

31 March 2010

## Trafficking in human beings - Finland

### *1. Overview of the situation*

The picture of the situation in Finland is not clear. Finland seems to be a transit and destination country for trafficking in human beings. Victims can be women, children or men. Human trafficking manifests itself in at least two ways. Firstly, it seems that trafficking takes place in prostitution and organised procuring. Secondly, the exploitation of foreign workers and immigrants, for example, in households and the restaurant, construction, cleaning and garden sectors as well as in berry-picking jobs can meet the statutory definition of a human trafficking offence. So far, no cases of organ trafficking have been reported in Finland. Although most of the identified victims have been foreigners, Finnish citizens may also fall victim to human trafficking.

### *2. Mandate and duties of the National Rapporteur*

The duties of the rapporteur on trafficking in human beings are to:

- monitor phenomena relating to human trafficking, the fulfilment of international obligations and the effectiveness of national legislation
- issue proposals, recommendations, statements and advice relevant to combating human trafficking and to implementing the rights of victims
- keep in contact with international organisations
- provide legal advice and assist victims as necessary
- report regularly to the Government and Parliament on human trafficking and related phenomena.

The amendments made to the Act on the Ombudsman for Minorities and the National Discrimination Tribunal concerning the Ombudsman's role as the rapporteur on trafficking in human beings are based on the Revised National Plan of Action against Trafficking in Human Beings (pdf 541 KB) adopted by the Government in June 2008.

As the rapporteur on trafficking in human beings, the Ombudsman for Minorities monitors phenomena relating to human trafficking, the fulfilment of international obligations and the effectiveness of national legislation. The Ombudsman issues proposals, recommendations, statements and advice relevant to combating human trafficking and to implementing the rights of victims, and keeps in contact with international organisations in human trafficking issues.

In her capacity as the rapporteur on trafficking in human beings, the Ombudsman has the right, notwithstanding the secrecy provisions, to obtain information not only from authorities but also from producers of services and support measures for victims of trafficking and from beneficiaries of state aid intended for combating human trafficking. Personal data on an individual victim is available to the Ombudsman only in cases where access to this information is vital in order to perform the reporting duty.

If the Ombudsman considers that the matter is of significance as regards the rights of a possible victim of trafficking, she or a public servant subordinate to her can assist the possible victim in securing his or her rights or, if necessary, obtaining legal assistance.

The Ombudsman submits a report annually to the Government and every four years to Parliament on human trafficking and related phenomena. The Ombudsman will issue her first report as the national rapporteur to the Parliament before summer. In addition to Finnish, the report will be published also in Swedish and English.

### *3. Domestic legislation and proposals for improvement*

Finland has adopted a considerable number of measures to address trafficking in human beings: the Finnish Penal Code has been amended by special penal provisions concerning trafficking, the Aliens Act has been amended by sections that enable trafficking victims to be issued with a reflection period and a residence permit, and the system of victim assistance has been established for the purpose of providing assistance and protection for trafficking victims (Act on the Integration of Immigrants and Reception of Asylum Seekers). Purchasing of sexual services from procured prostitutes and victims of human trafficking is criminalised under the Penal Code. In addition, the Government has adopted the Revised National Plan of Action against Trafficking in Human Beings in 2008 (see above).

Until 15 December 2009, the system of victim assistance has provided services with approximately 50 victims of human trafficking. Four cases have been prosecuted as human trafficking. There are three convictions relating to human trafficking for the purpose of sexual exploitation.

In her first report as the national rapporteur, the Ombudsman evaluates the system of victim assistance, application of the Aliens Act, as well as the criminal procedure and the interpretation of the penal provisions on trafficking. The Ombudsman considers that the Finnish counter trafficking measures have considerably contributed to the Finnish anti-trafficking work but there are deficiencies in implementation. The Ombudsman considers that the most urgent challenge of the Finnish counter trafficking measures is the lack of proper identification of trafficking victims. Especially, the number of sexually exploited victims of human trafficking is low. The Ombudsman will issue 20-30 recommendations to improve the identification and assistance of trafficking victims and to intensify the pre-trial investigations and criminal proceedings against those who have committed the human trafficking offence.

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