



5.10.2020

Satu Sistonen, Lainsäädäntöneuvos

Ihmisoikeustuomioistuin- ja -sopimusasioiden yksikkö (OIK-40)

Oikeuspalvelu, Ulkoministeriö

## **MONIKA – Multicultural Women´s Association, Finland: Statement on the Recommendation CP/Rec (2019)05 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Finland.**

We thank the Ministry for Foreign Affairs for this opportunity to share our views on this topic.

MONIKA – Multicultural Women´s Association, Finland is a nationwide multicultural women's NGO operating in the field of social affairs. It promotes the equality and inclusion of immigrant women in Finland and offers specialized services for immigrant women and children that have experienced different forms of violence, including trafficking in human beings. We have about 15 years of experience assisting victims of human trafficking and are one of the main NGO service providers for VOTs in Finland, and the only one specialized in immigrant women and children. We had the privilege as well to be heard during the evaluation visit to Finland. Many of our concerns were well taken into account in the evaluation report by GRETA.

### **1. GRETA Welcomes the progress made by Finland since the first round of evaluation in the following areas:**

*- the further development of the legislative framework for combating trafficking in human beings (THB) through amendments to the Criminal Code and the International Protection Act;*

MONIKA – Multicultural Women´s Association, Finland is pleased that further development of the legislation in combatting trafficking in human beings and active Anti-Trafficking work has been one of the priorities of the current Government and progress is being made in many ways. This of course does not mean that the work would be over, and even if changes are made to the legislation the

implementation of the new legislation requires attention and co-operation of all the relevant stakeholders.

MONIKA wants to point out that the working group in the Ministry of Social Affairs and Health focusing in the legislation and forming a suggestion for legislative changes related to combatting THB unfortunately does not have NGO representation besides Victim Support Finland: other specialized NGOs with long experience providing services to victims of trafficking, including MONIKA, are not included in the working group. Even though the goal is for Victim Support Finland to represent the NGO sector, our worry is that the specific issues with immigrant women and girl victims of trafficking and the long knowledge of many NGO social service providers for VOTs are not represented enough. The good thing is that the working group aims to co-operate and share information with the National Action Plan Working Group of the National Anti-Trafficking Coordinator, of which the main four NGOs in the Anti-Trafficking work, including MONIKA, are a part of.

*- the efforts made to train a range of professionals on issues related to human trafficking and the identification of victims, including health-care staff and social workers;*

MONIKA – Multicultural Women’s Association, Finland would like to add that even though there has been effort to train the professionals working with potential victims of trafficking, there’s still a need to integrate more specialized training on trafficking and violence against women and girls, identification and assistance into the basic training of different professionals. It’s also important to note, that NGOs partake in the training of professionals (including for example social and health sector, the police, lawyers working with VOTs) as a part of their Anti-Trafficking Work and this work should be sufficiently funded.

*- the opening of an office of the National Assistance System for victims of human trafficking in western Finland and the issuing of guidance to municipalities regarding the assistance to be given to victims of trafficking; 2 CP/Rec(2019)05*

MONIKA – Multicultural Women’s Association, Finland finds the guidance of municipalities very important. In practice there’s still big differences regarding the assistance of victims depending on where they seek assistance, where they happen live, whom they have as a social worker as well on their residency status. One current challenge is also that there’s no data collected from the victims of trafficking in the municipalities unless the victims are guided and taken into the Assistance System of Victims of Trafficking: this means that the victims of trafficking that are identified as trafficking victims in the municipalities and assessed by the municipality social worker “that they are not in the need of the assistance system, and that their assistance needs can be covered by the basic services of the municipality”, are invisible in the statistics on trafficking in Finland (this issue also mentioned below related to data collection).

There’s an ongoing discussion on the possible needs for legislation changes and as well as the role of the municipalities: municipalities have pointed out that in their point of view many victims of trafficking don’t benefit from being admitted to the Assistance System or being identified as a victim of trafficking – we worry that this can mean that many victims are not informed on their special rights

as a victim of trafficking.

*- the efforts to raise awareness of human trafficking among the general public and at-risk groups, including the issuing of guidance for employers and companies on risk management and prevention of THB for the purpose of labour exploitation;*

MONIKA – Multicultural Women´s Association, Finland welcomes the new tools and reports published by HEUNI in the area of trafficking for labor exploitation, as well as their report on the violence against refugee women. Media has been actively publishing articles and news related to trafficking in the past year, especially related to labor trafficking. We need also more awareness raising, investigative journalism and media attention for trafficking of human beings in the context of violence against women.

*- the measures taken to improve the provision of information to victims on the possibility to seek compensation, including through amendments to the Criminal Investigation Act, and the increase in public funding for providing legal advice to victims;*

The legal advice available for victims of trafficking vary. In most cases, the situation would require someone specializing in trafficking and exploitation to give the advice. As Refugee Advice Center Finland has pointed out, the availability of *specialized legal advice* for victims of trafficking depends on the Public Legal office handling the application. The views on if the legal advice is needed, and how many hours should be granted vary greatly between different offices according to the lawyers we cooperate with and our own experience assisting victims. It's also important to note that if the victim has not been officially identified as a victim of trafficking or taken into the Assistance System for Vots, even with a pre-identification of a specialist NGO, their right for legal advice might not be granted.

When it comes to the financial compensation, stakeholders working with victims and the media have frequently pointed out that in practice victims are often left with little or no compensation even when they are given information on the possibility;

For example victims of labor exploitation only have access to parts of the property that has been seized from the perpetrator, along with other creditors. That is, if there is nothing on the property after the tax authorities' share. This issue is well discussed in the following article (in Finnish):

<https://lakimiesuutiset.fi/yhteiskunta-vie-tyohyvaksikayttorikoksen-uhrin-korvaukset/>

*- the successful use made of existing legislation for prosecution of offences related to human trafficking committed by legal entities;*

Even though some progress has been made, compared to the number of identified victims of trafficking and started investigations the numbers of prosecution are low. It has been stated that forced marriage should be investigated and prosecuted as human trafficking, but in practice the cases most often don't go forward in the criminal proceedings. There are very few cases of prosecuting the sex buyers of sex trafficking victims as well.

In September 2020 the first conviction, to our knowledge, on trafficking in human beings on trafficking in an intimate partner relationship without other beneficiaries was made. MONIKA – Multicultural Women's Association sees this as a very important step for the victims' rights. More information on the previously mentioned conviction can be found: <https://syrjinta.fi/-/parisuhteessa-hyvaksikaytto-voi-olla-ihmiskauppaa> & <https://oikeus.fi/karajaoikeudet/lansi- uudenmaankarajaoikeus/fi/index/tiedotteet/2020/09/espolaismiestuomittuihmiskaupastaraiskaukse- stajapahoinpitelysta.html>

*- the engagement in international co-operation against human trafficking, including through supporting projects in countries of origin of victims of trafficking.*

## **2. Recommendations that the Finnish authorities take measures to address the following issues for immediate action identified in GRETA's report:**

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

MONIKA – Multicultural Women's Association, Finland warmly welcomes the appointment of the National Anti-Trafficking Coordinator Venla Roth. We are glad to be part of the working group participating in the making of the National Action Plan that is aimed to be ready in the spring 2021.

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

Data collection is discussed in one of the workshops of the working group of the National Anti-Trafficking Coordinator. We agree with the recommendation, and the need for a comprehensive and coherent data collection system that takes the rights of personal data protection into account. As mentioned before: one current challenge is also that there's no data collected from the victims of trafficking in the municipalities unless the victims are guided and taken into the Assistance System of Victims of Trafficking.

*- enhance efforts in the area of prevention of child trafficking, by paying increased attention to unaccompanied and separated children arriving in Finland and ensuring that the State meets its obligation to provide a protective environment for them, including by:*

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

We strongly agree with the recommendation. We would like to add, that gender specific measures and services. We would also like to point out, that according to the recent study by HEUNI (found at: [https://www.heuni.fi/material/attachments/heuni/reports/WIGtlojiB/Trafficking\\_in\\_Children\\_and\\_Young\\_Persons\\_in\\_Finland\\_WEB\\_17102019.pdf](https://www.heuni.fi/material/attachments/heuni/reports/WIGtlojiB/Trafficking_in_Children_and_Young_Persons_in_Finland_WEB_17102019.pdf)) states that “The report shows that trafficking in children and comparable exploitation are an extensive phenomenon and that its actual magnitude is difficult to estimate. It is clear that a fairly large share of potential cases is not identified as human trafficking and that such victims are not referred to the Assistance system for victims of human trafficking.” (p.96). and points out as well that “Seeing child marriages in the context of forced marriages and human trafficking could improve the identification of victims and develop the practices for helping them.” Our experiences with working with victims of forced marriage also show that forced marriage is not often not identified even when happening in Finland.

The previously mentioned report also notes that commercial sexual exploitation seems to be fairly common, but not unfortunately often identified as trafficking in human beings.

It is also important to mention, that the main service providers for victims of trafficking (The National Assistance System and the four main NGOs) mainly reach adult victims of trafficking.

Trafficking of children is also covered in the new Non-Violent Childhoods – Action Plan for the Prevention of Violence against Children 2020–2025 of which MONIKA also participated. Co-operation between different Action Plans and stakeholders is needed to be sure that the issue is fully covered and funded.

*- take steps to ensure that all victims of trafficking are identified as such and can benefit from the assistance and protection measures provided for by the Convention, in particular by:*

- introducing a National Referral Mechanism which defines the roles and responsibilities of different stakeholders and*

*promotes a multi-agency approach to victim identification by involving a range of frontline actors, including NGOs, labour inspectors, social workers, health-care staff, municipal staff and other relevant actors;*

NRM has still not been introduced, but has been discussed in the working group of the National Coordinator previously mentioned. We hope that some form of the NRM will be introduced as soon as possible – and will be altered if needed after the possible legislative changes in victim assistance and anti-trafficking work are done, earliest 2023.

It is crucial that the NRM includes very clear guidelines for co-operation, roles and responsibilities of different stakeholders, as well as specialized assistance paths for different groups of victims of trafficking (women, children, refugees, Roma people, sexual and gender minorities, Finnish Nationals and so forth) as well as takes into account the different impacts and assistance needs of each group and different forms of trafficking.

- effectively disseminating among frontline staff common operational indicators, guidance, training and toolkits to be used in the identification process. These indicators should be harmonised and shared between the various stakeholders concerned and be regularly updated in order to reflect the changing nature and purposes of human trafficking, such as the apparent increase in victims of THB for the purpose of forced marriage; CP/Rec(2019)053*

We strongly agree with the recommendation on needing harmonized and shared indicators.

As seen in our services the knowledge of the various stakeholders on different forms of trafficking is still insufficient. Forced marriage, benefit fraud, trafficking in the context of close relationship, forced criminality are often left unrecognized. As often pointed out by the National Rapporteur, labor trafficking is well identified in Finland, but there is still improvement needed in better recognition of sexual exploitation and other forms of trafficking.

- improving the proactive detection of victims of THB, the gathering of intelligence and the sharing of information between relevant actors, in particular as regards sexual exploitation and victims among Finnish and other EU nationals;*

*- to ensure that the assistance provided to victims of THB is adapted to their specific needs are guaranteed to all victims of THB across the country, regardless of the service provider and place of residence. This should include measures to:*

- continue to provide training on the assistance of victims of THB to relevant municipal staff, such as social workers;*
- increase the number of specialised shelters for victims of THB; if necessary, the Act on Shelters should be reviewed to enable the setting up of shelters catering for male victims of trafficking;*

MONIKA – Multicultural Women´s Association, Finland strongly agrees with the recommendation. In our everyday assistance of the victims we see the need for specialized shelters as well as longer term supported housing needs for victims of trafficking (VOTs). We have provided the National Anti-Trafficking Coordinator and the Finnish Institute of Health and Welfare (THL) more information in the specific observations on the current situation and needs of the female victims of trafficking related to safe and supported housing. We are looking forward to the ongoing project at the Finnish Institute of Health and Welfare (THL) to take the special needs and the provided information into account in the

upcoming proposition on safe housing for VOTs.

MONIKA – Multicultural Women´s Association, Finland would like to point out that the current “shelter/safe housing” for victims of trafficking is insufficient. Shelters are only available for victims of trafficking (regardless of gender) in the cases of acute intimate partner violence, and the only specialized “shelter” for VOTs is actually not a shelter as such and not under the Act on Shelters; and therefor does not follow the specific shelter regulations.

- *provide adequate funding to NGOs to whom the provision of specialised assistance to victims of THB is delegated;*

MONIKA strongly agrees with the recommendation on funding.

The current economical situation is worrying on the point of view of service providers – guaranteeing funding for the specialized NGOs should be a priority. COVID19 - pandemic has gendered impacts as it has been evaluated in the new report by UN Women and OHDRIR that due to COVID19 especially women and girls face a higher risk into being trafficked: for these victims the low threshold NGO services are a crucial way to get help. We would like to point out that in Finland, MONIKA is the only service provider for only female victims to this extend having a large service package including a shelter, crisis center as well as integration services.

It would also be important to officially identify the role of the specialized NGOs for the victim identification and assistance and as well to have clear guidelines and requirements for the service providers, including those providing safe and supported housing for victims of trafficking (see previous recommendation).

- *ensure the quality and confidentiality of interpretation services for victims of THB; - to set up a National Referral Mechanism for the identification and referral to assistance of child victims of THB which takes into account the special circumstances and needs of child victims, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk. This should include steps to:*
  - *routinely consider the possibility of trafficking when interviewing asylum-seeking children;*
  - *proactively identify unaccompanied and separated asylum-seeking children who might have become victims of THB for the purpose of forced marriage*
- *ensure that all police and border guard officers are issued with clear instructions stressing the need to apply the recovery and the reflection period as defined in the Convention, i.e. not making it conditional on the victim's cooperation and offering it to victims before formal statements are made to investigators; - ensure that all victims of THB are covered by the Act on Compensation for Crime Damage, irrespective of residence status, and can benefit from free legal aid when applying for compensation;*
- *take further steps to ensure that the non-punishment provision is capable of being applied to all offences that victims of THB were compelled to commit, and to develop relevant guidance for police officers, prosecutors and judges.*

MONIKA – Multicultural Women´s Association, Finland agrees with these recommendations.

- 1. Requests the Government of Finland to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 18 October 2020.**
- 2. Recommends that the Government of Finland take measures to implement the further conclusions of GRETA's second evaluation report.**
- 3. Invites the Government of Finland to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.**

*Sincerely on behalf of the board of MONIKA - Multicultural Women´s Association, Finland*

Jenni Tuominen  
Managing Director  
MONIKA – Multicultural Women´s Association  
+358456759276  
[jenni.tuominen\(at\)monikanaiset.fi](mailto:jenni.tuominen(at)monikanaiset.fi)

Anna Nuotio  
Anti-Trafficking Coordinator  
MONIKA – Multicultural Women´s Association  
+358 50 3592904  
[anna.nuotio\(at\)monikanaiset.fi](mailto:anna.nuotio(at)monikanaiset.fi)