand conference on 24 May 2004)

	Southern Finland	Western Finland	Eastern Finland	Lapland	Helsinki	Total
<b>Pandering (Penal Code, Chapter 20, section 9)</b>	1	7	7	1	5	21
<b>Aggravated pandering (Penal Code, Chapter 20, section 9 a)</b>	0	0	4	0	6	10
<b>Total</b>	1	7	11	1	11	31

Offences of pandering reported to the police in 2004

## 4. Definition of trafficking in human beings

### 4.1 Trafficking as an offence – basis for the definition of trafficking

The Act on the amendment of the Penal Code, containing the provisions on trafficking in human beings, entered into force on 1 August 2004 (Act No. 650/2004; Government Bill HE 34/2004). Chapter 25 of the Penal Code, concerning offences against personal liberty, establishes trafficking in human beings (section 3) and aggravated trafficking in human beings (section 3a) as criminal offences.

The aforementioned provisions on trafficking in human beings are based on the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, as well as on the Council Framework Decision 2002/629/JHA of 19 July 2002 on combating trafficking in human beings. The provision of the Penal Code establishing trafficking as a criminal offence largely corresponds to the definition of trafficking<sup>3</sup> in the Protocol, which requires States Parties to establish the acts referred to therein as criminal offences. The provisions of the Penal Code and the explanations given in the Government Bill thus constitute the basis for the definition of trafficking in human beings.

Under Chapter 25, section 3, subsection 1, of the Penal Code, anyone who by means of 1) taking advantage of the dependent position or insecurity of another person, 2) deceiving or taking advantage of the deception of another person, 3) making a payment to a person having control over another person, or 4) accepting such a payment (*means*) to assume control over or recruit another person, or to transfer, transport, receive or harbour another person (*acts*) to subject him or her to sexual abuse referred to in Chapter 20, section 9, subsection 1, paragraph 1 or comparable form of sexual abuse, forced labour, or other conditions violating the dignity of human being, or for the purpose of removal of organs or tissues, with a view to obtaining financial benefits (*motives*), shall be sentenced for trafficking in human beings.

Under Chapter 25, section 3, subsection 2, of the Penal Code, anyone who, of a motive referred to in subsection 1, assumes control over a person under the age of 18 years or recruits, transfers, transports, receives or harbours such a person shall also be sentenced for trafficking, even if none of the means referred to in paragraphs 1 to 4 of subsection 1 have been used. An attempt to commit trafficking is also punishable. The minimum sentence for trafficking is four months' imprisonment, and the maximum sentence is six years' imprisonment.

The definition of trafficking in persons in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children consists of three elements: the acts constituting trafficking, the means used for the commission of the acts of trafficking, and the motive of the acts. On the one hand, all three elements must exist in order for the acts to constitute trafficking within the meaning of Chapter 25, section 3, subsection 1, of the Penal Code. On the other hand, each element has several

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<sup>3</sup> In Article 3 of the Protocol, concerning the use of terms, trafficking in human beings is defined as follows: For the purposes of this Protocol: (a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs; (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used; (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article; (d) "Child" shall mean any person under eighteen years of age.

alternatives of which only one is sufficient. There must also be a link between the three elements. In accordance with Chapter 25, section 3, subsection 2, however, the use of means referred to in paragraphs 1 to 4 of subsection 1 is not required where the victim of trafficking is under 18 years old.

The offender is convicted of aggravated trafficking in human beings where 1) trafficking involves use of violence, a threat or fraud instead of or in addition to the means referred to in section 3, 2) a serious bodily injury, a serious disease or a threat to life or particularly strong suffering is caused by trafficking intentionally or of gross negligence, 3) the offence is committed against a child or person under the age of 18 years, whose capability to defend oneself has essentially weakened, or 4) the offence has been committed as part of the activities of an organised criminal group referred to in Chapter 17, section 1a, subsection 4, of the Penal Code. It is further required for the existence of the elements of aggravated trafficking that the offence is considered aggravated on the whole. The offender is also convicted of aggravated trafficking in human beings where he or she subjects another person to slavery or keeps another person in slavery, transports slaves, or carries out trade in slaves, if the offence is considered aggravated on the whole. The sentence for aggravated trafficking in human beings is at least two years' and at most ten years' imprisonment.

Although the elements of trafficking exist already at a relatively early stage, there are also forms of conduct that may be assessed as constituting attempts to carry out trafficking. As the international instruments binding on Finland also require that an attempt is punishable, such a provision has been included in the relevant provisions of the Penal Code. Under Chapter 25, section 10, of the Penal Code, the provisions on the liability of legal persons shall apply to trafficking and aggravated trafficking in human beings. In accordance with the criteria set out in Chapter 9 of the Penal Code, a legal person may be sentenced to fines where the offence in question has been committed in connection with its activities.

#### **4.2 Trafficking and pandering and procurement of illegal entry into a country**

It is difficult to draw a line between trafficking in human beings and smuggling of persons, on the one hand, and between trafficking and pandering/prostitution, on the other. Most often, there are also indications of pandering in connection with prostitution, and suspected cases of pandering often have elements of trafficking. All these phenomena often involve smuggling of persons. In the following, certain differences between trafficking and the closely related phenomena are outlined.

In terms of criminal law, trafficking in human beings is assessed as being a more aggravated offence than pandering. Therefore, it is important to try and draw a line between these two offences. It may be considered that pandering amounts to trafficking in human beings, among others, where a person is made to work as a prostitute by means of deception, or where pressure, coercion or threatening is used to make the person to continue or maintain such activities. Trafficking in human beings often involves serious violations of the right of self-determination and restrictions on the freedom of movement. If the other elements of trafficking - the acts and used means of commission - exist in connection with a situation resembling pandering, the provisions on trafficking in human beings must be considered as having precedence over those concerning pandering, also in respect of aggravated pandering.

It is important to note that the threshold for the existence of the elements of trafficking is not very high, but abuse of the insecure or dependent position of the victim is sufficient. Government Bill 34/2004 analyses in more detail the various reasons that may result in an insecure or dependent position. In the present plan of action, suffice it to say that an overall assessment of the situation of the person in question is necessary, which makes it possible to take the difference in the standards of living of Finland and the country of origin into account when defining his or her insecure position.

In cases of trafficking, it is relevant that the offender exercises more extensive control over the victim than in cases of pandering. The Law Committee of Parliament found, in its opinion (LaVM 4/2004) on

the aforementioned Government Bill, that in cases of trafficking, the control relationship between the offender and the victim is different, more intensive and comprehensive than in cases of pandering.

A person may also be subjected to trafficking after he or she has become involved in prostitution or pandering. Therefore, attention should be paid, in particular, to the final outcome of the situation amounting to abuse, and not the process through which the person has become a victim of abuse. This way, it is irrelevant whether the person has originally become voluntarily involved in prostitution. By undertaking to work as a prostitute, a person does not lose his or her human rights or the right of self-determination, and nor is it more justified to abuse or subject to violence prostitutes than other persons.

In accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, smuggling of persons means activities whereby direct or indirect financial or other material benefit is sought through the procurement of the illegal entry of a person into a country of which the person is not a national or a permanent resident<sup>4</sup>. Smuggling of persons is in the first place understood as constituting an offence against the sovereignty of a state, whereas trafficking in human beings is above all an offence against a person, committed with the intent of abuse<sup>5</sup>.

Thus, smuggling of persons is often addressed as an issue relating to immigration, whereas trafficking in human beings is seen as a human rights problem violating fundamental rights of the individual. A rough difference between the procurement of illegal entry into the country and trafficking is a dependency relationship or its non-existence. Once the illegal entry has taken place, the ties of the person in question with the organiser of the journey disrupt. In cases of trafficking, the dependency relationship is maintained by means of blackmailing, threats or other unlawful conduct.

A further difference of relevance is that the smuggling of persons requires a crossing of state borders. The existence of elements of trafficking does not require a crossing of borders by the victim, which means that, in accordance with its definition, trafficking may also take place within state borders. Movements within state borders may be assimilated with movements within the Schengen area as there are no border controls at internal borders.

#### **4.3 Concept of trafficking in the protection and assistance of victims as well as in the identification of victims**

Although the elements of crime attached to trafficking in human beings play an important role in the definition of trafficking, this phenomenon must be understood in a wider sense in connection with the provision of protection and assistance for victims and the identification of victims.

A victim and human rights based approach is adopted to the concept of trafficking and to victims, which makes it possible to address the issue in wider terms instead of merely analysing it in view of criminal law. From a human rights perspective, it is relevant in the provision of protection and assistance for victims, for example, to see whether the person concerned has been a victim of abuse, than to assess whether the elements of a trafficking offence exist. Therefore, already a suspicion of victimisation indicating that there may be trafficking of human beings taking place is a sufficient ground for guiding the person concerned to use appropriate services of protection and assistance. In the same way, the

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<sup>4</sup> In Article 3 of the Protocol, trafficking in human beings is defined as follows: "For the purposes of this Protocol: 'Smuggling of migrants' shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident."

<sup>5</sup> This does not mean, however, that there are no serious violations of human rights in connection with the smuggling of persons.

identification of a victim does not require criminal law evidence, but a suspicion of victimisation is sufficient.

## **5. Identification of victims of trafficking**

### **5.1 Background**

The identification of victims is one of the greatest challenges in the action against trafficking in human beings. It is particularly difficult to identify victims who are only travelling through the country. Firstly, in many cases, the persons concerned do not themselves know while travelling that they are going to end up as victims of trafficking after the journey.<sup>6</sup> It is even more so as victims often get in contact with traffickers through their relatives or other persons they know, in which case the victims have some degree of trust in the persons accompanying them. The authorities may face an impossible task in trying to break this trust during the journey through the Finnish territory. Secondly, not even persons accompanying the victims are always aware of their destiny. By these means, the criminal groups deriving proceeds from trafficking aim at disguising the traces of their criminal activities and thereby making it as difficult as possible for authorities to detect the offences and identify the victims. In cases of trafficking in human beings, procurement of illegal entry into the country and many other types of crime, the criminals aim at disguising their activities so that they give the impression of being legal.<sup>7</sup>

The identification of victims is necessary for the activation of the measures proposed in the present plan of action. The plan of action aims at ensuring a rapid identification of victims in order to make it possible to introduce the planned assistance for them. Therefore, the initiative-taking by authorities and other persons working with victims and groups at risk is relevant. For the purpose of the identification of victims, it is not necessary to have evidence of a crime but it is sufficient that there is a suspicion of victimisation relating to trafficking in human beings. Upon being identified, the victims are helped to use the system of services meant for them.

### **5.2 Proposed measures**

Victims of trafficking are mainly found, identified or reached through three channels: in connection with the performance of official duties (by the Police, the Border Guard, industrial safety authorities, and child welfare authorities, etc.), by third-sector actors (non-governmental organisations, trade unions, etc.), and upon contacts taken by the victims themselves. The possibilities of victims to contact authorities may be improved, among others, by means of shelter homes or telephone helplines, and investigative work. The general awareness of people is also important in the identification of victims, and therefore the provision of public information on trafficking in human beings plays a significant role.

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<sup>6</sup> Particularly victims from Eastern Europe and the area of the former Soviet Union may be aware of the risk of victimisation, but they do not want to believe in that the risk is concrete for themselves.

<sup>7</sup> An example of possible trafficking in human beings through the Finnish territory is a case where Greece warned at the end of November 2004 that procurement of illegal entry of Georgians into European countries took place through Finland. The investigations revealed that as of 2002, more than 1,500 Georgians had travelled through Finland as described by Greece. All the conditions for entry (valid passport, visa, and financial means) had usually been met. Of the persons travelling through Finland, 85 to 90% had been women, and they had been travelling with a visa issued by the Swedish authorities. The said persons had not returned to their home country through Finland, and there was justified reason to suspect that some of them had become victims of trafficking.



Insofar as minors who become victims of trafficking are concerned, it has repeatedly been noticed that it is customary that child victims travel without their parents, although this is not as such a sign of trafficking. However, the authorities must pay special attention to cases where a minor travels with an adult other than his or her parent or relative. At the same time, close cooperation with transportation companies must be aimed at, with a view to encouraging them to inform the authorities of such cases. It must also be remembered that in some cases, the children's parents have been suspected of having sold them.

It is particularly important to identify child victims rapidly. In case there is no certainty over the age of the victim, he or she must be presumed to be a minor who is entitled to special protection and assistance measures. The authorities should develop special procedures for the identification of victims, where the rights of the child can be ensured and the child is treated as a child. The cooperation among child welfare authorities, other authorities and non-governmental organisations should be increased.

For the purpose of identifying victims of trafficking, it is important to provide training not only for the Police, the Customs and the Border Guard, but also for relevant service-providers, such as professionals in the sectors of social welfare and health care, education and youth work, religious work, child welfare, and non-governmental organisations. The awareness of the possibility of trafficking among trade unions should also be increased.

It is particularly important to provide concrete training in the identification of victims for the staff of local authorities, religious communities and non-governmental organisations performing investigative work, as well as for those working at reception and 24-hour service units or taking care of telephone helplines. The information compiled this way by the various service units, concerning trafficking through Finland and into Finland, should be used for the purpose of providing training for various personnel groups.

Cooperation between the authorities of countries of transit and destination plays a crucial role in the identification of victims. It is also important to increase cooperation and exchange of information with non-governmental organisations.

### **5.3 Factors facilitating the identification of victims**

The following provides a list of factors that should give reason to suspect that trafficking is taking place. They are not as such elements of trafficking and nor does the existence of several factors necessarily mean trafficking. The purpose is to mainly provide a list of factors that facilitate the identification of victims and require further investigations. The information facilitating the identification of victims should be produced in a portable form (such as cards), and access to such information should be given to all authorities that are in practice responsible for the identification of victims.

#### ***General factors relating directly to immigration:***

- The person concerned crosses the Finnish border or resides in Finland illegally.
- The person concerned may be subject to the procurement of illegal entry into the country.
- The travel documents of the person concerned are false.
- The person concerned has no passport or other required travel documents in his or her possession.
- The journey and the visa and other documents have been arranged by another person.
- There is someone arranging repeatedly visas for other persons.

- The same person often appears as a person responsible for the travel costs or the means of support during stay on the visa applications of different persons.

***Special factors relating to the person:***

- The person concerned seems to be afraid of something or is apparently reluctant to tell about his or her situation or about what has happened.
- The person concerned does not speak Finnish, Swedish or English but has, nevertheless, resided or intends to reside long periods in Finland.
- The person concerned or the organiser of the journey is revealed to have contacts with persons known as panders or other criminals.
- There are indications that the person concerned has contacts with other victims of trafficking in human beings.
- The person concerned has on his or her body distinctive marks of certain subcultures, which may be indications of contacts with criminals.
- The person concerned does not know the address of his or her employer.
- The person concerned does not know the name of his or her employer.
- The person concerned has paid unreasonable charges to get a job in Finland.
- The child travels in the company of a person who is not one of his or her parents or relatives.
- There are possibly different travel reservations made for the child.
- The person concerned has been given false information on the working conditions relating to the work or activity to be performed, or on the reimbursement to be paid for it.
- The working conditions of the person concerned are weak. There are serious deficiencies in the safety of work.
- The person concerned has no real possibility to affect his or her working hours or working conditions. He or she must work long hours and in any conditions. The recommendations given by the trade unions in the field are clearly not complied with.
- The housing conditions of the person concerned are poor. The person concerned lives at his or her workplace.
- The person concerned needs to repeatedly work at different places.
- The wages do not correspond to those agreed for the field in question, or the wages are paid illicitly or directly to the country of origin of the person concerned.
- The person working independently in Finland has no access to his or her wages.
- The person concerned is significantly suppressed by or dependent on his or her employer/pander (the dependency being based for example on family, work or rental relationship or debt bondage).
- The person concerned works under coercion by another person.
- The freedom of movement of the person concerned has been restricted (e.g. by placing behind locked doors at the workplace or home).
- The person concerned is not allowed to move alone outside his or her permanent residence. Where the victim is e.g. hospitalised, he or she is accompanied by the trafficker who acts as an interpreter, for example.
- The person concerned acts nervously in the presence of his or her “interpreter”.
- The person concerned owes significant amounts of money to another person (situation comparable to debt bondage). He or she needs to pay, for example, significant travel expenses after the journey to its organiser.
- The person concerned needs to pay a significant part of his or her income to his or her employer/pander.
- The person concerned has been subjected to violence or threats thereof, he or she has been sexually abused or there are signs of violence or abuse on his or her body.

- The financial situation of the family members or relatives of the person concerned is so poor that they are in practice dependent on the income earned by him or her in Finland.
- The family members or relatives of the person concerned are threatened in their home country.
- The person concerned has arrived in Finland as a posted worker of a company carrying out personnel hire.
- The investigations reveal that the employing company has committed tax and/or accounting offences. The company is likely to use illegal labour.

The investigation of whether the person concerned is a victim of trafficking may also be enhanced by presenting him or her questions relating to his or her work, working conditions and terms and conditions of work as well as the situation of his or her family. For the purpose of identifying the person as a victim, the following questions are the most productive:

- Is the person concerned free to leave his or her employer?
- Has the person concerned been subjected to physical, mental or sexual violence?
- Has the person concerned a passport or other identifying document in his or her possession?
- What is the amount of wages of the person concerned?
- What is the amount that the person concerned has to pay for his or her living conditions?
- Does the person concerned live at his or her workplace or at home?
- How did the person concerned arrive in Finland and in the town in question?
- Have the family members of the person concerned been threatened?
- Does the person concerned feel that leaving the employer would create a risk for him or her personally or for his or her family members?

## **6. Prevention of trafficking in human beings**

The prevention of trafficking in human beings consists of a variety of measures having the aim of reducing trafficking and its adverse effects on the individual and society. The means of prevention must be gender-sensitive and a human rights based approach must be applied. The special situation of children must also be underlined in the prevention of trafficking.

The measures proposed in the action plan aim at contributing to the prevention of trafficking in human beings by tackling its root causes, by reducing the vulnerability of potential victims, by increasing control by authorities, and by drawing attention to the responsibility of users (e.g. employers). Another objective is to reduce demand and thereby also trafficking. Furthermore, the measures proposed in Chapter 9 to increase knowledge and awareness contribute to the efforts to reduce trafficking. It is also hoped that part of the proposed measures contribute to the prevention of revictimisation. Attention must also be paid to sexual abuse of children, in respect of which there have also been Finns found guilty when travelling abroad. The recommendations concerning the implementation of international agreements are included in the present Chapter.

States bear the main responsibility for the prevention of trafficking in human beings but cooperation among international organisations, third-sector actors, trade unions and companies also plays an important role.

### **6.1 Implementation of international agreements**

#### ***6.1.1 Background***

The most relevant international instrument against trafficking in human beings is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Finland signed both the Convention and the Protocol on 12 December 2000. The Convention entered into force at the international level on 29 September 2003, and for Finland on 11 November 2004 (Finnish Treaty Series 20/2004). The Protocol entered into force at the international level on 25 December 2003. The amendments to Finnish legislation, the purpose of which was to harmonise the Finnish legislation with the international obligations, entered into force on 1 August 2004.

In addition, an Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography has been adopted within the framework of the United Nations. Finland signed the Protocol on 7 September 2000.

The Committee of Ministers of the Council of Europe set up an Ad Hoc Committee on Action against Trafficking in Human Beings (CAHTEH) in April 2003, to prepare a European Convention on action against trafficking in human beings. The Convention was opened for signature at the May 2005 Warsaw Summit of the Council of Europe.

On 29 April 2004, the Council of the European Union issued Directive 2003/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. The Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 6 August 2006.

### ***6.1.2 Proposed measures***

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography must be implemented at the national level.

The implementation of the European Convention on action against trafficking in human beings is prepared.

Council Directive 2003/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities, will be implemented by 6 August 2006.

The implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is considered.

## **6.2 Development cooperation and neighbouring area cooperation**

### ***6.2.1 Background and measures taken***

According to Finland's Strategy for Cooperation in its Neighbouring Areas, adopted by the Government on 22 April 2004, stable social and economic development in Finland's neighbouring areas is important. Support for this development, including prevention of new security threats and control of related risks, is in our common interest. It is further stated in the Strategy that the key values pursued by Finland in its international activities form the basis of the neighbouring area cooperation, including values such as respect for democracy, human rights and the rule of law. The aims of neighbouring area cooperation are, among others, to combat organised crime and to support social and economic processes of change, which strengthen the partner countries' own capacities to address their problems. Neighbouring area cooperation contributes to the consolidation of local democracy and civil society.

In recent years, several projects relating to human rights have been introduced within the framework of neighbouring area cooperation, and in many of them, a trafficking or prostitution component has been present. In respect of bilateral cooperation, it is worth mentioning a project launched by the Provincial State Office of Oulu concerning the suppression of unsound social phenomena (such as prostitution), with a view to reaching social equality. Finland has also supported the action against trafficking in human beings through various international organisations, including e.g. the ILO/IPEC projects for helping street children in the Leningrad area and St. Petersburg. In the Baltic States, Finland has contributed to the financing of a project of the International Organization for Migration (IOM) in the Baltic States, "Trafficking in Women: Assistance to Victims and Support to Social Workers", which lasted several years and was terminated at the end of 2004. The project aimed at helping victims to reintegrate (including by hospital care, psychotherapy and job counselling). At present, there is a project being prepared with the IOM and the Russian authorities to be introduced in the Kaliningrad area in 2005 ("Trafficking Assessment and Counter-Trafficking Capacity Building for the Kaliningrad Oblast") The project is part of a wider regional project for Nordic and Baltic states, 'Enhanced Partnership for Northern Europe' (e-Pine), financed by the United States Department of State, to which Finland contributes in respect of Kaliningrad.

In addition, the funds of neighbouring area cooperation are used for the financing of training projects drawing attention to the prevention of trafficking. Such projects include, among others, a project of the

IOM for Kaliningrad (2004 to 2005), "Free Movement, Secure Borders - Analyzing the Facilitated Transit Scheme between The Russian Federation and Lithuania", aiming at increasing the preparedness of border control authorities to prevent trafficking.

Finland has also participated in various forms of cooperation between the Nordic Countries, the Baltic States and Russia, for the prevention of trafficking in human beings, involving several authorities. The latest one of these projects set up a Nordic-Baltic Task Force against Trafficking in Human Beings that was convened for the first time in Stockholm at the end of November 2003. The aim of the Nordic-Baltic Task Force is to strengthen neighbouring area cooperation between countries of origin, transit and destination as well as non-governmental organisations and other relevant bodies. The Nordic-Baltic Task Force has initiated a pilot project the purpose of which is to ensure the safe return of victims of sexual abuse to their countries of origin. The Nordic-Baltic Task Force pays particular attention to the identification of victims and the provision of protection and assistance, to needs to change legislation, and to the prevention of trafficking in human beings.

Finland participates in the Working Group on Cooperation on Children at Risk of the Council of the Baltic Sea States (CBSS). The Working Group aims at improving the situation of children living in most vulnerable conditions. The Baltic Sea States have, together with Moldova, Ukraine and Belarus, created a network of National Contact Points. Through these contact points, the authorities may contact those of other states for example in situations of trafficking in children. In Finland, the contact point is the Immigration Department of the Ministry of the Interior.

At the end of the Finnish Presidency of the CBSS (2002-2003), the Ministry for Foreign Affairs, the Ministry of Social Affairs and Health, the Ministry of Justice, and the Embassies of the United States, Canada and Sweden in Helsinki, together with the CBSS, organised a conference of experts ("Stop Child Trafficking - Modern Day Slavery") in Helsinki on 1 to 3 June 2003. As a result of the conference, a thematic folder was made of all the conference presentations, and the updating of its electronic version is at the responsibility of the Children's Unit of the CBSS. It has been proposed that the mandate of the Task Force on Organised Crime include more detailed definition of measures to intervene in trafficking in children. The CBSS Commissioner on Democratic Development has published a report on trafficking in human beings in the member states of the CBSS.

The Finnish development policy also applies a human rights based approach. In bilateral development cooperation, Finland has provided support for action against trafficking with special projects in Cambodia, for example (together with the IOM and the Cambodian Government). Within the framework of multilateral cooperation, Finland has provided support for the IPEC of the ILO. Furthermore, the support provided for UNICEF has partly been allocated to action against trafficking in human beings which is one of the priorities of UNICEF. Finland is among the important supporter countries of UNICEF.

Projects implemented in cooperation with non-governmental organisations play an important role in the cooperation for the protection of human rights. Through non-governmental organisations, support has been provided, among others, for the ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes), particularly for the purpose of action against trafficking in children in Asia. Support has also been provided for the IHF (International Helsinki Federation) for action against trafficking in women in Moldova and Central Asia. Several diplomatic missions of Finland abroad have used their funds for local cooperation to support local organisations in the provision of training and information for local people in issues relating to trafficking.

One of the general aims of the Finnish development policy is to improve the situation of women and the most vulnerable groups (children, minorities, indigenous peoples and disabled persons). These activities also contribute to the prevention of trafficking in human beings. The action for the eradication of

extreme poverty, which is among the aims of the Finnish development policy, also contributes to these efforts.

In the 'Education for All' (EFA) process under the direction of UNESCO, six goals have been set. Two of these - access to primary education of good quality for all children by 2015, and elimination of gender disparities in primary and secondary education by 2005 - are also part of the UN Millennium Goals. In Finnish development cooperation, one of the priorities is the provision of support for primary education, in accordance with the EFA goals. Finland provides support for educational projects and larger programmes in twelve countries as well as for regional projects (e.g. in the West Balkans). The share of education amounts to 11 per cent of the whole budget for bilateral development cooperation. The equal opportunities of girls to education are given particular attention to in development cooperation.

### **6.2.2 Proposed measures**

In the Baltic States and Russia, the aim is to improve the training of authorities and the staff of diplomatic missions in the prevention of trafficking in human beings (e.g. in the identification of victims), on the one hand, and in the management and monitoring of the return of victims, on the other, with a view to preventing revictimisation. Trafficking in human beings may later be included as a separate element in the training in immigration matters. Courses are arranged several times a year and in practice all officials handling visa matters attend such courses regularly, as it is a requirement for obtaining the right to issue visas, for example. The Ministry for Foreign Affairs is committed to developing training programmes where issues relating to trafficking are taken into account. In addition, it is important to develop means to ensure the safe return of victims, particularly minors, to their countries of origin.

In the cooperation between Finland and Russia in different sectors, including neighbouring area cooperation, trafficking in human beings and its prevention must be taken into account. In this respect, particular attention must be paid to gender and child-sensitive issues.

The Ministry for Foreign Affairs will clarify the meaning of a human rights based approach to development policy. Non-governmental organisations will still be supported in their projects for the prevention of trafficking in human beings and the protection of victims of trafficking. The funds for local cooperation will be continuously used for the implementation of projects of local non-governmental organisations for the prevention of trafficking, and the organisations will be encouraged to develop new projects. Support will be particularly provided for projects taking gender or child-sensitive issues into account.

## **6.3 Prevention of the abuse of labour**

An important reform brought about by the new Aliens Act (301/2004) was the residence permit for employed persons, the issue of which consists of two phases. In respect of the right to work, the employment office examines whether the criteria relating to labour market are met, including an assessment of whether there is labour available for the job in question within a reasonable time as well as of the adequacy of the terms and conditions of work. In case of self-employed persons, the relevant department of an Employment and Economic Development Centre carries out an assessment of whether the intended business operations meet the requirements for profitable business. The Directorate of Immigration issues the residence permit if there are no obstacles to it, relating to public order and security, and if there is no attempt to evade the requirements of immigration legislation. An extension of the residence permit is granted by the police, subject to an assessment of security aspects.

The new Aliens Act extended foreigners' right to unrestricted employment under a residence permit other than a resident permit for employed persons (in cases of expert duties in the middle or top management of a company, professionally in science, culture or the arts, in an international organisation or in duties concerning official cooperation between States, for example). A residence permit is no longer necessary in certain cases (e.g. for persons who arrive in the country to pick or harvest berries, fruit, specialty crops, root vegetables or other vegetables or to work at a fur farm for a maximum of three months). Family members who have been issued a residence permit on the basis of family ties, as a family member of an alien who has already been issued a residence permit, have a right to work under the residence permit.

The assessment made by the labour authorities does not as such prevent the illegal treatment of a worker, in violation of the terms or conditions of work based on legislation or a collective agreement. It is important that the industrial safety authorities carry out effective controls of compliance with collective agreements and terms and conditions of work, and provide information for both workers and employers. Trade unions participate in the monitoring and assessment of practices applied to worker's residence permit and in the preparation of guidelines concerning the general conditions for the use of migrant workers. This aims at increasing the legal use of migrant workers and to prevent grey economy.

At present, from the perspective of the abuse of labour, it is most problematic to control compliance with the provisions of the Transitional Period Act (309/2004). The two-year transitional period based on this Act, relating to new Member States of the EU upon its latest enlargement, has led to the establishment of companies in the neighbouring areas of Finland, mainly in Estonia, hiring out their employees to work for other employers. This has put some pressure on the authorities to control more carefully the employment of migrant workers, particularly as trade unions, in connection with their inspections, increasingly make findings of terms and conditions of work that are not in conformity with the legislation and collective agreements.

### **6.3.1 Industrial safety**

#### *6.3.1.1 Background and measures taken*

The industrial safety authorities monitor the working environment and working conditions for the purpose of ensuring and maintaining the workers' capability to work as well as of preventing accidents at work, occupational diseases and other factors that cause physical and mental health hazards. The employers are under an obligation to keep an eye on the working environment, work community, safety of working methods and effects of industrial safety measures. The employer must be aware of all the risks involved at the workplace. The dangers and threats relating to work must be assessed and identified, and removed, or where this is not possible, reduced, and a plan must be prepared for the continuous improvement of working conditions.

The industrial safety authorities monitor compliance with not only the Occupational Safety and Health Act, but also with the Act on the Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters, the Employment Contracts Act, the Non-discrimination Act, the Act on the Protection of Privacy in Working Life, the Posted Workers Act, the Aliens Act, the Penal Code, the Working Hours Act, the Annual Holidays Act, and the Young Workers Act. This monitoring may be targeted, on the basis of information available, at specific fields or workplaces involving risks, or it may be based on initiatives taken by customers, in which case the authorities take measures upon contacts taken by workplaces or individual workers. In the monitoring relating to the promotion of mental wellbeing, it is important to prevent and control threats of violence, harassment and inappropriate treatment, as well as to avoid or reduce the physical, mental and social hazards of work. The fields and professions involving particular risks of violence, inappropriate treatment and psycho-



social hazards are identified and the control measures are directed accordingly. In cases of inappropriate treatment, the control is mainly based on initiatives taken by customers.

By means of monitoring, it is possible to identify cases of discrimination at work or usury type of discrimination at work, provided that the employer or workplace can be identified. Migrant workers must be registered. The industrial safety authorities exercise control over the employers. However, in cases of illegal labour, or of employers that are difficult to identify, the possibilities of industrial safety authorities to take measures are few. The authorities may not be informed of the employers or workers, or the authorities may find about them accidentally for example if the case is reported by a competing company. In fields of construction, cleaning industries, massage services, pandering and catering, there are occasionally illegal workers or trainees or even employers.

### *6.3.1.2 Proposed measures*

By means of active monitoring, preferably targeted at specific fields, professions or workplaces involving risks, the authorities may create such an impression of Finnish workplaces that it is neither possible nor appropriate to allow bad treatment or discrimination. This prevents possibilities of trafficking in human beings.

According to section 86, subsection 2, of the Aliens Act, if occupational safety and health authorities have reasonable grounds to suspect that a work permit offence as referred to in Chapter 47, section 6a of the Penal Code (39/1899), violation of the Aliens Act as referred to in section 185(1) of this Act, or employer's violation of the Aliens Act as referred to in section 186 has been committed, they shall report the matter to the police. Where such reasonable grounds exist, the industrial safety authorities have no possibility but to report the case, unlike in respect of the reporting obligation under the Act on the Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters. The cases are usually reported to the Surveillance Unit for Illegal Foreign Labour subordinate to the National Bureau of Investigation. This concerns cases where the minimum terms and conditions of work are not in practice those that have been notified to the authorities. In such cases, it is possible that the elements of a work permit offence as well as discrimination at work or usury type of discrimination at work exist. The Surveillance Unit may also be informed of cases where there are indications of the use of illegal migrant workers or abuse of migrant workers, but no such information has been obtained in connection with monitoring that there would be an obligation to report the case. In case the Surveillance Unit does not itself investigate the reported case but transfers it to the competent police district for investigation, it informs the industrial safety authorities of this. In respect of conduct other than the aforementioned offences, the cases are reported in accordance with section 24, subsection 1, of the Act on the Supervision of Occupational Safety and Health and Appeal in Occupational Safety and Health Matters or in accordance with an established practice to the competent police district.

The industrial safety authorities have, together with labour and tax authorities, been involved in inspections carried out by the National Bureau of Investigation at workplaces, in cases where there are suspicions of illegal migrant workers. In such cases, the industrial safety authorities have been responsible for the inspection of work and working conditions. Such inspections in professional fields and workplaces involving risks of trafficking should be increased. Inspections carried out in cooperation between several authorities focus in practice on large workplaces. In respect of small workplaces, e.g. in the fields of catering or cleaning services, suspected cases of trafficking easily remain without investigation.

### ***6.3.2 Guarantees of compliance with the minimum conditions of work for migrant workers, and action against grey economy***

### 6.3.2.1 Background and measures taken

A working group (Ulteva 2) set up by the Ministry of Labour on 16 April 2004 has been given the duty of assessing the need to amend the Posted Workers Act and the possibility to guarantee workers referred to in the Act the minimum conditions of work based on Finnish labour legislation and collective agreements. However, considering that the working group has not terminated its work yet, no results are available at this stage.

In their agreement on the budgetary framework for the years 2005 to 2007, the trade unions have suggested that the Ulteva 2 working group prepares and makes the necessary proposals for the amendments to legislation, creating a basis for companies to comply with their obligations relating to employment, taxes and social security contributions, and a framework for that the contractor or client may, in connection with the conclusion of contracts with subcontractors and companies hiring out their employees and during the validity of the contract, ensure that these subcontractors and companies comply with their obligations relating to employment, taxes and social security contributions)<sup>8</sup>.

When addressing problems of grey economy, the parties to the budgetary framework agreement submitted, particularly in respect of migrant workers, that a tripartite working group be set up to assess ways to effectively ensure that migrant workers are guaranteed minimum conditions of work and to resolve disputes concerning conditions of work. In this connection, the provisions of laws and experiences of other EU Member States are also analysed, e.g. concerning the extent of the right to collective complaints.

### 6.3.2.2 Proposed measures

It is presumed in both the assignment given to the Ulteva 2 working group and in the budgetary framework agreement for the years 2005 to 2007 that the results of the assessments that are being carried out will indicate that there is need to amend the legislation, and the working group is expected to submit a proposal to this effect by 31 January 2006 when its mandate expires. For the purpose of suppressing grey economy, the parties to the budgetary framework agreement suggested, among others, that the cooperation between tax and other authorities, relating to the suppression of grey economy and economic crime, be intensified.

In respect of the proposals prepared in working groups of the Ministry of the Interior, to suppress economic crime and grey economy, a further preparation will be carried out in cooperation with the social partners and competent ministries. On the basis of the further preparation, the possibilities of implementation will be assessed and the preparation of legislation will be started particularly in respect of the following proposals:

- The right of employment agencies to obtain information from the tax authorities, on the fulfilment of tax and other payment liabilities by the employer referred to in the residence permit, as well as to verify the accuracy of the information concerning earlier wages paid, will be strengthened.

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<sup>8</sup> The trade unions considered that in the said preparatory work and proposals, the following aspects must also be taken into account:

- 1) verification of the reliability of subcontractor or a company hiring out its employees working, with the client, or at a workplace maintained by the latter (certificates over possible tax arrears, employment pension contributions, etc.);
- 2) tax returns submitted to the tax authorities concerning the companies referred to in paragraph 1 (every three months);
- 3) procedure applied to the issue of a pass (to move around at the workplace, and relevant documentation); and
- 4) possibilities to apply payment security arrangements implemented or planned in different EU Member States, such as escrow accounts.

- The cooperation among authorities in the suppression of grey economy and economic crime will be strengthened.
- Instructions and information targeted at employers and workers will be increased, including information to increase the awareness of migrant workers of their rights and obligations.

The working group welcomes the aforementioned proposals for measures.

The provision of information and guidance for employers and workers is proposed to be increased. The purpose is to increase the knowledge of migrant workers of their rights and obligations.

## **6.4 Visa policy as part of the control of immigration**

### ***6.4.1 Background***

Finland applies the common visa policy of the European Union, which is based on the Treaty establishing the European Communities (particularly Article 62). The common visa policy is implemented within the framework of the Schengen acquis, including the Schengen Agreement and the Schengen Convention, as well as the Common Consular Instructions on visas for the diplomatic missions and consular posts. The Member States only have the right to issue national provisions of law on visa matters to the extent that there are no common provisions, part of the Schengen acquis, or the Schengen provisions delegate the competence to the national authorities. An example of supplementing national provisions in Finland is the new provisions on visas in the Aliens Act (301/2004).

On 5 November 2004, the European Council adopted the so-called Hague Programme (Tampere II) on strengthening freedom, security and justice in the European Union. According to the programme, international migration will continue. A comprehensive approach, involving all stages of migration, with respect to the root causes of migration, entry and admission policies and integration and return policies is needed.

In the Hague Programme, the European Council invites Member States to improve their joint analyses of migratory routes and smuggling and trafficking practices and of criminal networks active in this area, inter alia within the framework of the Border Management Agency and in close cooperation with Europol and Eurojust. It also calls on the Council and the Commission to ensure the firm establishment of immigration liaison networks in relevant third countries.

With a view to the development of common standards, best practices and mechanisms to prevent and combat trafficking in human beings, the European Council invites the Council and the Commission to develop a plan in 2005.

### ***6.4.2 Proposed measures***

In the Hague Programme, the European Council underlines the need for further development of the common visa policy as part of a multi-layered system aimed at facilitating legitimate travel and tackling illegal immigration through further harmonisation of national legislation and handling practices at local consular missions.

On 19 February 2004, the Justice and Home Affairs Council of the European Union adopted conclusions on the development of the Visa Information System (VIS). Its main objective is to support

the strengthening of the Union's stability and security. The VIS to be introduced in 2007 will further contribute to the prevention of trafficking of human beings into the areas of the EU Member States.<sup>9</sup>

In Finland, the preparation of the common visa policy of the European Union is at the responsibility of the Ministry for Foreign Affairs in cooperation with the Ministry of the Interior. The Ministry's Passport and Visa Unit aims at preventing trafficking in human beings through constant cooperation with the diplomatic missions and consular posts issuing visas abroad, other national authorities responsible for immigration questions (such as the Border Guard, the Police and the Directorate of Immigration), and Schengen partners. The Passport and Visa Unit keeps its own staff and visa officers working at diplomatic missions and consular posts abroad constantly informed of issues relating to the identification of trafficking and its prevention, in connection with personnel training.

The diplomatic missions and consular posts handling visa applications shall use their discretionary powers concerning the issue of visas, under the Aliens Act and the Schengen acquis, particularly where the reason for the intended entry into the country remains unclear or where there are reasonable grounds to believe that the person in question attempts to evade the provisions of law concerning entry into the country. For this purpose, the visa officers may obtain information from other authorities both in Finland and in other countries. The fact that, under the Common Consular Instructions, parental authorisation may be required, where necessary, for the issue of a visa for a minor helps the prevention of trafficking in children. Finland may give more detailed provisions of law or instructions concerning the requirement of consent and the way in which it has to be obtained.

The Ministry for Foreign Affairs, as the central authority, advises diplomatic missions and consular posts to strengthen their cooperation with the representations of other Schengen countries, with a view to preventing their country of duty from becoming a country of origin or transit for illegal immigration into the Schengen territory.

The Passport and Visa Unit of the Ministry for Foreign Affairs will maintain the prevention of trafficking on the agenda in connection with the further development of the Schengen acquis. There will be a good opportunity for this as, in the Hague Programme, the European Council has invited the Commission to propose the necessary amendments to review the Common Consular Instructions by early 2006 at the latest. It seems likely that the proposal will also be considered in the Visa Working Party meetings during the Finnish presidency of the European Union in the autumn of 2006.

## **6.5 Civilian crisis management and peacekeeping missions**

### ***6.5.1 Background and measures taken***

Civilian crisis management means non-military means of affecting conduct in conflict situations, which are meant to be temporary, and preventing the development of a threatening situation into a crisis or conflict, or managing a crisis situation or post-crisis restoration of stability. In the management of certain crises, however, both a military component and a civilian component are necessary. The development of civilian crisis management within frameworks of the European Union (EU), the Council of Europe (CoE) or the Organisation for Security and Cooperation in Europe (OSCE) is based on the understanding that security and democracy are closely inter-related. Respect for human rights,

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<sup>9</sup> After the adoption of the said conclusions, the Council of the European Union adopted on 8 June 2004 a decision establishing the Visa Information System, which constitutes the required legal basis to allow for the inclusion in the general budget of the European Union of the necessary appropriations for the development of VIS. A Commission proposal for a Regulation of the European Parliament and of the Council concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas is being discussed by the Visa Working Party of the Council. The regulation will constitute the core instrument for the legal framework for the VIS.

democracy and sustainable development constitute an integral part of the objectives of civilian crisis management. Civilian crisis management consists, among others, of the development of police forces, the rule of law and the civilian administration, rescue services, border control and election observation.

Finland has, together with Sweden, been active in the development of civilian crisis management within the EU. In the Gothenburg European Council of 2001, the European Council endorsed the EU Programme for the Prevention of Violent Conflicts aiming at integrating conflict prevention in all the relevant aspects of the Union's external relations. Indirectly, this also concerns measures taken by Member States. The European Commission supports the prevention of conflicts through various projects and human rights training (European Initiative for Democracy and Human Rights). In 2001, the Commission introduced a particular Rapid Reaction Mechanism (RRM) to increase the civilian crisis management capacity of the EU, making it possible to rapidly and efficiently intervene in crisis situations in countries not part of the EU. In 2003, guidelines were adopted on protection of civilians in EU-led civilian crisis management operations.

The OSCE focuses, in its civilian crisis management operations, on the development of the rule of law and on election observation. The OSCE and the Office for Democratic Institutions and Human Rights (ODIHR) constitute the most significant organisation for election observation (by both experts and parliamentarians) covering the whole European continent, and the organisation has also prepared standards concerning elections which are widely used. The OSCE Action Plan to Combat Trafficking in Human Beings was adopted in 2003. The Ministry for Foreign Affairs organised a conference concerning trafficking in Helsinki in the autumn of 2004, in cooperation with the ODIHR.

The aim of all activities of the Council of Europe is to promote respect for human rights, the rule of law and democracy, by both the development of legislation and the monitoring of development in the member states and implementation of Council of Europe conventions. The Council of Europe is preparing a European Convention on action against trafficking in human beings. With the help of voluntary contributions, financing has been provided e.g. for the organisation of a seminar against trafficking in human beings in Russia in 2004.

The Istanbul summits of NATO and the EAPC in 2004 adopted a NATO Policy on Combating Trafficking in Human Beings, setting a zero tolerance concerning trafficking for NATO staff and forces under NATO command<sup>10</sup>. The Policy focuses on NATO-led operations and contains a basis, among others, for the development of appropriate training relating to the problem of trafficking, and for a code of conduct for all NATO civilian and military staff, as well as all forces under NATO command and control, as well as to non-NATO troop contributing nations taking part in NATO-led operations. The aim with the training is to make personnel aware of the problem of trafficking and of the impacts such offences on human rights, stability and security. The Policy relies on the relevant guidelines and conventions of the OSCE and the UN.

On 3 to 4 March 2005, Finland organised, together with the International Staff and the International Military Staff of NATO, a seminar supporting the implementation of the NATO Policy on Combating Trafficking in Human Beings. The seminar compiled information on best practices applied to the action against trafficking in human beings, and drafted written recommendations concerning them for the field missions of NATO-led forces.

### ***6.5.2 Proposed measures***

The Ministry for Foreign Affairs will be responsible for the management of funds for civilian crisis management and the Ministry of the Interior will coordinate the national civilian crisis management

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<sup>10</sup> The Policy is available at <http://www.nato.int/issues/trafficking>.

capacities. The aim is to develop an efficient system of recruitment and training. Preparatory training for civilian crisis management operations will be arranged for all experts and observers sent by Finland. The protection of human rights will play an important role in all such training. Human rights aspects will also be taken into account in military crisis management and related training, and objectives relating to the promotion of human rights will be supported. Particularly in so-called CIMIC duties, combining both civilian and military aspects of crisis management, the awareness of trafficking as a phenomenon and its different dimensions is important. The Ministry of Defence and the Defence Staff will be the relevant partners of cooperation.

It is important that the prevention of trafficking in human beings be made part of the training of civilian and military personnel. The awareness of trafficking in human beings of those participating in civilian and military crisis management operations, and their preparedness to identify, protect and assist victims, will be increased. Information materials concerning trafficking in human beings will be prepared for the training of crisis management personnel and national authorities (including the Police, the Border Guard, the social welfare authorities, etc).

## 7. Assistance to the victims of trafficking in human beings

Because victims of trafficking in human beings are often in a particularly vulnerable situation in the country of destination, measures of assistance to victims are relevant in the action against trafficking. Such measures also help detect criminals and prosecute them, and prevent revictimisation. Proposals for measures of protection of victims are given in Chapter 8.

For the purpose of organising services for victims and guiding victims to use them, cooperation between the third sector and the authorities is important. The Supreme Police Command issued instructions for the police administration on 6 April 2004 concerning the provision of assistance for victims of crime. According to the instructions, the police shall, in addition to the services provided by the authorities, give information on the victim helpline and services relating to it, and guide persons needing help to use the services offered by the victim helpline. It also offers mental help, support and advice for victims of crime.

### 7.1 Financing and basic principles of the service system

The aim with assisting victims of trafficking is that the existing service systems could be used as much as possible. A significant factor affecting the provision of services is the question of whether the victim has a municipality of residence in Finland. If the victim has a municipality of residence, the local authorities are responsible for providing the services in accordance with the provisions of the Social Welfare Act (710/1982), the Primary Health Care Act (66/1972), the Act on Specialised Medical Care (1062/1989) and the Mental Health Act (1116/1990). In such a case, the services and the possible security of income are financed by the local authorities. They are entitled to state subsidies for this purpose. The local authorities may either provide the services themselves or they may procure the services from another municipality, a private service-provider or the state.

In connection with the provision of social welfare services, the client shall be prepared a service, care, rehabilitation or other plan, unless the client only seeks temporary advice and guidance or the preparation of the plan is otherwise manifestly unnecessary. If the social welfare officials are not able to use the language spoken by the client, or where the client cannot make himself or herself understood because of sensory handicap, speech defect or other reason, the authorities shall provide for interpretation services where possible (Act on the Status and Rights of Social Welfare Clients, 812/2000, section 5). The patient's native language, individual needs and culture shall be taken into account in his or her care and treatment to the extent possible (Act on the Status and Rights of Patients, 785/1992, section 3).

Where the victim has no municipality of residence in Finland, he or she has no access to the social welfare and health care services provided by the local authorities, except where there is urgent need for services. In such cases, the most problematic stage is the period of time between the identification of the victim and the issue of a residence permit. During this period, the responsibility for the financing of services should be born by the state. It is proposed that a particular financing mechanism be created for the systems of reception and rehabilitation of asylum-seekers, which are part of the sector of administration of the Ministry of Labour, in order to finance the reception of victims and the provision of assistance to them.

The proposed service system should be based on the following principles:

- Ready-made financing: After the identification of the victim, it is important that access to services may be provided without delay and that the victim may be guided to use them. The initial stage is the most crucial in the provision of assistance. There is a risk of losing the victim,

in which case the victimisation may continue or there may be revictimisation upon return to the country of origin. The service-provider must, before guiding the victim to use the services, be able to trust in that the financing has been provided.

- Individual services: Because victims are different (women, men, children) and have different situations (sexual abuse or exploitation of labour), there must be a possibility to offer services according to the individual needs of the victims and to take their special situations into account.
- Foreseeability: The service-provider must be able to trust in the continuity of financing and in its amount.
- Regional coverage: Services must be available in all parts of the country.
- Flexibility: Services must be provided as long as the victim needs them. Some victims want to return to their countries of origin as soon as possible, whereas part of them, being witnesses or plaintiffs in court proceedings, may need services throughout the proceedings which may last even years.
- Prevention of abuse of the system: The financier of the services and the service-provider must aim at preventing and minimising abuse of the system.

As it is most likely that the number of victims needing services at the same time is relatively small and there are individual needs for services, the provision of services could also in respect of non-residents be based on the existing units and systems. In the arrangement of accommodation and subsistence, individual apartments and subsistence allowance, or safety houses or corresponding units, may be used, or in some cases private accommodation services may also be used. The other necessary social welfare and health care services could be procured from local authorities or private service-providers according to the needs.

## 7.2 Principles of assistance to victims

Considering that trafficking in human beings constantly seeks new forms and there are victims in different situations, it is important to define the principles to be applied to the investigation and assessment of the different forms of trafficking and situations of victims, in connection with the provision of assistance. The following principles should help service-providers and support the planning and implementation of concrete measures.

### 1. Victim-based approach

A victim-based approach means that, instead of a perspective of legal assessment and application of law, attention is paid to the fact that victims need both time to recover and support for recovering from their traumatic experiences. The integration of victims into society is supported irrespective of whether the victim stays in the country of destination or returns to his or her country of origin. The services are adjusted in accordance with the victim's individual needs.

### 2. Empowerment of victims as an objective

In a process of empowerment, the individual is supported to regain financial and mental independence and the right of self-determination, as well as the capability and possibility to make decisions and choices concerning him or her personally.

In order to ensure that this objective is met, it is important that the victim obtains information:

- of his or her rights and obligations, as well as of the different alternatives available, explained clearly,
- in a language understood by the victim (preferably his or her native language),
- so that he or she also understands the contents of the information, and



- so that he or she is able to make choices and decisions on the basis of the information (concretisation of rights).

### 3. Cultural diversity and culture-sensitivity as objectives

All assistance to victims must take account of cultural diversity and be culture-sensitive. Because there are victims speaking different languages, it is important to provide training for persons who are able to communicate with victims, preferably in their native languages.

### 4. Cooperation among authorities and between authorities and third-sector actors

Services usually consist of an existing service network where both public services and third-sector services are used. The assistance of victims is based on cooperation among professionals representing different fields.

### 5. Integration of victims by providing services and informing them of the services available

Services aiming at the integration of victims into society require that the victim has been recognised as being one. In the organisation of services, attention is paid to how the victim is informed of the availability of services and of the criteria for having access to them.

### 6. Services provided must not be labelling or revictimising

It is possible that the victimisation does not end if the process of providing special services is too long and restricts normal life. The aim of services must be “normal life” as soon as possible, taking the victim’s individual situation duly into account.

### 7. Ensuring the safety of victims and workers

The services are provided so that the safety of both workers and victims using the services is taken into account. Each service-provider shall define his or her professional duties and shall not exceed their limits. The different service-providers part of the network shall be aware of each others’ basic duties and respect them.

## **7.3 Proposed services**

The present plan of action proposes services relating to investigative work, emergency assistance, support for victims, and legal assistance and counselling. In addition, the question of compensation for damage caused by the offence, and activities enhancing the integration of victims are addressed, and certain measures of special assistance to children are proposed.

All the services are also available to victims returning to their countries of origin, with a view to preventing revictimisation. The situation of victims is monitored in cooperation with the authorities and organisations of the countries of departure and destination. Exchange of information and training concerning working methods and concepts are relevant to ensure effective cooperation. Where necessary, interpretation services are available in connection with the assistance of victims.

### ***7.3.1 Investigative work***

In Finland, there are no strong traditions in investigative work, but such work has been carried out for years at least in connection with the youth and child welfare work of authorities, the social and youth work of the Church, and the work with intoxicant abusers and prostitutes. The police may contribute to the investigative work by providing information on typical victims and on the typical places where such persons can be found.

In 2003, an unofficial network of entities performing investigative work was created. For this purpose, it is not necessary that the investigative work is specifically targeted at victims of trafficking in human beings but it may refer to existing investigative work that covers different target groups.

Investigative work is demanding and requires profound training, capacity for field work, and professional skills. The investigative work may consist, for example, of:

- the provision of information on existing services and rights;
- the identification of problems;
- the compilation of information on the living conditions and every-day life of the target group;
- the motivation of the target group to make changes;
- the provision of concrete field services, meeting the needs of the target group; and
- the provision of guidance for the target group to use other services.

In future, means should be sought to include investigative methods in the basic training of social welfare and health care professionals. Furthermore, support should be provided for the networking of those performing investigative work, and the involvement of immigrants in the performance of investigative work should be supported.

### ***7.3.2 Emergency assistance***

Emergency assistance will be provided as soon as the victim is found, reached or identified, irrespective of whether the victim resides in the country lawfully. In the provision of emergency assistance, attention must be paid, in particular, to the victim's capacities and mental state and to his or her capability to understand the provided information and to make decisions.

Emergency assistance consists of the following services:

- a) the assurance of physical safety, housing, food, hygiene, subsistence;
- b) the assessment of physical health and the provision of the necessary immediate care:
  - physical traumas caused by violence;
  - physical traumas caused by sexual violence;
  - malnutrition;
  - infections;
  - sexually transmitted diseases;
  - use of intoxicants (alcohol, narcotic substances, psychopharmaceutical medicines);
  - tooth and mouth injuries;
  - gynaecologic examinations;
  - pregnancy;
- c) the assessment of mental state and the provision of the necessary immediate care:
  - mental traumas caused by violence;
  - mental traumas caused by sexual violence;
  - mental traumas caused by mental violence;
  - mental traumas caused by imprisonment and isolation;

d) the assistance by support persons or trusted persons (e.g. cultural interpreters trained for this purpose, or counsellors). The support person should, where necessary, be available throughout the period of residence of the person concerned in Finland.

### 7.3.3 Support for victims

The selection of appropriate services for a victim is affected by the likely duration of his or her stay in the country. The need for and range of services are different where:

- a) the victim wishes to return or he or she is returned to the country of origin within a short time;
- b) the residence permit issued to the victim only guarantees a few months' stay;
- c) it is known that the stay in the country will last at least six months; or where
- d) the victim has a permanent residence permit or Finnish nationality.

In the provision of services, it must be remembered that the services do not as such restrict the customer's right of self-determination. The services must be based on the aim of guiding the victim to use normal services as soon as it is possible without violating his or her rights. When services are planned, it is also important to request the service-users to provide their views on the types of services needed and the ways in which these services should be provided (needs assessment).

The support services include:

#### a) Housing:

- housing services depending on the situation;
- shelter homes;
- supported housing; and
- independent living;

#### b) Means of living:

- subsistence allowance, labour market support; and
- salaried work;

#### c) Education:

- language courses;
- basic skills (reading, writing), where deficient;
- training preparing for working life and integration into society;
- vocational education; and
- further training for those already having a vocational education;

#### d) Employment:

- in-house training (within a normal framework);
- intensified labour market measures; and
- independent search for work;

#### e) Social assistance:

- support for integration into new surroundings;
- social networks;
- contacts with the country of origin and family; and
- support persons;

#### f) Mental support:

- discussions;
- therapy;
- long-term post-trauma rehabilitation; and
- rehabilitation (improvement/restoration of mental capacities);

g) Health care services:

- treatments (physical injuries, contagious diseases, dental injuries); and
- rehabilitation (improvement/restoration of physical capacities);

f) Administrative assistance

- permits, various documents and decisions; and
- provision of information on Finnish administrative practices, and assistance in using the relevant services.

### ***7.3.4 Legal assistance and counselling***

To the extent that legal assistance and counselling is only understood as referring to assistance in criminal proceedings, the Finnish legislation may be considered to adequately enhance the possibility of victims of trafficking to use their rights. There is no need to amend the legislation. However, the special features of trafficking should be paid attention to in the interpretation of the provisions of law and in administrative practices.

It is considered that there is special reason for the provision of legal aid within the meaning of section 2, subsection 2, of the Legal Aid Act, among others, where a trafficking offence is being examined and the victim does not fall within other groups of persons entitled to legal aid under subsections 1 and 2 of section 2. Offences of trafficking in human beings are of such an aggravated nature that the restrictions on legal aid and assistance, set forth in the Act, should not be applied. The provision of legal assistance and counselling in these cases should not be made dependent on whether the victim has, for example, claims for damages against the offender. The question of claims for damages may also be unclear at the moment of taking the decision on legal aid.

The right to legal aid under the Legal Aid Act may be partly or entirely dependent on the financial situation of the victim. However, it may be presumed that victims of trafficking in human beings usually fulfil the criteria for the provision of legal aid. In the assessment of this question, the provisions of section 19 of the Government Decree on Legal Aid must also be taken into account, according to which it is possible to take a decision on legal aid even if no declaration of financial means has been attached to the application. Where the victim of trafficking is a foreign national, he or she may need special assistance in applying for legal aid. In this respect, the guiding role of the police officers investigating the offence is significant. The legal aid office must also try and provide counselling for the person applying for legal aid so that his or her right to legal aid is ensured. The provision of counselling is particularly relevant where the victim of trafficking is a foreigner.

Even where no legal aid is granted, because of the financial situation of the victim, or deficiencies in the application for legal aid, the court may appoint a counsel for the injured party for the trial in accordance with Chapter 2, section 1a, of the Criminal Procedure Act. A counsel is usually necessary already because of the consideration of possible civil law claims of the injured party. Furthermore, the victim of a trafficking offence may be appointed a support person under Chapter 2, section 3, of the Criminal Procedure Act. A support person may prove necessary, in particular, because of the suffering caused by the offence. In this respect, an amendment to the Act which is being discussed by Parliament (Government Bill 271/2004) is of relevance. According to the proposed new provisions, a support person could also be appointed where the injured party has claims in the trial. It is further worth

underlining section 10, subsection 2, of the Criminal Investigations Act (449/1987), under which the prosecutor or the officer in charge of the investigations must take the initiative for the appointment of a counsel or a support person for the injured party pursuant to the provisions of Chapter 2 of the Criminal Procedure Act.

In respect of counselling, it is necessary to carry out a separate assessment of the situation.

### ***7.3.5 Compensation for damage caused by the offence***

A victim of trafficking in human beings has the right to full compensation for damage suffered, in the same way as any victims of crime. The capability of the victim to use this right is enhanced by the fact that he or she is always assisted by a counsel, on the basis of the provisions of law on legal aid and criminal procedure. The actual payment of compensation is guaranteed by the victim's possibility to apply for compensation from the State Treasury under the provisions of the Act on Compensation for Crime Damage. In Finland, the payment of compensation is further enhanced by that the claims for damages may be presented in connection with the examination of a case subject to public prosecution, without it being necessary for the victim to institute separate civil proceedings for this purpose.

Chapter 5 of the Tort Liability Act has recently been amended, by an Act that will enter into force in January 2006. In the reform of these provisions, certain aspects relating to offences against personal liberty (e.g. trafficking in human beings) have been taken into account. Furthermore, a working group set up by the Ministry of Justice, to prepare a reform of the Act on Compensation for Crime Damage, has proposed in its report, among others, that the compensation to be paid for bodily injury under the Act be harmonised with the damages awarded by a court judgment. Such a reform will also improve the status of victims of trafficking in situations where it is not possible to present or not worth presenting claims for damages against the offender. In cases of offences against personal liberty, the maximum amount of compensation to be paid from state funds is proposed to be 3,000 euro. This limit for compensation does not, however, prevent a court from awarding a larger amount of damages in compensation for suffering, in which case the difference between the two amounts must be claimed from the offender.

In conclusion, the Finnish legislation duly guarantees the possibility of victims of trafficking to claim compensation for damage caused by the offence.

## **7.4 Residence permit**

### ***7.4.1 Background and measures taken***

Trafficking in human beings has various links with the entry of foreigners and their residence in the country, and with removal of foreigners from the country. Victims of trafficking and members of the criminal groups carrying out trafficking are often foreigners. Therefore, in order to ensure the effectiveness of measures of assistance and protection, it is necessary that the lawfulness of the victim's residence in the country has been verified or is verified without delay. The exchange of information between the authorities and third-sector actors must be efficient and reliable, so that the immigration authorities are able to make a decision on whether the victim's residence in the country can be authorised (including the possible issue of a temporary residence permit) or whether the person, whose residence may be illegal, should be removed from the country.

Already before the entry into force of new Aliens Act (301/2004), on 1 May 2004, has there been an established interpretation that victims of trafficking may, where necessary, be issued a temporary

residence permit on special grounds. This has been affected, among others, by political guidelines adopted within the framework of international cooperation.

The new Aliens Act contains several grounds that may be applied to the issue of a residence permit to a victim of trafficking, although the Act does not contain any explicit reference to trafficking. The refusal of a residence permit for a person arriving into the country without a permit may be manifestly unreasonable (section 40, subsection 1, paragraph 4, of the Act), for different reasons. Aliens residing in Finland may also be issued a temporary residence permit if they cannot be returned to their home country or country of permanent residence for temporary reasons of health, for example (section 51). Furthermore, aliens residing in Finland may be issued a continuous residence permit if refusing a residence permit would be manifestly unreasonable on compassionate grounds (section 52). Apart from these grounds, a victim of trafficking may apply for asylum or residence permit on other grounds. However, the principle of non-refoulement (section 147) is binding on the authorities irrespective of application.

It must, nevertheless, be remembered that victims of trafficking may already be lawfully residing in the country on the basis of a residence permit (e.g. as a family member of a Finnish national) or as Finnish citizens (by birth or through the grant of nationality). Thus, in addition to trafficking taking place across the external borders of the EU, adequate attention must be paid to trafficking within national borders and within the EU and Schengen states.

#### ***7.4.2 Proposed measures***

In connection with issuing its opinion (EV 37/2004) on the new Aliens Act, the Finnish Parliament required that supplementing provisions be prepared urgently concerning the status of victims of trafficking in human beings. The needs in respect of the Aliens Act will be assessed within the framework of a project to be introduced by the Ministry of the Interior. In this respect, the transposition of Council Directive 2004/81/EC of 29 April 2004 is also of relevance.

The Directive places Member States under an obligation to issue, subject to certain conditions, a residence permit to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities. Before the issue of the residence permit, as well as after its issue, Member States shall ensure, among others, that the third-country nationals concerned who do not have sufficient resources are granted standards of living capable of ensuring their subsistence and access to emergency medical treatment. According to the Directive, Member States shall ensure that the third-country nationals concerned are granted a reflection period, so that they can take an informed decision as to whether to cooperate with the competent authorities. The duration and starting point of the period shall be determined according to national law. The Directive aims at intensifying the combat against trafficking by introducing a temporary residence permit to encourage victims of trafficking to cooperation with the authorities in the investigation of the offences. The Directive must be transposed by 6 August 2006.

The United Nations Convention against Transnational Organized Crime and its Protocols, the aforementioned EU Directive and the new Convention of the Council of Europe have made the element of cooperation with the authorities an essential part of the issue of temporary residence permits. This way, the possibilities of organised criminal groups to carry out their activities may be weakened and offenders may be brought to justice. It is also possible to issue permits irrespective of the criterion of cooperation, in which case the issue of the permit is based more on compassionate grounds and general assessment of what is reasonable.

A specific reference to victims of trafficking must be added to the provisions of the Aliens Act concerning the grounds on which a residence permit may be issued. Such a reference could be included,

for example, in section 52 of the Act (issue of residence permit on compassionate grounds) which does not involve any requirements of subsistence. In respect of victims of trafficking, it must be possible to issue both temporary and continuous residence permits. A residence permit that has first been issued temporarily may later be replaced with a continuous one. Under section 79, subsection 1, of the Act, only persons with a continuous residence permit are exempted from the requirement of applying for a worker's residence permit.

During the assessment of the criteria for the issue of a residence permit relating to a victim of trafficking, the authorities must refrain from refusing the entry for the person concerned even if he or she resides in the country illegally. In the light of the aforementioned Directive and international instruments, the person concerned must also have a reflection period allowing stay in the country before actually filing an application for a residence permit. During this reflection period, the victim may recover and escape the influence of the perpetrators, to make a decision on whether to cooperate with the authorities. The provisions of national law must be supplemented in this respect.

A victim of trafficking who has been issued a residence permit may work in the country without applying for a worker's residence permit under sections 79 and 80 of the Aliens Act.

## **7.5. Integration**

Under section 3 of the Act on the Integration of Immigrants and Reception of Asylum-Seekers (493/1999), Integration measures are available to persons who have moved to Finland and have a home municipality in Finland as referred to in the Municipality of Residence Act (201/1994). Foreigners may have a home municipality in Finland if they live in the country and have the intention of staying in the country permanently, and have a valid residence permit that entitles the foreigner at least to one year's residence, where a residence permit is required.

The purpose of the integration measures is to enhance the integration, equality and freedom of choice of immigrants, including victims of trafficking, by measures that support the achievement of skills and knowledge needed in society. Integration means measures and resources provided by the authorities, including the right to an integration programme prepared in cooperation with the local authorities and the employment office, and to an integration subsidy.

In the integration programme, the local authorities, the employment office and the immigrant agree on measures supporting the immigrant and his or her family in the achievement of the skills and knowledge needed in society and work. The integration subsidy is a grant designed to ensure the subsistence of the immigrant during the implementation of the programme, which enhances and improves his or her possibilities to find work and further training and his or her possibilities to participate in Finnish society. One of the most relevant means for this purpose is language training.

The aforementioned integration measures would mean a possibility for the victim of trafficking to get familiar with the rights afforded by Finnish society as well as with the duties imposed by it. In cases of trafficking, the integration measures should include the provision of guidance concerning the victim's personal legal status and his or her access to services.

The Constitution of Finland guarantees Finnish nationals and foreigners within the jurisdiction of Finland (nationals of other states or stateless persons) basic educational rights, for example. These rights include, among others, the right of everyone to basic education free of charge, and an opportunity to receive other educational services in accordance with their capacities and special needs, as well as an opportunity to develop oneself. All children residing permanently in Finland have the obligation to attend basic education, and they also have the right to pre-school education. The local authorities are under an obligation to provide children at school age residing within their jurisdiction with basic

education and, during the year prior to the start of school, with pre-school education. This means that society has a duty to provide adequate educational facilities.

Under the Basic Education Act (628/1998), the local authorities may arrange basic education or pre-school education to be given in a foreign language, but there is no such obligation. The Ministry of Education and the National Board of Education have no competence to issue binding orders on the local authorities where the local authorities have no obligation by law to provide a particular type of education. However, the legislation does not set any obstacles for the local authorities or other providers of education to admit a child into basic education or pre-school education irrespective of the child's permanent residence in the municipality in question.

In 2001, the Ministry of Education prepared its first immigration policy guidelines concerning education, which were supplemented in 2003. The purpose of the proposals made in these guidelines is to clarify the immigration policy applied by the educational authorities and to enhance good ethnic relations. The relevance of activities suppressing racism and enhancing tolerance, as part of the activities of the Ministry and other educational authorities, is underlined.

In accordance with the Development plan for education and university research for the period 2003-2008, the increasing immigration, including the possible integration of victims of trafficking, is responded, in the first hand, by developing the general educational and research system so that the special needs of immigrants are taken into account. Tolerance and a positive attitude to different cultures will be stressed as part of all education and training. Equality between men and women is one of the fundamental principles of Finnish educational police. In particular, the participation of immigrant girls and women in education and training will be further enhanced.

Basic vocational education, where the admission criteria and system of financing do not set obstacles to the admission of foreign students, may be mentioned as an important measure enhancing integration. In this respect, however, sufficient language skills and general preparedness to pursue studies are necessary.

In accordance with section 3 of the Vocational Education Act, immigrants may attend preparatory training before entering basic vocational education. Such preparatory training or vocational training may be part of the integration programme, depending on the language skills and general capacities of the student. The Ministry of Education and the Ministry of Labour have together assessed the availability of independent and labour market based integration training to immigrants between 15 June 2003 and 31 December 2004. In different programmes of training for teachers of vocational schools, different emphasis is given to cultural diversity. In accordance with the Development plan for education and university research for the period 2003-2008, the internationalisation of vocational education will be supported by developing school curricula and teaching methods and by enhancing international cooperation. The access of immigrant students to vocational education after basic school education will be improved. In particular, the possibilities of immigrants to get in-house training will be improved. The dropout of immigrant students of in vocational education will be reduced, by means of remedial education and support persons and with the help of teaching in the immigrants' own language.

## **7.6 Special assistance to child victims**

Children have particular rights and needs. Victims of trafficking under the age of 18 years have a need for special protection and child-sensitive measures of assistance. The provisions of the Child Welfare Act and the principles of child welfare must be complied with in the treatment of child victims and the best interests of the child shall be a primary concern in all assistance. The child's own views must be taken into account in all matters concerning him or her in accordance with his or her age and development. This also contributes to the best interests of the child. The authorities are under an



obligation to protect the child's best interests if the parents or persons having custody over the child, being responsible for him or her, fail to take the child's best interests into account or are not capable to do it. The national programme of action for the prevention of the commercial sexual abuse of children also proposes measures that are of relevance for the implementation of the present plan of action.

In the provision of assistance for child victims, the provisions of the Child Welfare Act (683/1983) are of particular importance. Section 9 of the Act provides for the principles of child welfare that also constitute the basis for the treatment of child victims of trafficking. In child welfare measures, targeted at both families and individual children, the best interests of the child shall be a primary concern and the possibilities of the child's parents and other persons responsible for his or her care to raise the child shall be supported, so as to ensure appropriate conditions for the child to grow in. Where substitute care is necessary and in the best interests of the child, it must be arranged without delay as provided for in the Child Welfare Act. Child welfare measures must be taken as discreetly as possible and so that the measures do not jeopardise the child's favourable development.

In the assessment of what is in the best interests of the child, the child's own wishes and views shall be taken into account, the child's conditions shall be examined and an assessment shall be made of how the different measures would likely affect the child's development (section 10 of the Child Welfare Act). The social welfare official responsible for matters concerning the child must protect his or her best interests, provide assistance for the child ex officio, and guide the child to get adequate help where necessary.

Chapters 5 and 6 of the Child Welfare Act provide for public care and substitute care. Where the local authorities find that the conditions for public care exist, the child must be taken into care and placed in substitute care. In such a case, the child is placed in either extra-familial care or in a substitute family. During substitute care, the Social Welfare Board shall decide on the child's upbringing, supervision and other care as well as his or her place of residence, to ensure that the public care meets its purpose.

It is worth underlining the need of child victims of trafficking for protection and assistance and, therefore, the following measures are proposed:

- After the identification of a victim who is presumably a minor<sup>11</sup>, safe accommodation will be provided as soon as possible. The child will be provided with adequate information, care and education in accordance with his or her age.
- The expertise of specialists in child welfare shall be used in the provision of assistance for children.
- It is recommended that all child victims of trafficking in human being or child asylum seekers be designated a personal representative without delay. The representative exercises a guardian's right to be heard in matters pertaining to the child's person and assets, decides on the child's living arrangements and manages his/her assets<sup>12</sup>.
- The best ways for the appropriate organisation of emergency services for children will be assessed.
- Necessary measures to detect the child's parents or custodians will be taken, taking the best interests of the child duly into account.

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<sup>11</sup> In respect of children, it may sometimes be necessary to consider special measures, such as the definition of age which is particularly challenging.

<sup>12</sup> Section 26 of the Act on the Integration of Immigrants and Reception of Asylum-Seekers (493/1999), concerning the representation and the exercise of the right to be heard of a child who has arrived into the country without a guardian or legal representative. More detailed provisions on this are included in Chapter 12, sections 1 and 2, of the Code of Judicial Procedure, section 16 of the Administrative Procedure Act (598/1982), section 17 and section 18, subsection 3, of the Administrative Judicial Procedure Act, and the Guardianship Act (34/1898).

In other respects, an assessment will also be made of the best ways to organise other forms of assistance to child victims.

## **8. Bringing traffickers to justice**

The present chapter proposes measures to ensure that those guilty of trafficking in human beings be brought to justice. The measures also contribute to the prevention of trafficking and the access of victims to courts.

The measures enhancing the bringing of traffickers to justice include, in particular, those to ensure the efficiency of preventive work and investigations as well as to develop cooperation among the authorities. An important measure guaranteeing prosecution is to ensure the appropriate protection of witnesses. This chapter further proposes measures for the protection of witnesses.

Trafficking in human beings also involves other criminal activities that must be addressed, in order to ensure sustainable results in the action against trafficking. Action against international organised crime and grey economy contribute to the action against trafficking.

### **8.1 Suppression of offences of trafficking in human beings**

#### ***8.1.1 Background and measures taken***

The effective criminal liability of traffickers requires, above all, that the offences are detected and the investigations are efficient. The detection of trafficking requires efficient long-term work by the police at both the local and the national levels.

According to section 2 of the Criminal Investigations Act, the police or another investigation authority shall carry out a criminal investigation where, on the basis of a report made to it or otherwise, there is reason to suspect that an offence has been committed. Under section 7 of the Police Administration Act, the local police shall investigate offences and other conduct jeopardising public order or security. Under section 9 of the same Act, the main responsibility for the suppression of international crime lies with the National Bureau of Investigation. The National Bureau of Investigation is responsible for suppressing international, organised, professional, economic and other serious crime, carry out investigations and develop crime prevention and methods of criminal investigations.

The Illegal Immigration Intelligence of the National Bureau of Investigation has as its duty to carry out intelligence activities and exchange of information relating to illegal entry and smuggling of persons, and particularly to the related suppression of organised crime. The Illegal Immigration Intelligence also carries out operations relating to the surveillance of immigration, and provides expert services for its partners of cooperation and publishes information concerning illegal entry, targeted at the authorities.

In 2004, a Surveillance Unit for Illegal Foreign Labour was established under the auspices of the National Bureau of Investigation. It is responsible, in cooperation with other police units and authorities, for detecting and investigating the use of illegal labour in such cases as have either international dimensions or national or social effects. In addition, the Unit investigates cases involving a need for particularly efficient compilation, management and analysis of information.

The purpose of the Surveillance Unit for Illegal Foreign Labour is to weaken and prevent the activities of groups involved in economic crime and professional exploitation of illegal foreign labour, by means of detecting, investigating and referring to prosecuting authorities offences and entities of offences relating to labour exploitation, and by intensively tracking proceeds of crime and assessing in each case whether the conditions for imposing a prohibition or temporary prohibition on activities exist.

On 17 June 2004, the Supreme Police Command set up a working group to assess the existing provisions of law on the hearing of children and the cooperation between different authorities during criminal investigations, as well as the interrogation techniques used in the hearing of children. On the basis of the report of the working group, the need for taking measures will be assessed.

### ***8.1.2 Proposed measures***

The Police must, where possible, devote attention and resources to the suppression, monitoring and detection of trafficking in human beings, prostitution and related criminal activities.

Support will be provided for the Surveillance Unit for Illegal Foreign Labour and the Illegal Immigration Intelligence subordinate to the National Bureau of Investigation. The work of these two units also covers the suppression of trafficking in human beings. The units work in close cooperation.

## **8.2 Cooperation among authorities**

### ***8.2.1 Background and measures taken***

Efforts are made to intervene in trafficking in human beings, among others, through cross-border cooperation among the Police, the Customs and the Border Guard (PCFG cooperation). The purpose of this cooperation is to increase general awareness of trafficking and to provide training, as well as to arrange concrete on-site searches against suspected trafficking activities.

In accordance with the action plan for combating illegal immigration for the years 2005 to 2007, prepared by the Police, the Customs and the Border Guard, trafficking in human beings and illegal entry will be responded to by means of intensive national and international cooperation. In practice, this means multiple intelligence cooperation and joint development of methods of crime prevention.

Apart from national PCFG cooperation, Finland participates in international cooperation within the frameworks of the EU, Europol and Interpol, among others, as well as with the Baltic States within the framework of intensive neighbouring-area cooperation. This means that there are Finnish contact police officers e.g. in Russia, who go through visa applications with a view to detecting possible victims or perpetrators of trafficking in human beings. The cooperation among European states entails open and rapid exchange of information between the central authorities of the respective states. An example of this cooperation is the system of early warning that makes it possible to rapidly transmit information on cases of trafficking from the country where it has been detected to the other country concerned. In such cases, it is possible to even prevent planned criminal activities.

Fluent exchange of information between the authorities is a requirement for effective action against trafficking. Therefore, obstacles to the exchange of information are removed to the extent possible so as to intensify the suppression of trafficking offences. The exchange of information must take place in due respect for the privacy and human rights of the victim, taking his or her safety into account.

### ***8.2.2 Proposed measures***

Cooperation among the Police, the Customs and the Border Guard in the suppression of illegal immigration will be developed and strengthened. Other relevant partners of cooperation include the Directorate of Immigration and the Finnish diplomatic missions and consular posts abroad as well as the

police officers and experts working at them. International cooperation in action against trafficking in human beings and illegal immigration will be developed and strengthened.

Open and rapid exchange of information and other cooperation among the authorities is relevant for the prevention and detection of offences and for other stages of criminal proceedings. Efforts will be made to ensure fluent exchange of information between the authorities. The exchange of information must nevertheless take place so that the victim's safety is not endangered.

### **8.3 Protection of witnesses**

#### ***8.3.1 Background and measures taken***

The concept of "witness" in the Finnish provisions of law on criminal procedure is restricted to refer to those persons who have a role of witness in court proceedings. Thus, for example, the injured party who may be an important source of information in the court proceedings is not considered a witness. However, where necessary, the concept of "witness protection" may be seen as a wider concept encompassing all persons heard for the purpose of obtaining evidence in court proceedings.

Questions concerning witness protection include different aspects to be balanced. On the one hand, the purpose of witness protection is to ensure the establishment of the truth in court proceedings and, on the other hand, it pursues the aim of ensuring the safety of the person to be heard at the different stages of the proceedings and, where necessary, after the proceedings. Furthermore, the rights of the accused as guaranteed by different human rights conventions must be taken into account. Under Article 6, paragraph 3, subparagraph d, of the European Convention for the Protection of Human Rights and Fundamental Freedoms, and Article 14, paragraph 3, subparagraph e, of the International Covenant on Civil and Political Rights, everyone charged with a criminal offence has the right to examine or have examined witnesses against him. This requires, as a minimum, that the counsel of the accused has a possibility to present questions to the witness.

In 2003, Chapter 17 of the Code of Judicial Procedure was supplemented with provisions (Act No. 360/2003) to improve the protection of persons heard in court proceedings for the purpose of obtaining evidence. According to Chapter 17, section 34, subsection 1, paragraph 1, of the Code of Judicial Procedure, a witness, other person heard for the purpose of obtaining evidence, or the injured party may be heard in the main hearing without the presence of a party or other person where the court finds it appropriate and such a way of proceeding is necessary for the protection of the person to be heard or a person with whom he or she has a relation referred to in Chapter 15, section 10, subsection 2, of the Penal Code (spouse, common-law spouse or close relative), against a threat to his or her life or health. The parties must be provided with an opportunity to present questions to the person to be heard. However, this does not necessarily mean that the parties may directly hear the person concerned, but that there are different ways of providing the opportunity.

According to Chapter 17, section 34a, of the Penal Code, a witness, other person to be heard for the purpose of obtaining evidence, or the injured party may be heard by means of video conference or other appropriate technical means of communication allowing the participating persons to have an audiovisual contact with one another, subject to the conditions set forth in section 34.

According to the explanatory part of the Government Bill (HE 190/2002) to enact the aforementioned provisions in Chapter 17 of the Code of Judicial Procedure, witness protection, in a wide sense, consists of all means to ensure that the person heard in court proceedings may freely and without external pressure tell his or her information. Witness protection measures may be needed throughout the court proceedings and also thereafter. The family members of the person to be heard may also be subjected to

pressure or threats. According to the Government Bill, there are no comprehensive studies made of the existence, extent and objects of the threatening of witnesses in Finland. However, according to a general assessment, such threatening is not very usual. There is, nevertheless, need for witness protection, particularly in cases of organised crime which often constitutes the framework for trafficking in human beings and related offences.

Apart from the aforementioned provisions in Chapter 17 of the Code of Judicial Procedure, there are other provisions of law affording protection for persons to be heard in connection with court proceedings. In the present plan of action, a few examples of such provisions of law may be mentioned. According to Chapter 15, section 9 of the Penal Code, threatening a person to be heard in the administration of justice is punishable. The provisions of law concerning restraining orders aim at further improving the protection of persons feeling themselves threatened. There are also restrictions provided by law concerning the provision of contact information, meaning that a party's contact information shall not be indicated in court documents to be submitted to the adverse party (Chapter 5, section 3, subsection 2, of the Criminal Procedure Act, and Chapter 25, section 16, subsection 1, of the Code of Judicial Procedure). According to section 11, subsection 2, paragraph 7 of the Act on the Publicity of Government Activities (621/1999), a party shall not have access, among others, to the address, telephone number or other comparable contact information of a witness, an injured party, another party to the case or a person who has reported an offence, made a report referred to in section 40 of the Child Welfare Act (683/1983) or another report giving rise to official action, if access would compromise the safety, interest or right of the witness, injured party, other party or the person making the report.

In 2001, the Ministry of Justice and the Ministry of the Interior designated a working group to submit proposals for the acceleration and increased efficiency of criminal proceedings. This working group set up a subordinate working group (working group on witness protection) that submitted a report in February 2003 concerning the applicable legislation and the concrete measures of authorities. During criminal investigations, protection has been provided for persons by means of transferring them temporarily from their homes to some other place, and they may have been accompanied by a police officer when taking care of things or moving at public places.

The aforementioned working group on witness protection observed that the Finnish legislation contains several provisions that may be considered relevant for witness protection. However, according to the working group, the means available for the protection of witnesses have not always been used efficiently enough, as they are not necessarily well known or found to be applicable to witness protection. The working group proposed that threats directed at witnesses or the injured party, or a justified fear of such persons, should lead to a risk analysis made in cooperation between authorities and to the necessary protection measures. The working group also proposed the establishment of a national support group specialised in witness protection.

### ***8.3.2 Proposed measures***

Although it is estimated that the threatening of witnesses is not usual (Government Bill HE 190/2002), it is necessary to pay attention to questions relating to the protection of persons to be heard in connection with criminal investigations and court proceedings. For the purposes of the detection and investigation of offences of trafficking, the protection of persons to be heard may be of great significance.

With regard to the questions of witness protection, trafficking in human beings must be seen as part of a larger entity, i.e. the fact that crime is increasingly becoming organised. Organised crime often involves activities to maximise proceeds of crime, by whatever means, and measures to disguise such activities.

Trafficking and related types of crime, such as pandering, are often carried out within the framework of organised crime.

On 16 June 2004, the Ministry of Justice and the Ministry of the Interior designated a working group assessing the need for anonymous witness statements and the contents of such statements, with regard to witness protection. The mandate of the working group was extended until 30 April 2005. The working group was also designated the duty of assessing the possibility of enacting provisions of law to allow the secrecy of the identity of a police officer who has been involved in undercover activities, in connection with the hearing of the police officer as witness or otherwise during criminal investigations or court proceedings. The underlying principle in the work is that the provisions of law concerning anonymous witness statements should apply to all persons heard for the purpose of obtaining evidence. These reforms would have most relevance for victims of trafficking.

Anonymous witness statements are used where they are necessary for the purpose of protecting the person to be heard against threats against his or her life or health, and other means available under Chapter 17, section 34 or 34a, of the Code of Judicial Procedure are not sufficient to suppress the threat. Effective protection may also require the secrecy of the identity of the person to be heard. In cases of trafficking in human beings, the accused are not necessarily aware of the identity of the victim, which is why the possibility of anonymous statements should also apply to the victims.

In cases of organised crime, the activities are often carried out so that the witness or the victim is only able to provide information on some persons involved. The financiers or leaders of the activities, for example, may remain unknown. It should also be assessed to what extent persons involved in criminal activities, i.e. convicted or accused persons, should be covered by the possibility of anonymous witness statements. It must be remembered, however, that the identity of such persons may be revealed despite the anonymity of statements, on the basis of the information they give, in which case witness protection has no significance in practice.

There may as such be need for the anonymity of witness statements in the investigation of any types of offences. It is not possible to think that witnesses would only be threatened in cases of particularly serious crime or organised criminal activities. The offence of trafficking referred to in Chapter 25, section 3, of the Penal Code, for example, is considered a serious offence already because the minimum sentence is four months' imprisonment and the maximum sentence is six months' imprisonment.

The same scale of sentences applies to the aggravated procurement of illegal entry (Chapter 17, section 8a, of the Penal Code). Pandering, which is often related to trafficking and, in Finland, largely also to organised criminal activities, and which is in some cases known to involve threatening and coercion, should be covered by the provisions on witness protection, irrespective of whether the offences are aggravated ones. It is proposed in the present plan of action that the scope of application of witness protection be carefully considered so that it would also be useful in practice for victims of trafficking.

In addition to questions relating to anonymous witness statements, it is worth drawing attention to certain aspects underlined by the working group on witness protection in its report submitted in February 2003. The existing legislation already provides far-reaching protection of witnesses. However, the means available are not always used efficiently enough. Support should be given to the proposals of the working group on the protection of witnesses, concerning the introduction of risk analyses to be prepared in cooperation among authorities and the establishment of a national support group familiar with the protection of witnesses. The needs to improve the protection of witnesses must be assessed, and the legislative and administrative reforms required must be implemented. At the same time, the need for the protection of the victim and his or her family members as well as the means of protection must be established even if they are not heard in criminal proceedings. In this respect, it must nevertheless be remembered that the measures needed to protect victims of trafficking do not significantly differ from those required to protect witnesses or victims in cases of other offences. As

mentioned in the foregoing, the need for witness protection is, above all, related to organised crime, and trafficking offences only constitute part of such crime.



## **9. Dissemination of information and awareness-raising**

In this chapter, measures are proposed with a view to increasing knowledge and awareness of trafficking in human beings. This is considered to enhance all measures proposed in the present plan of action, including the identification of victims, the prevention of trafficking, the protection and assistance of victims and the bringing of perpetrators to justice.

As means to increase knowledge and awareness, the plan of action proposes measures relating to research, dissemination of information, training, education and information society. The measures relating to education can be divided into global education and teacher training. The access of victims of trafficking to education and training is addressed in chapter 7 concerning the protection and assistance of victims.

In addition, the present plan of action proposes that a national rapporteur on trafficking in human beings be designated. The national rapporteur would be responsible for compiling all information concerning trafficking, originating from different sources, and for pointing out defects in the Finnish action against trafficking and giving recommendations to remove such defects and to develop the action.

### **9.1 Research**

#### ***9.1.1 Background and measures taken***

For the purpose of investigating, suppressing and preventing trafficking in human beings, concrete information on the extent of trafficking and its links with other types of crime is necessary. Information is also needed on victims and the ways and means of committing such offences and on their motives. The objective of research is to support further action against trafficking.

The research to be carried out in the sector of the Ministry of Education is mainly basic research. Research carried out at universities in the fields of social and economic sciences and international relations produces information that may be used to understand phenomena relating to trafficking.

The basic research in the field of social sciences is financed within the frameworks of the basic funding of universities and of funds provided on application by the Academy of Finland. The latter has provided financing in the past few years, among others, for research projects concerning violence and discrimination. To some extent, universities have also produced research on issues related to trafficking in human beings.

#### ***9.1.2 Proposed measures***

The research needs relating to the investigation, suppression and prevention of trafficking are very concrete. It is most appropriate to carry out such research in those sectors of administration that are responsible for crime prevention, immigration and social policy, for example.

There are various problems relating to trafficking and research should further be developed and existing research should be intensified. The research resources, which are scattered around, should be put together and efforts should, in particular, be made to increase the applicability of research results. It is

possible to apply for financing from universities and the Academy of Finland, for projects relating to trafficking, in accordance with their normal criteria of financing.

The Academy of Finland provides financing for interdisciplinary development research, focusing on problems, which offers one possibility for the financing of research on trafficking in human beings. Financing is granted for high-quality research in all fields of science. The aim is to enhance by means of research the objectives of the Finnish development policy as adopted by the Government.

Each Ministry should consider, in its own sector of administration, the need for research and provide the necessary financing. In addition, the different aspects of trafficking in human beings should be integrated in relevant research projects or programmes.

## **9.2 Dissemination of information**

### ***9.2.1 Background***

The first and foremost aim of the dissemination of information is to prevent trafficking in human beings, but a further aim is to reach victims and potential victims. Firstly, the dissemination of information aims at affecting the public opinion and increasing the awareness of the general public of trafficking, and thereby at reducing demand. Secondly, the purpose of the dissemination of information is to increase the preparedness of different actors of society, including the public, to detect the possibility of existing trafficking and to identify victims. Thirdly, the dissemination of information pursues the aim of providing information for unidentified victims of trafficking on their rights and on the protection, assistance and services available to them. In countries of origin, information is disseminated with a view to reaching vulnerable groups, to inform them of risks of falling victims of trafficking and thereby reduce the risk of victimisation. At the same time, it is important to provide information on safe immigration and work.

The Ministry of Labour is planning a project to enhance the control of compliance with the conditions of work of the increasing number of foreign workers by means of improving information and finding suitable means and channels of communication for each target group, and to prevent the use of illegal labour and related offences. A further purpose of the project would be to intensify and coordinate the cooperation between authorities and trade unions, for example, and to find efficient means and channels of communication for the different target groups. The project would be implemented in cooperation between the Ministry of Labour, the Ministry of the Interior (Police Department and Immigration Department), the Ministry of Social Affairs and Health, the Ministry of Finance, the National Pension Institution, and trade unions.

### ***9.2.2 Proposed measures***

The needs for the provision of public information and the means of providing information should be assessed in all relevant sectors of administration. A commitment must be made to inform the public of trafficking in human beings and related problems. Efforts will also be made to improve the quality of public information by increasing cooperation with the media.

## **9.3 Training**

### 9.3.1 Background

The objective of training is to increase the understanding of persons working with issues relating to trafficking and victims of trafficking, of trafficking as a phenomenon, offence and human rights issue. The aim is to offer them tools to implement the measures proposed in the present plan of action.

A further aim is to bring different actors together to discuss joint measures to combat trafficking in human beings and to create networks of cooperation. Training will be needed in all sectors addressed in the present plan of action, and it must be offered for all entities and persons working with issues relating to trafficking and victims of trafficking.

### 9.3.2 Proposed measures

It is proposed that training be provided for all persons and bodies involved with different aspects of trafficking in human beings and working with victims of trafficking. The most relevant target groups of training include the Police, the Customs, the Border Guard, the Directorate of Immigration, social welfare and health care professionals, the staff of the Ministry of Labour and the labour administration, and consular and visa officers as well as other staff of Finnish diplomatic missions and consular posts. Third-sector actors will also need training for the purpose of maintaining and developing their professional skills.

*Police, Customs and Border Guard, and immigration authorities.* The Aliens Act and its amendments will be regularly addressed in the training of the staff of the Directorate of Immigration, the Police and the Border Guard, also with regard to issues relating to trafficking.

The basics of action against trafficking are taught to each police officer in connection with the basic police training. In addition, annual seminars focusing on immigration are organised, addressing e.g. issues relating to action against trafficking.

The intelligence officers of the Border Guard are provided with training. Trafficking in human beings is addressed as an example of complex transnational crime in connection with the training provided by the Border and Coast Guard Academy. In the training of border control officers, the purpose is particularly to increase the capacity of identifying victim of trafficking.

The regional and national crime analysis centres created within the framework of PCFG cooperation, which started their activities in 2004, aim at achieving better results in the investigation of offences, including those relating to trafficking. The training of the Police, the Customs and the Border Guard will be increased in the context of their cooperation.

*Social welfare and health care professionals.* For the purpose of increasing the awareness of social welfare and health care professionals, trafficking is regularly addressed in magazines targeted at these professional groups.

*Staff of the sector of administration of the Ministry of Justice.* Training will be provided for prosecutors and judges concerning the contents of the penal provisions on trafficking.

*Staff of the Ministry of Labour and the labour administration.* Interdisciplinary training will be provided for the staff of the Ministry of Labour and the labour administration concerning the prevention of trafficking, including the staff working at Employment and Economic Development Centres (work permits), employment offices (work permits and integration of immigrants), and reception centres for refugees and asylum-seekers as well as group homes for child asylum-seekers. In connection with the

reception of asylum-seekers and the integration of immigrants, the staff may identify victims of trafficking and guide them to use the necessary services.

*Staff of diplomatic missions and consular posts.* The Ministry for Foreign Affairs is committed to developing training programmes to increase the awareness of consular and visa officers and other staff working in the Baltic States and Russia of trafficking. The aim is, on the one hand, to prevent trafficking (identification of victims) and, on the other, to enhance the safe return of victims and thereby prevent revictimisation.

Apart from the training provided to individual authorities, there will be joint training for several authorities, the aim of which is to bring the different actors together to discuss means of combating trafficking and to create networks of cooperation.

## **9.4 National rapporteur**

### ***9.4.1 Background***

Several international organisations recommend the designation of a national rapporteur. The most important duty of such a rapporteur is to act as a national central authority for the compilation of information, holding all the relevant information on trafficking in human beings. The national rapporteur systematically compiles information from the various entities working with issues relating to trafficking and analyses such information with a view to supporting future action against trafficking in human beings. The national rapporteur may also give recommendations and proposals for measures to make the action against trafficking more efficient. The national rapporteur may be given a duty to provide reports at regular intervals. The national rapporteur may be a functional part of the mechanism of follow-up to the present plan of action.

### ***9.4.2 Proposed measures***

A proposal should later be made for the designation of a national rapporteur on trafficking in human beings. Before the designation of a national rapporteur, however, experience is needed to decide which authority or entity would be the most appropriate for this duty.

## **9.5 Education**

### ***9.5.1 Global education***

#### ***9.5.1.1 Background and measures taken***

Global education refers to activities based on international solidarity. The concept covers education concerning, among others, human rights and democracy, development, equality and tolerance, and cultural diversity. Global education may be seen as a process supporting individuals in becoming members of society, providing capacities to act in democratic and equal society, and enhancing sustainable development.

As is observed in the Government report on the human rights policy of Finland, it is important to provide human rights education already for school children, so as to strengthen respect for human rights. The new national guidelines for basic education were adopted on 16 January 2004. It has been possible to introduce school curricula based on these guidelines as of 1 August 2004, and such curricula must be introduced for all levels of comprehensive school by 1 August 2006. Basic education shall be based on respect for human rights, equality and democracy, as well as for the diversity of nature and the preservation of the viability of the environment, and for cultural diversity. According to the Government Decree (No. 1435/2001) concerning the national objectives of the education referred to in the Education Act and the shares of different subjects in basic education, teaching and education shall be based, among others, on respect for human rights.

The purpose of the Global Challenge project introduced by the Ministry for Foreign Affairs and the National Board of Education is to support global education at schools. The project consists of seminars and continuing education for teachers and providers of education, as well as of materials designed for global education at schools, with a view to supporting planning and teaching.

In connection with the European Global Education Peer Review process, introduced by the North-South Centre of the Council of Europe, the state of global education at Finnish schools has been assessed. In 2004, the report concerning Finland (The Peer Review National Report) was published, according to which public opinion polling in Finland shows strong Finnish public support for development cooperation and global solidarity, as it provides a strong basis for deepening public knowledge of global issues through global education. Although the public financing for development cooperation has increased, funding levels for development and global education have to date remained low. The report makes specific recommendations regarding the reversal of this unfortunate trend.

In the past decades, global education and other related fields of education have mainly been at the responsibility of authorities and entities responsible for development cooperation, including non-governmental organisations. Both the public sector and the non-governmental organisations carrying out development cooperation should support non-governmental organisations in respect of global education. The Ministry of Education grants subsidies for the purpose of supporting cultural diversity and peace and action against racism, as well as for sports activities enhancing tolerance.

The Ministry of Education, the National Board of Education and the Ministry for Foreign Affairs have provided funding for a virtual pupil's book on human rights (*Ihmisoikeudet.net*), produced by non-governmental organisations. This website is primarily meant for pupils and teachers of secondary schools and upper secondary schools and vocational schools. The website contains information, among others, on girls' and women's rights (which has also been published in printed form).

#### *9.5.1.2 Proposed measures*

In accordance with the Development plan for education and university research for the period 2003-2008, when the contents of basic school education are being developed, the increasing international cooperation and the cultural diversity of Finnish society will be paid attention to. New teaching materials will be produced. In the fields of culture, sports and youth policy, the work of non-governmental organisations providing global and peace education will be supported with public funds.

One of the most relevant recommendations given in the Peer Review Report concerns the development of a national strategy for global education. The strategy should provide definitions of global education and development education, set objectives for future, and decide on means to reach these objectives. According to preliminary plans, a national strategy will be prepared by the end of 2005.

Human rights education is part of global education. In order to increase awareness of trafficking among teachers and pupils, the problem of trafficking in human beings will be taken into account in the planning of a national strategy for global education. In addition, the problem of trafficking in human beings will be made part of global education by means of new teaching materials, in cooperation with non-governmental organisations and publishers.

In accordance with the Peer Review Report, the percentage of official development aid devoted to development education and information will be increased.

## ***9.5.2 Teacher training***

### *9.5.2.1 Background and measures taken*

The guidelines for future teaching and the needs for the amount and contents of the basic and continuing training of teachers have been assessed up until the year 2010 within the framework of a project introduced for this purpose. In 2001, a programme for the development of teacher training was published, to provide guidelines for the basic and continuing training of teachers. The implementation of the programme is assessed yearly in the context of budgetary discussions and, in 2005, within the framework of a national evaluation.

The social dimensions of teachers' work and their significance must be paid increasing attention to in teacher training. There are global elements in the training of both teachers of young children and special-subject teachers. Continuing training in the provision of global education has also been arranged. The possibilities of developing global studies have required initiative-taking by the teachers themselves. This has, however, been supported and is still supported with separate funds provided by the Ministry of Education. The Ministry has also provided financial support for research on cultural diversity and for the supervision of such research.

Global education, including human rights issues, was included in the basic training of teachers at the end of the 1990s. According to comparisons made, the share of global education in teacher training is increasing.

By supporting and encouraging immigrant students, the teacher may act as a decisive link between the student and Finnish society, as the process of becoming a member of society is challenging for the immigrant. The National Board of Education produces and supports the production of teaching materials designed for immigrants. The National Board of Education has assessed, among others, the vocational training of immigrants and related preparatory training. On the basis of the assessments, local curricula have been developed and the teachers have been provided with regular training and information. The National Board of Education has also provided financing for the supplementary training of teachers with immigrant background.

In the immigration policy and strategic guidelines of the Ministry of Education, as well as in the development programme for teacher training, attention has been paid to the teacher training needs of linguistic minorities and immigrants. A working group assessing the needs for teacher training submitted a report in the spring of 2003, proposing, among others, that the need for teachers of immigrants be assessed by a separate working group.

In the Government report on the human rights policy of Finland, it is found that the integration of immigrant children into Finnish society must be supported in every way without forgetting, however, their own value and cultural heritage.

### *9.5.2.2 Proposed measures*

Different aspects of trafficking in human beings will be systematically included in the basic and further training of teachers. It will be ensured that teaching materials contain adequate information on ethnic minorities and human rights.

## **9.6 Information society**

### *9.6.1 Background and measures taken*

The Declaration of Principles of the first phase of the World Summit on the Information Society, held in Geneva in 2003, contains a principle concerning the ethical dimensions of the Information Society. The importance of ethics for the Information Society, which should foster justice, and the dignity and worth of the human person, is acknowledged in the Declaration.

The Ministry of Education has provided strategic guidelines for the development of information society in its own sector of administration since 1995 when the first National strategy for education, training and research in the information society was completed. The latest programme for education and research in information society (2004-2006) is meant to strengthen general knowledge and the role of education and research in information society.

### *9.6.2 Proposed measures*

According to the information society programme for education and research, response to challenges of information society requires not only skills but also good-quality computer-based materials for teaching and studies, comprehensive information materials, and appropriate electronic services for citizens. Efforts will be made to ensure that there are adequate computer-based materials relating to trafficking in human beings, both for teachers and students.

## **10. Implementation of and follow-up to the plan of action**

A follow-up mechanism based on cooperation among the relevant authorities and entities will be created for the present national plan of action against trafficking in human beings. The follow-up mechanism is meant to ensure the appropriate implementation of the objectives and proposed measures set forth in the plan of action. The follow-up will aim at developing and reforming Finnish action against trafficking in human beings, in view of worldwide developments of trafficking and of the related international rules.

The follow-up will be based on a system where two Ministries chair a steering group by turns. The Ministry of Labour will chair the work first and the Ministry of the Interior acts as substitute. The chairmanship entails responsibility for coordinating the implementation of the plan of action. The coordination will be prepared and implemented in accordance with separate decisions. Each relevant Ministry is responsible for the implementation and monitoring of measures within its own sector of activity.

It is proposed that the members of the steering group include representatives of the Ministry for Foreign Affairs, the Ministry of Social Affairs and Health, the Ministry of Justice and the Ministry of Education, as well as the Border Guard and the National Bureau of Investigation. It is further proposed that representatives of the third sector and scientific research be invited to participate in the work of the steering group as expert members.

The purpose of the present plan of action is to mainly open the path for national action against trafficking in human beings. It constitutes the first coordinated national action plan against trafficking, which will be updated and, where necessary, extended upon the increase of information on trafficking and the development of assessment methods.

The steering group will assess the success of the implementation of the measures proposed in the plan of action. These assessments will be used as a basis for future work against trafficking in human beings. The proposed steering group will prepare a more detailed plan of action by the end of 2006, on the basis of information and experience obtained.