

# Finland - United States Department of State

## FINLAND: Tier 1

The Government of Finland fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period; therefore Finland remained on Tier 1. These efforts include prosecuting more traffickers, sentencing traffickers to significant prison terms, referring more victims to care, and appointing a permanent anti-trafficking coordinator. Although the government meets the minimum standards, courts convicted fewer traffickers and investigated fewer cases. A lack of specialized government personnel limited enforcement of existing legislation, leading to the investigation and prosecution of some trafficking cases as less serious offenses. Municipalities lacked the capabilities to address the needs of victims, resulting in one municipality referring and paying for a victim to receive assistance in Sweden, and the implementation of the national referral mechanism remained at a standstill.

## PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute sex trafficking and labor trafficking cases using the trafficking statute, and sentence convicted traffickers to significant prison terms. • Increase the number of law enforcement officials, prosecutors, and judges who specialize in trafficking cases; create additional and allocate sufficient resources to dedicated law enforcement units for trafficking investigations. • Ensure all municipalities have policies and procedures consistent with national standards and allocate resources so that local service providers and municipal government officials are familiar with victims' rights to assistance and are able to offer high quality services. • Implement the national referral mechanism for all sectors of the government, allocate sufficient funding for implementation, and train officials on its use to identify proactively potential victims and refer them to services. • Ensure all victims have full access to services, such as residence permit applications, shelters, health and social services, regardless of whether a suspected trafficker is prosecuted and irrespective of the statutes under which a suspected trafficker is being prosecuted. • Develop clear guidance for national victim assistance system personnel on treating victims who do not choose to involve the police. • Increase efforts to train judges, law enforcement officials, and prosecutors on applying the trafficking law. • Develop and implement a centralized data collection system on trafficking that allows for disaggregation of data, including the demographics of victims and type of exploitation. • Develop, publish, and implement a national action plan.

## PROSECUTION

The government increased law enforcement efforts. Law 1889-39 of the penal code criminalized sex trafficking and labor trafficking and prescribed sentences of between four months and six years' imprisonment for offenses involving

an adult victim and between two and 10 years' imprisonment for those involving a child victim. These penalties were sufficiently stringent and, with regard to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. The government continued to use laws against pandering, discrimination, and usury, among others, to investigate and prosecute some suspected traffickers; the penalties for these crimes were generally far less severe than those for trafficking crimes. In 2019, the National Bureau of Investigation (NBI) investigated 81 cases, of which 36 were committed in Finland (nine sex trafficking, 16 labor trafficking, and 11 unconfirmed), compared with 88 cases in 2018. Authorities prosecuted 15 cases (six cases in 2018). Finnish courts convicted two traffickers (five in 2018). Sentences ranged from two years and six months' imprisonment to five years and six months' imprisonment, whereas of the five convicted traffickers in 2018, one received a two-year prison sentence and the other four received probation. The NBI cooperated with foreign governments on transnational investigations, including on a sex trafficking case involving Romanian citizens in Finland, which resulted in a prosecution in Romania. Law enforcement expressed increased concern regarding Romanian and Moldovan criminal organizations exploiting individuals from their home countries in Finland. The government did not report any investigations, prosecutions, or convictions of government employees complicit in trafficking offenses.

A lack of specialized government personnel limited law enforcement anti-trafficking efforts and effectiveness. While the NBI had one designated anti-trafficking investigator, there were no police units, prosecutors, or judges dedicated to the investigation, prosecution, or hearing of trafficking cases. Experts raised concerns that police prioritized drug-related and other types of conventional cases and crimes, while lengthy investigations and prosecutions led to law enforcement prosecuting trafficking cases under less serious offenses. Experts noted prosecutors were often unwilling to pursue trafficking charges due to the high legal standard for trafficking-related convictions. The government supported educational efforts during the reporting period by providing annual training for prosecutors, police, and immigration officers. Although the government invited judges to the training for prosecutors regarding trafficking trials, few attended.

## PROTECTION

The government maintained protection efforts. The government identified 99 victims. The government provided both direct care and funding for third-party care through an asylum reception center that coordinated the national victim assistance system. The government received 303 potential trafficking victim referrals and the assistance system admitted 229 potential trafficking victims in 2019 (14 were children) compared with 163 victims in 2018 (10 were children), marking a four-fold increase in the number of trafficking victims since 2015. Nigerian women continued to account for the majority of sex trafficking victims; Eastern European women constituted the next largest group. The assistance system reported 70 of their new recipients became trafficking victims in Finland rather than abroad (52 in 2018), the most that has been recorded since 2015. However, authorities noted a decreased number of sex trafficking victims exploited within Finland. Authorities registered 11 such victims in 2019 (18 in 2018); observers reported there were more victims who went unregistered, masking the real scope of internal trafficking. Finnish law required police to pursue domestic cases specifically as trafficking crimes in order for victims to receive services through the assistance system beyond the initial emergency. Assistance system personnel lacked guidance regarding referrals of

victims who were exploited in trafficking domestically and did not wish to contact the police. Furthermore, according to the national rapporteur, the placement of the assistance system within immigration services misrepresented trafficking as a crime requiring migration and reduced the focus on trafficking committed within Finland. In response to this concern, the government approved the transfer of the victim assistance system to the Ministry of Social Affairs and Health in 2019.

Multiple actors within the government and civil society were empowered to identify trafficking victims. Although police and immigration officials used written guidelines for identification and referral, the government recognized these guidelines as inadequate. To address this shortcoming, the government created a national referral mechanism for victim identification and assistance, but did not implement it due to pending changes in the legislative framework of the assistance system. Once referred to the assistance system, consultants evaluated cases and decided on the victim's course of care, which could include transportation to a safe house; psychological, medical, and legal assistance; or shelter. There was one government-funded shelter specifically for trafficking victims, though it accepted only women and their children. Care providers sheltered most trafficking victims in private accommodations; however, there were no shelters dedicated to male victims. Child services assigned unaccompanied child victims a guardian to serve as a legal representative. Authorities placed Finnish children who could not return to their families in foster care, while authorities placed unaccompanied migrant children in a migrant reception center specifically for children. Officials noted some municipalities lacked the knowledge and resources to provide assistance to trafficking victims, citing how one municipality referred a victim to Sweden and paid for their assistance there. Observers noted that municipalities experience difficulties with victim service provision because they function under the general framework of social welfare and are not sufficiently equipped with the resources to deal with crime-related issues such as trafficking or victims of trafficking. Subsequently, the Parliamentary Ombudsman required municipalities to create new procedures and provide relevant training. In 2019, the government spent approximately €1.2 million (\$1.35 million) on trafficking victim assistance and protection, unchanged from 2018. In addition, the government allocated €292,520 (\$328,670) for services to multiple organizations.

To receive long-term assistance, Finnish law requires victims to cooperate with police to commence a criminal investigation or to receive a specialized residence permit from Finnish Immigration Services. Delayed investigations and police failure to submit the appropriate paperwork requesting victims to remain in the country have left victims susceptible to deportation. Finnish law allowed foreign victims a six-month reflection period during which they could receive care and assistance while considering whether to assist law enforcement, and the law allowed legal residents a recovery period of up to three months. According to the assistance system, 23 victims took advantage of the reflection period in 2019. Victims could receive renewable temporary residence permits, which were valid for six to 12 months and allowed victims to seek employment. Authorities provided temporary residence permits to 15 victims and renewed three permits. According to officials, all victims accepted into the assistance system consented to cooperate with police in the prosecution of their traffickers; however, in cases where victimization occurred outside of Finland, which was the case for the majority of victims identified, and the conditions of the relevant jurisdiction made law enforcement cooperation unlikely, police did not open a criminal investigation.

## PREVENTION

The government maintained prevention activities. During the reporting period, the government appointed a new national anti-trafficking coordinator, filling a vacancy that had been open since February 2018. While the government's national action plan expired in 2017, it reported a new action plan was in development for 2020. In conjunction with Bulgaria, Estonia, and Latvia, the government participated in a multi-year project profiling trafficking in regional supply chains. The government investigated 13 cases of child sex tourism committed abroad in 2019, but did not prosecute any perpetrators. The government did not make efforts to reduce the demand for commercial sex acts. Labor inspectors received training to improve trafficking detection in restaurants, construction, and other labor sectors, but the overall number of labor inspectors and workplace inspections decreased since the government last recorded data in 2016. Various agencies organized a seminar with more than 150 participants from both the public and private sectors to discuss corporate responsibility in tackling human rights issues in the workplace. The national assistance system maintained a hotline and website in multiple languages exclusively for trafficking victims.

## TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Finland, and, to a lesser extent, traffickers exploit victims from Finland abroad. Traffickers operate from abroad using threats of violence, debt leverage, and other forms of coercion. Victims originate primarily in Eastern Europe, Africa, South and Central Asia, and the Middle East. Authorities report a surge in victims among asylum-seekers and other migrants, most of whom are exploited prior to their arrival in Finland, such as Nigerian women who account for the majority of sex trafficking victims; experts note a decline in the number of sex trafficking cases within Finland. Foreign-born workers and immigrants, many of whom arrive in Finland legally, are especially vulnerable to exploitation in the construction, restaurant, agriculture, and transport industries, and as cleaners, gardeners, and domestic workers. Authorities report the recruitment and exploitation of foreign workers from Nepal in the restaurant sector. Experts note most labor trafficking involves small-scale operations in businesses, rather than larger criminal syndicates. Seasonal berry pickers, many of whom are Thai, are especially vulnerable to labor exploitation and trafficking.