

## HUMAN TRAFFICKING IN FINLAND

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### *Introduction*

*It ought to concern every person, because it is a debasement of our common humanity. It ought to concern every community, because it tears at our social fabric. It ought to concern every business, because it distorts markets. It ought to concern every nation, because it endangers public health and fuels violence and organized crime. I'm talking about the injustice, the outrage, of human trafficking, which must be called by its true name—modern slavery.*

– President Barack Obama

Human trafficking is one of the largest criminal industries in the world. Human trafficking, also referred to as modern-day slavery, ruthlessly intervenes with a person's freedom and human dignity. It is a widespread phenomenon all over the world and no country is completely immune to it. Countries can act as places of source, transit or destination. The perpetrators take control of the victims and take away their freedom for the purpose of exploitation, prostitution and other sexual abuse, forced labor or trade in bodily organs. Victims have no control over their work, living conditions or movement, and cannot choose whether they work or not.<sup>1</sup>

This article focuses on trafficking in human beings in Finland using policy-oriented jurisprudence as guidance. To be able to understand the phenomenon of human trafficking in Finland, we will first

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<sup>1</sup> UNODC, *UNODC Global Report on Trafficking in Persons 1* (2012), available at [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf).

define human trafficking as an international crime and then discuss the trade in human beings in Finland. Conflicting claims and perspectives of both claimants will be considered. After discussing past trends in decision concerning human trafficking, the article will focus on predicting future decisions. It will end by appraising past and future decisions, discuss alternatives, and present recommendations on how to prevent human trafficking and improve the situation of victims in the country.

### *I. Delimitation of the Problem*

#### *A. Human Trafficking: An International Crime*

Human trafficking is always an aggravated crime and a violation of human rights. The victims of modern-day slavery are deprived of their liberty, freedom of choice and right to personal integrity. They may be transported to another country and forced to work for little or no compensation, facing abuse and inhuman treatment. The United Nations Trafficking in Persons Protocol defines human trafficking as having three key elements: act, means and purpose.

Trafficking in Persons means the recruitment, transportation, transfer, harbouring or receipt of persons [*act*], 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 [*means*]. 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 [*purpose*].<sup>2</sup>

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<sup>2</sup> United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, Art. 3a (Nov. 15, 2000), *available at*

The international community commonly denounces this modern day slavery and has made many efforts to stop it.<sup>3</sup> Many international and regional conventions address the prohibition and prevention of human trafficking. The most challenging issue, however, is recognizing possible victims of human trafficking and getting them the help they need.

According to the International Labour Organization, there are approximately 20.9 million victims of forced labor globally, including victims of human trafficking for labor and sexual exploitation.<sup>4</sup> The majority of the victims are women and girls; UNODC statistics show that women and girls together constitute approximately 75% of victims of human trafficking.<sup>5</sup> The ILO report goes even further stating that approximately 98% of victims of sexual exploitation in the private economy are female.<sup>6</sup> Even more disturbing is the fact that 27% of all human trafficking victims are children.<sup>7</sup> This is more than the whole population of Finland. These numbers are only estimates; human trafficking is a very well-hidden crime and it is impossible to know the real number of victims. UNODC statistics, however, give a good estimate of the severity of this form of crime.

It is commonly believed that human trafficking involves actual movement of people from one state to another. However, this is not necessarily the case because persons may be victims of human trafficking without ever leaving the country, or even their homes. According to the UNDOC report, 27% of all trafficking cases consist

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<http://www.osce.org/odihr/19223>; *see also* <http://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html> (emphasis added).

<sup>3</sup> UNODC, *World Drug Report 2014: Human Trafficking* (2014), <https://www.unodc.org/unodc/en/human-trafficking/what-is-human-trafficking.html?ref=menusePalermo> Protocol.

<sup>4</sup> INT'L LABOUR OFFICE: SPECIAL ACTION PROGRAMME TO COMBAT FORCED LABOUR, *ILO Global Estimate of Forced Labour: Results and Methodology* 13 (2012), available at [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_182004.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_182004.pdf).

<sup>5</sup> UNODC, *Global Report on Trafficking in Persons 2012: Key Findings* 7 (2012), available at [http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking\\_in\\_Persons\\_2012\\_web.pdf](http://www.unodc.org/documents/data-and-analysis/glotip/Trafficking_in_Persons_2012_web.pdf).

<sup>6</sup> *ILO Global Estimate of Forced Labour*, *supra* note 4.

<sup>7</sup> *Global Report on Trafficking in Persons*, *supra* note 5.

of domestic trafficking; in certain cases persons were never transported to another country nor even out of their current residences.<sup>8</sup> In addition, approximately 24% of victims were trafficked interregionally, meaning they may have been moved to a different region within a country, but not across borders.<sup>9</sup> Perpetrators may be part of organized crime as well as the victims' close family members, friends or acquaintances of the victims.<sup>10</sup>

### *B. Human Trafficking in Finland*

Finland is a small constitutional republic in Northern Europe with a population of approximately 5.43 million people;<sup>11</sup> it is a democracy with a directly elected president and parliament.<sup>12</sup> The country is part of the European Union and has ratified most United Nations treaties addressing human trafficking and related human rights protocols, as well as related protocols of the Council of Europe.<sup>13</sup>

All in all, Finland is considered to be a safe country, having few problems with corruption or serious human rights violations.<sup>14</sup>

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<sup>8</sup> *Global Report on Trafficking in Persons*, *supra* note 5.

<sup>9</sup> *ILO Global Estimate of Forced Labour*, *supra* note 4.

<sup>10</sup> I EXIST! (website of the Finnish National Assistance System for victims of human trafficking), [www.humantrafficking.fi](http://www.humantrafficking.fi) (last visited July 22, 2014).

<sup>11</sup> STATISTICS FINLAND, *Population Structure 2012* [http://tilastokeskus.fi/til/vaerak/2012/vaerak\\_2012\\_2013-03-22\\_tie\\_001\\_en.html?ad=notify](http://tilastokeskus.fi/til/vaerak/2012/vaerak_2012_2013-03-22_tie_001_en.html?ad=notify) (last visited Oct. 19, 2013).

<sup>12</sup> U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, *Country Reports on Human Rights Practices for 2012: Finland*, <http://www.state.gov/p/eur/ci/fi/index.htm>. See also SUOMI.FI, *State Administration and General Government*, [http://www.suomi.fi/suomifi/english/state\\_and\\_municipalities/state\\_administration\\_and\\_central\\_government/index.html](http://www.suomi.fi/suomifi/english/state_and_municipalities/state_administration_and_central_government/index.html) (last updated May 28, 2014).

<sup>13</sup> See MINISTRY OF FOREIGN AFFAIRS OF FINLAND (listing Human Rights Conventions Finland has ratified by October 13, 2013), <http://formin.finland.fi/Public/default.aspx?nodeid=31353&contentlan=1&culture=fi-FI>.

<sup>14</sup> U.S. DEP'T OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, *Country Reports on Human Rights Practices for 2013: Finland*,

According to Transparency International, Finland is one of the world's least corrupt countries.<sup>15</sup> During the past years it has steadily scored high points in corruption surveys, indicating it to be a highly corruption-free country.<sup>16</sup> In 2012, Finland shared first place in the Corruption Perceptions index with Denmark and New Zealand.<sup>17</sup> The corruption statistics, however, do not tell the whole story of the level of this hidden crime in the country.

Corruption and human trafficking in Finland are both hidden, unreported crimes. Many people do not know that these kinds of crimes happen. During the past few years, more corruption cases involving high level officials have emerged. Quite recently, in November 2013, a Finnish Police Chief of the Narcotics Unit of Helsinki Police was suspended from his duties and arrested on "serious criminal charges."<sup>18</sup> The Helsinki Police have yet to give any further information on these charges. Allegedly, the charges involve crimes such as taking bribes, misuse of power and breach of official duty.<sup>19</sup> All of these crimes are said to be aggravated. The actions of the Police Chief are also alleged to have links in organized crime, more specifically him having close relations to a well-known Finnish

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<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>; Olga Khazan, *Map: The Most- and Least-Corrupt Countries in the World*, WASHINGTON POST, May 12, 2012, available at <http://www.washingtonpost.com/blogs/worldviews/wp/2012/12/05/map-the-most-and-least-corrupt-countries-in-the-world/>.

<sup>15</sup> TRANSPARENCY INT'L: THE GLOBAL COALITION AGAINST CORRUPTION, *Corruption Perceptions Index* (The corruption index by Transparency International (measuring perceived levels of public sector corruption in 177 countries and territories yearly, years 2005-13), <http://www.transparency.org/research/cpi/> (last visited July 22, 2014).

<sup>16</sup> *Id.* at 15.

<sup>17</sup> TRANSPARENCY INT'L, *supra* note 15 (Corruption Perceptions index 2012).

<sup>18</sup> POLIISI: POLICE OF FINLAND, *Chief of Helsinki Police Narcotics Unit Jari Aarnio Suspended from Duty* (Nov. 15, 2013), <http://www.poliisi.fi/poliisi/helsinki/home.nsf/PFBD/A2768FD6915E45FFC2257C2400567D94?opendocument>.

<sup>19</sup> *Chief of Helsinki Narcotics Police Arrested*, YLE NEWS, Nov. 15, 2013, [http://yle.fi/uutiset/helsingin\\_huumepoliisin\\_paallikko\\_vangittiin/6937087](http://yle.fi/uutiset/helsingin_huumepoliisin_paallikko_vangittiin/6937087) (Yleisradio, abbreviated as YLE, is the Finnish National public broadcasting company, owned by the Finnish state. It is very similar to, e.g., the British BBC).

crime organization, United Brotherhood.<sup>20</sup> He is also accused of engaging in prostitution by helping a prostitute in running her activities and selecting clients.<sup>21</sup> While these crimes are only alleged, the situation shows how corruption is a growing issue in Finland that increases the difficulty of dealing with other serious crimes such as human trafficking.

Finland is mainly a country of transit and destination for victims of sex trafficking and forced labor.<sup>22</sup> In limited cases it may also be a source. Finnish teenagers, especially ones involved in prostitu-

<sup>20</sup> HELSINGIN SANOMAT, *Police Equipment Purchases Connected to Criminal Groups September 12, 2013*, <http://www.hs.fi/kotimaa/Poliisin+laitehankinnoilla+on+yhteys+rikollisryhm%C3%A4%C3%A4n/a1384579864841?ref=hs-art-new-1&siivu=1>. See also ILTALEHTI, *Jari Aarnio and United Brotherhood* (Nov. 18, 2013), [http://m.iltalehti.fi/uutiset/2013111817735900\\_uu.shtml](http://m.iltalehti.fi/uutiset/2013111817735900_uu.shtml).

United Brotherhood is a criminal organization operating in Finland. It was formed in 2010, when three other criminal gangs, Natural Born Killers, Rogues Gallery and M.O.R.E, united together as a brotherhood to make themselves more powerful. Members of the gangs have been accused of crimes, such as narcotics offences, economic offences and murder. See TURUN SANOMAT, *The New Gang of the Underworld Born in Finland* (Nov. 22, 2010) (general information on United Brotherhood), <http://www.ts.fi/uutiset/kotimaa/175945/Suomeen+syntyi+uusi+ala maailman+jengi++jasenilla+raju+tausta>.

<sup>21</sup> More information can be found on YLE News and several articles in major Finnish newspaper HELSINGIN SANOMAT, available at <http://www.hs.fi>, especially articles *Chief of Helsinki Narcotics Police Suspected of Malfeasances*, <http://www.hs.fi/kotimaa/Helsingin+huumepoliisin+p%C3%A4%C3%A4llikk%C3%B6%C3%A4+ep%C3%A4ill%C3%A4n+virkarikoksista/a1378348507536>; *Crime suspect Chief of Helsinki Narcotics Police Arrested*, <http://www.hs.fi/kotimaa/Rikoksista+ep%C3%A4ilty+Helsingin+huumepoliisin+p%C3%A4%C3%A4llikk%C3%B6+on+pid%C3%A4tetty/a1384226707528?siivu=2>; *Police Equipment Purchases Connected to Criminal Groups*, <http://www.hs.fi/kotimaa/Poliisin+laitehankinnoilla+on+yhteys+rikollisryhm%C3%A4%C3%A4n/a1384579864841?ref=hs-art-new-1&siivu=1>; TALOUSSANOMAT: FINNISH FIN. TIMES, available at <http://www.taloussanomat.fi/politiikka/2013/11/17/hs-poliisin-laitehankinta-yhteydessa-rikollisjarjestoon/201315985/12>; ILTASANOMAT, available at <http://www.iltasanomat.fi>, especially, *The Roots of the Mess Reach to the Police* (Nov. 18, 2013), <http://www.iltasanomat.fi/kotimaa/art-1288622342136.html>; FINLAND TIMES, *Drug Unit Police Chief Arrested on Bribery Charge* (Nov. 13, 2013, 12:03 AM), <http://www.finlandtimes.fi/national/2013/11/13/3145/Drug-unit-police-chief-arrested-on-bribery-charge>.

<sup>22</sup> U.S. DEP'T OF STATE, *TRAFFICKING IN PERSONS REP. 2013*, at 169-70, available at <http://www.state.gov/j/tip/rls/tiprpt/2013/index.htm>.

tion, are at a higher risk of falling victims to human trafficking.<sup>23</sup> So far, no cases of trading in bodily organs for financial benefits have been detected.<sup>24</sup> Trafficking women and girls to Finland for sex work is the most common form of human trafficking in the country, but cases of labor related trafficking have also surfaced. Most forced labor cases are believed to be connected to ethnic businesses, and in many cases involve some form of sexual exploitation.<sup>25</sup> This article focuses on Finland as a country of destination and source, without discussing further the transit aspects of human trafficking in the country.

### 1. Sex Trafficking

Victims of sex trafficking usually come from neighboring countries, such as Russia, Estonia, Latvia and Lithuania, as well as Eastern European countries, including countries in Asia and Africa.<sup>26</sup> Sex trafficking happens in many different forms, ranging from prostitution and ethnic massage parlors to arranged marriages and mail order brides.<sup>27</sup> Women coming to Finland due to an arranged marriage through human trafficking are usually exploited at home. They may be forced into domestic slavery, including sexual exploitation, and may also be forced by their spouses to sell sexual services to others.<sup>28</sup> Sex trafficking is also connected to ethnic massage parlors,

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<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> U.S. DEP'T OF STATE, TRAFFICKING IN PERSONS REP. 2010, at 148-49, available at <http://www.state.gov/j/tip/rls/tiprpt/2010/index.htm>. See also Anniina Jokinen, Natalia Ollus, & Minna Viuhko, *Whatever it Takes: Labor Trafficking and Exploitation of Foreign Employees in Finland*, at 87, EUROPEAN INST. FOR CRIME PREVENTION & CONTROL, AFFILIATED WITH THE U.N. (HEUNI), Rep. Series 67 (2011), available at <http://www.heuni.fi/en/index/publications/heunireports/reportseries67.ehdoillamillahyvansatyoperainenihmiskauppajulkomaalaistentyontekijoidenhyvaksikayttosuomessa.html>.

<sup>28</sup> Jokinen, Ollus, & Viuhko, *supra* note 27, at 87.

where workers are forced to sell sexual services.<sup>29</sup>

In Finland, the vast majority of sexual workers originate from Eastern European countries. While some cases include facilitation of illegal entry to the country, this is not always so. Many neighboring countries, such as Estonia, Latvia and Lithuania are part of the European Union (EU),<sup>30</sup> which allows the citizens of its member states to move and reside freely in any other EU country.<sup>31</sup> Therefore, it is possible that victims of human trafficking have entered the destination country legally and could even legally work there. In addition to other ways of coercion, discussed later, the perpetrators control their victims by taking away their travel documents and other papers of identification.<sup>32</sup> Even if the victims are not illegal immigrants and technically could move to and reside in another EU country without any legal issues, having no documentation makes their presence in the country almost nonexistent. Seeking assistance, even applying for general services like public healthcare, becomes much more difficult when persons lack proper identification documents. This makes them dependent on the perpetrators.

## 2. *Forced Labor*

Victims of forced labor come to Finland from various countries, including China, India, Thailand, Ukraine and Vietnam, as well as neighboring countries, such as Estonia, Latvia and Lithuania.<sup>33</sup> They may be recruited through different agencies and subcontractors as well as through family members. The farther the victims come from, the more common it is for them to use recruitment agencies. On the other hand, victims recruited by family members

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<sup>29</sup> TRAFFICKING IN PERSONS REP. 2013, *supra* note 22.

<sup>30</sup> See EUROPEAN UNION, *List of Countries*, [http://europa.eu/about-eu/countries/index\\_en.htm](http://europa.eu/about-eu/countries/index_en.htm) (last visited 7/22/14).

<sup>31</sup> Council Directive 2004/38, 2004 (EC) (on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States).

<sup>32</sup> Jokinen, Ollus, & Viuhko, *supra* note 27, at 74-88.

<sup>33</sup> TRAFFICKING IN PERSONS REP. 2013, *supra* note 22, at 169-70.



are in a particularly vulnerable situation, being extremely dependent on the perpetrators.<sup>34</sup>

The most common occupations for victims of forced labor are in the construction industry, restaurants, cleaners, massage parlors, and as domestic servants. The victims work long hours with little to no compensation in lousy working conditions. They may face violence or threats of violence; their freedom of movement may be restricted; perpetrators may take away their traveling documents such as passports; and the victims have practically no free time. Even the little free time the victims may have is often restricted; the victims may be prohibited to interact with other people. Having very little interaction with the outside world, the victims remain ignorant of their rights, and perpetrators may easily continue their exploitation.<sup>35</sup> According to TIP reports, most cases of forced labor in the country are connected to ethnic businesses, such as restaurants and massage parlors.<sup>36</sup> The work in massage parlors usually involves sexual exploitation, and the line between sex trafficking and forced labor in many cases is very fine.

Debt bondage is a common feature in forced labor. Victims pay large sums of money to the employers in exchange for the jobs, and usually hope for a better life in Finland. This means that the victims may have significant debts even before arriving in Finland. In addition to overpaying for traveling expenses, the victims might have to pay outrageous extra costs for accommodation or other fees. These fabricated debts lead to the employer completely taking control of the person.<sup>37</sup>

So far the definition of forced labor under Finnish legislation is not clear. Human trafficking and extortionate work discrimination statutes have similar features.<sup>38</sup> Abusing foreign employees is strong-

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<sup>34</sup> Jokinen, Ollus, & Viuhko, *supra* note 27, at 74-88.

<sup>35</sup> *Id.*

<sup>36</sup> Trafficking in Persons Report (2013), *supra* note 27.

<sup>37</sup> NAT'L BUREAU OF INVESTIGATION OF FINLAND, *Actions Against Human Trafficking in Finland*, available at <http://www.poliisi.fi/poliisi/krp/home.nsf/pages/E0FE673C479190B6C2257589004F8AA2?opendocument>.

<sup>38</sup> See *infra* Chapter III, Past Trends in Decision, A. The Domestic Legal System, 1. Legislation.

ly related to human trafficking. While many cases of abuse surface annually, most cases remain unknown. Perpetrators are both Finnish nationals and foreigners.<sup>39</sup>

Legislative amendments regarding both sex trafficking and forced labor came into force in 2004. Until 2012, however, no instances of human trafficking based on forced labor had been detected. The first human trafficking conviction based on forced labor occurred in 2012. This shows how common trafficking human beings for sexual exploitation is compared to labor trafficking. It is interesting, that the majority of victims receiving help through the national support system in Finland have forced labor backgrounds.<sup>40</sup> Some cases of forced labor include some forms of sexual exploitation and are investigated as sex trafficking or pandering cases. Therefore, in order to narrow down this very broad topic, this paper focuses more on sex trafficking.

### 3. *Issues*

Finland has ratified most international conventions and agreements regarding human trafficking. Laws have been changed and different kinds of support systems established for human trafficking victims.<sup>41</sup> On paper, the legal system and support mechanisms are effective and everything seems to be fine. So why is this not working in practice?

The biggest problem with human trafficking in Finland is the difficulty of identifying possible victims. Only a few human trafficking cases are reported yearly, while most victims remain unidentified and fall out of the support system. Recognizing possible victims is essential and has to be more effective. Currently, authorities and ground level workers do not have enough knowledge and resources to identify possible victims. Especially in sex-related trafficking, the

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<sup>39</sup> Jokinen, Ollus, & Viuhko, *supra* note 27, at 74-88.

<sup>40</sup> NAT'L SUPPORT SYSTEM FOR VICTIMS OF TRAFFICKING IN HUMAN BEINGS, *Statistics Report* (2012), at 4, available at [http://www.migri.fi/download/39357\\_ihmiskaupan\\_uhrien\\_auttamisjarjestelma\\_tilastokatsaus\\_2012.pdf](http://www.migri.fi/download/39357_ihmiskaupan_uhrien_auttamisjarjestelma_tilastokatsaus_2012.pdf).

<sup>41</sup> See *infra* Chapter. III.

victims are difficult to detect and a negative attitude towards prostitutes increases the chances of possible victims falling out of the support system.<sup>42</sup> Negative attitudes make it especially difficult to detect victims who have left their country knowing they will be engaging in prostitution in their country of destination.<sup>43</sup> The victim's initial consent is irrelevant if any elements of human trafficking such as force, fraud or coercion are present.

There are many reasons why possible victims of human trafficking are so difficult to detect. In addition to general societal attitudes, the perpetrators as well as the victims make enormous efforts to avoid authorities, and human trafficking stays as an unreported crime. The victims may not want to involve authorities for fear of the perpetrators as well as authorities. The victims may be in a country they know nothing about. They do not know the language or their rights and may fear being punished or deported for possible criminal acts they have themselves committed in the country.<sup>44</sup> The perpetrators may have given the victims false information about the country, leading them to mistrust the authorities.

In addition to fear, the victims may not have the knowledge, language skills or resources to seek help. It may well be that they do not even realize they in fact are victims of human trafficking. If living conditions in their country of origin are poor, their situation in Finland may not differ much from the original situation. In some cases living conditions in Finland could even be slightly better than those in the country of origin. Therefore, it may be difficult for a victim to understand that the conditions in which he or she is living are not normal.<sup>45</sup>

When the victims are not recognized, they fall out of the support system. Their abuse may continue, which may lead to the victims not receiving the physical and mental help they need and to their

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<sup>42</sup> Pia Puu-Oksanen, Amnesty Int'l Finland Div., MAASEUDUN TULEVAISUUS (Nov. 28, 2011).

<sup>43</sup> *Id.*

<sup>44</sup> I EXIST!, *supra* note 10.

<sup>45</sup> Lotta Knuutila & Anne-Maarit Pullinen, *The Professional Capabilities of Social Workers to Identify and Guide Victims of Human Trafficking* 25-27 (Laurea 2010).

perpetrators not facing punishment for their crimes.<sup>46</sup> Even though Finland has a public health care system, legal aid and other assistance technically available to all, the difference between having those services and guidance on how to receive help offered to you and having to seek assistance alone with no support is enormous, especially for foreign victims, who may not know how the Finnish system works and to what kind of services they are entitled. Victims may be afraid to seek help, and they might not have any documentation, which makes seeking all kinds of public services more difficult.<sup>47</sup>

Another issue in considering human trafficking in Finland is the overlap in the legislation between pandering and human trafficking. Under international perspective, the difference between human trafficking and pandering is the consent of the victim. If a person is pressured, threatened, or anyhow subjected to prostitution, the criteria of human trafficking are fulfilled. However, the two statutes have inconsistencies. In Finnish legislation, pandering can involve pressuring, threatening and even violence.<sup>48</sup> Prostitutes may have been financially blackmailed due to made up debts, their movement may have been controlled, and their chances of leaving the business have in reality been nonexistent. Cases have been reported where victims and their families have been threatened and even assaulted, yet the perpetrators have been convicted of aggravated pandering.<sup>49</sup> Forced labor related human trafficking faces the same legislative issues. Many cases having human trafficking features are instead prosecuted and convicted as work discrimination or extortionate work discrimination, and the penalties are significantly lower.<sup>50</sup>

The definition of human trafficking under Finnish law is thus

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<sup>46</sup> Puu-Oksanen, *supra* note 42.

<sup>47</sup> Knuutila & Pullinen, *supra* note 45.

<sup>48</sup> The Criminal Code of Finland, 39/1889, ch. 20, § 9, available at [www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf](http://www.finlex.fi/en/laki/kaannokset/1889/en18890039.pdf) (unofficial English translation, MINISTRY OF JUSTICE).

<sup>49</sup> The Finnish National Rapporteur on Trafficking in Human Beings: Report 2012, available at [http://www.ofm.fi/download/38665\\_Ihmiskaupparaportti\\_FI\\_2012\\_pdf.pdf](http://www.ofm.fi/download/38665_Ihmiskaupparaportti_FI_2012_pdf.pdf).

<sup>50</sup> The Criminal Code of Finland, *supra* note 48, at ch. 47, §§ 3, 3a. See also *infra* Chapter III.A.1, Domestic Legislation.

problematic. The overlap results in possible human trafficking situations investigated and convicted under a non-trafficking statute such as pandering. The penalties under these statutes are lower and the victims do not get access to the necessary victim protection and aid. The human trafficking statute is not used as broadly as suggested and needed.<sup>51</sup> The overlap also causes inconsistencies in different authorities' handling the same case. The police, prosecution and the court may have different views on what truly is considered human trafficking. Investigating and prosecuting a crime under the more serious clause becomes a problem when the court does not see the human trafficking connection, and the conviction will not take into account the seriousness of the crime. More problematic, however, is the situation where a possible case of trafficking in human beings is investigated and prosecuted under a non-trafficking statute, because the court can "pass a sentence only for the act for which a punishment has been requested or for which the court may pass a sentence on its own initiative." However, even though the court "is not bound by the heading or the reference to the applicable provisions in the charge,"<sup>52</sup> the court is unlikely to use the human trafficking statute if the case is brought under a non-trafficking statute.

The difference between handling a case as pandering compared to human trafficking is tremendous for the victim. In human trafficking cases, victims are heard and treated as the injured parties. They qualify for the assistance programs, get medical help, support and legal aid, and guidance from the government. Victims may also get temporary visas and are allowed to stay in the country for a period of six months while recovering and deciding whether they want to go back to their own country or apply for a Finnish residence permit, to which victims of human trafficking are entitled. If they wish to return home, safe return is arranged. In pandering cases, victims are treated merely as witnesses; they do not get the assistance they need and the victims illegally in the country are most likely deported. Af-

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<sup>51</sup> Puu-Oksanen, *supra* note 42. See also Trafficking in Persons Report 2013, *supra* note 22, at 169-70.

<sup>52</sup> Criminal Procedure Act 689/1997, §11, ¶ 3, available at [www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf](http://www.finlex.fi/en/laki/kaannokset/1997/en19970689.pdf) (unofficial English translation, MINISTRY OF JUSTICE).

ter deportation, their situation remains unknown.<sup>53</sup>

Ground level work by the authorities and organizations can have an important role in detecting and recognizing possible victims of human trafficking. So far this has proven to be problematic. Authorities working on a practical level may not have enough knowledge and tools to recognize persons who might be victims of some form of exploitation. Furthermore, even if they detect exploitation, the ground level personnel investigating the situation may not have enough knowledge about trafficking in human beings to sort out a possible victim from persons subjected to other crimes.<sup>54</sup>

General societal attitude and awareness has an important role in recognizing possible human trafficking cases. Even though studies show that human trafficking is an increasing problem everywhere and cases of trafficking in human beings have been noted all over the country, the common attitude of denial remains strong. Especially in smaller cities, it is very common to think that problems like human trafficking happen “in the big world,” not there.

Some may not even see certain forms of human trafficking as a crime at all. Mail-order brides and massage parlors are good examples of such mistaken beliefs. When contemplating sex trafficking, more traditional forms of prostitution are easily linked with human trafficking. It is not unusual that an older man from a town somewhere in Finland travels to Asia or Eastern Europe, finds a much younger girl, pays a certain amount of money to the girl’s family to marry her and brings her back to Finland. Many people do not see anything wrong with that. In reality, the girl’s family practically sells her to the man. Her consent to the marriage was probably never asked for, and she has no say in anything. She is transported to a foreign country where she does not know the language and has no support system. Her husband has complete control over her.

These types of marriages are not automatically considered a human trafficking issue or even illegal. Drawing a line between what constitutes human trafficking and what falls under the category of some other crime – or no crime at all – is extremely difficult, even

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<sup>53</sup> Puu-Oksanen, *supra* note 42.

<sup>54</sup> Knuutila & Pullinen, *supra* note 45.

more so in the case of marriage. No law regulates how one should find a spouse. If no exploitation or coercion is involved, both parties are adults free to consent to the marriage, and they have the possibility of leaving if they so wish, the human trafficking features are not met. Finding a spouse through so-called mail-order bride sites or through other similar forums is perfectly legal. However, there is a very good chance the young wife may face domestic abuse and sexual exploitation and has no freedom to leave. Yet, she may not even see herself as a victim, but doing what she has to do to help her family. In addition, all of this happens very quietly. No one speaks about it, no one writes about it, and everything happens behind closed doors in private homes. Family privacy is extremely protected; proving a marriage took place only for human trafficking purposes is extremely difficult. For the purpose of this paper, finding legitimate sources to investigate the human trafficking effects of mail-order brides or buying a wife abroad turned out to be nearly impossible.<sup>55</sup> Nevertheless, the topic is very common in Finnish online discussion boards.<sup>56</sup>

As mentioned, not all mail-order bride or similar marriage cases fit the characteristics of human trafficking. The problem, however, is the extremely tolerant attitude toward mail-order brides. The Internet is full of dating sites for men searching for an easy way to find a wife abroad.<sup>57</sup> The popularity of such sites makes it equally easy for perpetrators to find their victims. The public rarely sees the human trafficking connection, even if the case clearly involves its elements.

A similar situation unfortunately happens with ethnic massage parlors. Massagers are forced to sell sexual services to willing

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<sup>55</sup> *Human trafficking: Mail-order Bride Abuses: Hearing before the Subcomm. On East Asian and Pacific Affairs*, (July 13, 2004) (testimony of Donna M. Hughes, Ph.D.), available at [http://www.uri.edu/artsci/wms/hughes/testimony\\_senate\\_july04.pdf](http://www.uri.edu/artsci/wms/hughes/testimony_senate_july04.pdf) (information about mail order brides as a form of human trafficking in general). See also Kirfsi Junttila, *Casualties of the Human Trade*, MAAILMA (Oct. 19, 2006), [http://maailma.net/artikkelit/ihmiskaupan\\_uhrit](http://maailma.net/artikkelit/ihmiskaupan_uhrit).

<sup>56</sup> Conversations about traveling abroad to buy a wife can be found on various Finnish online discussion boards, such as [www.suomi24.fi](http://www.suomi24.fi), [www.vauva.fi](http://www.vauva.fi).

<sup>57</sup> General search on google, using term “mail order bride” shows tens of different dating sites offering said services.

customers and face abuse. The general attitude toward buying services from massage parlors is disturbingly positive; massage parlors are everywhere and buying such services is seen almost as “normal.”<sup>58</sup> Finnish online discussion boards are full of open discussion about ethnic massage parlors and the “additional services” they offer. On these discussion sites men openly, but anonymously, ask for information and share their experiences on where to get the best “service” in their city, how much it costs and what is the “quality” of the girls: what they look like, how old they are, and how well they perform. A nickname “Selkä jumissa” starts a conversation on a popular Finnish online discussion board suomi24.fi.<sup>59</sup>

What kind of thai-massage parlors are there in ...? Where do you get the best massage, how about the best other services? How about the quality of the massagers, age, looks? What do you recommend?

–Selkä jumissa 10/27/2012 11:06 am (translated by the author).

He gets plenty of answers, including one from nickname “Kaiken Kokenut”:

All places offer massage at first and at the end you can give a little “internal massage”, if you want. Take one hour massage. First they massage and in the end ask, if you want it more intimate. If you do, just drop your pants. After that begins the sucking practice. Doesn't even cost much if you know how to bargain. Recommended!

–Kaiken Kokenut 10/27/2012 11:35 pm (translated by the author).

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<sup>58</sup> General search on Google on words “thai hieronta” (Thai massage) shows review of several discussions on popular online discussion boards, such as [www.suomi24.fi](http://www.suomi24.fi) and [www.kaksplus.fi](http://www.kaksplus.fi).

<sup>59</sup> Discussion about Thai massage on a popular Finnish online discussion board, *available at* <http://keskustelu.suomi24.fi/node/11011549>.



These kinds of discussions are very common on popular discussion boards. Many do not see these services as a form of prostitution, not to mention as human trafficking.<sup>60</sup>

## II. *Conflicting Claims*

### A. *Perpetrators and Third Parties*

The motive for traffickers is usually financial benefit. Human trafficking is one of the largest, as well as the wealthiest, criminal industries in the world. Victims are willing to pay large amounts of money in hopes for a better life. Industries want cheap labor and are willing to pay for that, and trafficking human beings for sex labor is extremely beneficial financially. Organized crime is not necessarily involved in all cases, but the perpetrator may also be a private actor, even a family member. It is increasingly common that the perpetrator is someone close to the victim, such as family member, a friend or an acquaintance.<sup>61</sup> Regardless of the perpetrators' status, the main motive is usually still financial benefit, power and well-being.

The perpetrators may be part of organized crime when financial benefit is usually the main motive. Trafficking in human beings is extremely profitable for the traffickers; a lot of money is moved annually in the human trafficking business. Victims coming from poorer countries are especially easy targets for traffickers, which also means easy money.

Individual persons may be after the financial benefit as well as their own well-being. When a person is selling the victim for sexual exploitation or using them as free labor in a business, money and obtaining free services is usually the motive. Parents selling their children, who then end up being exploited, may also be after the money, but for different reasons. They seek financial benefit to be

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<sup>60</sup> General search on Google on words "thai hieronta" (Thai massage) shows review of several discussion on popular online discussion boards, such as [www.suomi24.fi](http://www.suomi24.fi) and [www.kaksplus.fi](http://www.kaksplus.fi).

<sup>61</sup> I EXIST!, *supra* note 10.

able to support themselves, their other children or to improve their general well-being. When victims are used for domestic services and the perpetrator is the only exploiter, the financial benefit received is not that significant. Personal well-being of the perpetrator may be more important than financial benefit. For example, the mail-order bride phenomenon is usually not about directly making money, but the victim is used for personal purposes, such as domestic servitude and sexual exploitation.

Third parties are the ones who are not directly perpetrators, but they are still usually benefitting in some form from exploiting the victims. The buyers of sexual services are looking for pleasure and well-being for themselves; they want to have fun and fulfill their sexual needs. They could also be seeking affection, someone to be close to for a while.

Businesses, whether small private entrepreneurs or multinational companies, are after wealth. They want cheap labor to minimize their costs and maximize the profits of running the business, maybe to avoid paying taxes and other fees set by the government. Using cheap foreign labor is easy, and the employees are willing to work long days without claiming holidays or compensation for working overtime. Even if businesses may not directly be involved in trafficking persons, many of them are closing their eyes to the phenomenon. Cheap labor is financially beneficial for the companies, so they do not ask too many questions about where the labor is coming from, just silently let the trafficking continue.

### *B. The Victims*

The main claim of the victims is to not be abused. They leave their homes and travel to another country in hopes of a better life, not to be sexually exploited or forced to work with little or no compensation. Victims desire freedom and a better quality of life. Some victims may want to go back to their own country; some wish to stay and try to build a life. Whatever the case, they wish to have better working conditions, adequate compensation for their work and reasonable working hours.

Recovering victims may continue facing problems even after their exploitation has ended. If the perpetrators do not face any penalty for their actions, victims may have the continuing fear of becoming victimized again. They may have to face other kinds of legal battles, too. In some cases, the victims may have children with the perpetrators and, if the perpetrators are not prosecuted, the victims may even have to go through legal battles for the custody of their children.

### *III. Past Trends in Decision and Conditioning Factors*

#### *A. The Domestic System*

##### *1. Legislation*

Trafficking in human beings is criminalized under Finnish laws. Human trafficking legislation came into force in 2004. Before modifying the human trafficking statute into the Finnish Criminal Code, crimes now considered as human trafficking were prosecuted, *inter alia*, as work discrimination or prostitution.<sup>62</sup> The law acknowledges three forms of trafficking in persons: sexual abuse and prostitution, forced labor or other types of forcing someone into demeaning circumstances, and trade in bodily organs for financial gain. The Finnish Criminal Code defines trafficking in human beings as follows:

A person who (1) by abusing the dependent status or vulnerable state of another person, (2) by deceiving another person or by abusing a mistake made by that person, (3) by paying remuneration to a person who has control over another person, or (4) by accepting such remuneration takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse referred to in chapter 20, section 9, subsection 1(1)

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<sup>62</sup> I EXIST!, *supra* note 10.

or comparable sexual abuse, forced labour or other de-meaning circumstances or removal of bodily organs or tissues for financial benefit shall be sentenced for trafficking in human beings.<sup>63</sup>

The key element in defining human trafficking is taking control of a person using deception, by abusing the person's dependent status, insecure state or by deluding the person into the country by giving false information about the nature of work the person will be performing. If the victim is under the age of 18, the case shall be prosecuted as human trafficking, even if none of the methods mentioned above have been used. The penalty for human trafficking is no less than four months and no more than six years of imprisonment.<sup>64</sup> If the perpetrators use violence or threats, cause the victim severe injury, illness or life threatening conditions or other similar suffering, if the victims are minors with limited capability to defend themselves, or if organized crime is involved, the statute used is aggravated human trafficking. Also, enslaving a person, keeping them in servitude or transporting or trading in slaves is aggravated human trafficking. The penalty for aggravated human trafficking is at least two and up to ten years of imprisonment.<sup>65</sup> Knowing about trafficking in human beings and failing to report such offence is also punishable.<sup>66</sup>

Some victims of human trafficking have entered the country without proper documentation or travel permits. Finnish legislation does not see human trafficking victims as having committed border offences, even if they have entered the country illegally through trafficking in human beings.<sup>67</sup>

Finnish legislation on pandering and human trafficking statutes overlap. Pandering generally includes crimes of so-called pimping of prostitutes, who are in the business by consent. Under the

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<sup>63</sup> The Criminal Code of Finland, *supra* note 48, at ch. 25 (650/2004), § 3.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.* at §§ 3, 3a.

<sup>66</sup> *Id.* at ch. 15, § 10:1.

<sup>67</sup> *Id.* at ch. 17, Section 7:2

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Finnish Criminal Code, however, pandering also includes acts done by seducing or coercing someone into prostitution:

A person who, in order to seek financial benefit for himself or herself or for another person. . . (5) tempts or pressures another person to engage in such an act, shall be sentenced for pandering to a fine or imprisonment for at most three years. (650/2004) (2). An attempt is punishable.<sup>68</sup>

If the person is under 18 years old or the crime is committed systematically, aiming for significant financial profit or causing serious harm or suffering to the person, the offence is aggravated pandering. The penalty for aggravated pandering is four months to six years of imprisonment.<sup>69</sup>

Another overlap in legislation considers forced labor-related human trafficking and other employment offences. The Finnish Criminal Code prohibits work discrimination based on “race, national or ethnic origin, nationality, colour, language, sex, age, family status, sexual preference, inheritance, disability or state of health, or. . . because of religion, political opinion, political or industrial activity or a comparable circumstance” in both selecting an employee and during a work contract.<sup>70</sup> No one is to be put in an inferior position without “an important and justifiable reason.” The penalty for work discrimination is a fine or up to six months of imprisonment.<sup>71</sup>

While forced labor-related human trafficking cases obviously include work discrimination, the significant overlap is found between the human trafficking statute and the statute on extortionate work discrimination.

If in the work discrimination an applicant for a job or an employee is placed in a considerably inferior position through the use of the job applicant’s or the employee’s

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<sup>68</sup> *Id.* at 20, Section 9.

<sup>69</sup> *Id.* at Section 9a.

<sup>70</sup> *Id.* at ch. 47, § 3 (885/2009).

<sup>71</sup> *Id.*

economic or other distress, dependent position, lack of understanding, thoughtlessness or ignorance, the perpetrator shall, unless a more severe penalty is provided for the act elsewhere in the law, be sentenced for extortionate work discrimination to a fine or to imprisonment for at most two years.<sup>72</sup>

Key elements in many forced labor cases are using economic distress, such as debt bonding, as well as taking advantage of victims' dependent positions or lack of understanding to gain control over them. Overlap between extortionate work discrimination<sup>73</sup> and forced labor is clear, and drawing the line between these two statutes is extremely difficult. From the victim's point of view, the difference between the uses of these two statutes, however, is as significant as the difference mentioned in sex trafficking cases.

Citizens of the European Union are automatically allowed to legally reside in Finland,<sup>74</sup> meaning victims of human trafficking coming from within the European Union do not face the problem of deportation; however, victims coming from countries outside the European Union may have entered the country illegally and lack proper documentation, such as residence and work permits. Finnish legislation protects victims of human trafficking from deportation, and it guarantees certain forms of support and protection.<sup>75</sup> The victims may be issued a temporary residence permit, if the residence in Finland "is justified on account of the pre-trial investigation or court proceedings considering trafficking in human beings," the victim is prepared to co-operate with the authorities, and the victim no longer

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<sup>72</sup> *Id.* at ch. 47, § 3a (302/2004).

<sup>73</sup> *Id.*

<sup>74</sup> Council Directive, *supra* note 31.

<sup>75</sup> Finnish Aliens Act (Act No. 301/2004), §§ 52a-52c (619/2006). Amendments are based on EU Council Directive 2004/81, 2004 (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). *See also* Act on Promoting Integration, 1386/2010, Section 6, paragraph 53; Section 7, paragraph 56; Act on Reception of persons seeking for international assistance, 746/2011, Chapter 4.

has ties to the perpetrators.<sup>76</sup>

In some cases, when a victim of human trafficking is considered to be in a particularly vulnerable position, a victim may be issued a residence permit on a continuous basis. In these cases none of the requirements set out above have to be met. A residence permit on a continuous basis means that also the family members of the victim staying abroad may be issued a residence permit in Finland on the basis of family ties. A temporary permit of residence does not allow this option.<sup>77</sup>

Before issuing a residence permit, District Police or border control authorities give the victim a reflecting period of thirty days to six months, during which the victim must decide whether or not to cooperate with the authorities in catching the perpetrators of human trafficking.<sup>78</sup> During this reflection period, victims receive help and support and may decide whether they wish to stay in Finland and cooperate with the authorities or return to their own country. Support may include providing accommodation, health care, therapy, legal aid and interpreter services. If the victim wishes to return home, safe return is arranged.<sup>79</sup>

The Act on Promoting Integration includes statutes providing for refund of costs accruing to municipalities from providing services and support for victims of human trafficking,<sup>80</sup> as well as providing a representative to each minor who is a victim of human trafficking and in the country without a guardian.<sup>81</sup> The Act on Reception of Persons Seeking International Assistance contains guidelines for supporting victims of human trafficking.<sup>82</sup> This includes the kind of

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<sup>76</sup> *Id.* at § 52a (619/2006).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.* at §§ 52b, c (619/2006).

<sup>79</sup> NAT'L BUREAU OF INVESTIGATION, *Actions Against Human Trafficking in Finland*, available at <http://www.poliisi.fi/poliisi/krp/home.nsf/pages/E0FE673C479190B6C2257589004F8AA2>.

<sup>80</sup> Act on Promotion of Immigrant Integration (Act No. 1386/2010), § 6, ¶ 53, available at <http://finlex.fi/en/laki/kaannokset/2010/en20101386>.

<sup>81</sup> *Id.* at § 7, ¶ 56.

<sup>82</sup> Act on Reception of Persons Seeking for International Assistance, (Act. No. 746/2011), ch. 4.

assistance with which victims may be provided, who is the competent authority to decide on the assistance, and how this assistance system ought to be monitored.<sup>83</sup>

## 2. *Monitoring and Assistance*

Other domestic efforts have also been made to improve the human trafficking situation in Finland. The National Anti-trafficking Rapporteur monitors the implementation of new human trafficking regulations.<sup>84</sup> The ombudsman for minorities acts as a National Anti-trafficking Rapporteur and has been monitoring the human trafficking situation since 2009.<sup>85</sup> The Rapporteur's duties consist of monitoring overall human trafficking phenomena in the country, including the implementation of international obligations, as well as the effectiveness of domestic legislation. The rapporteur reports to the Government annually and to the Parliament every four years, issuing "proposals, recommendations, statements and advice relevant to combating human trafficking and implementing the rights of victims," maintaining contacts with international organizations as well as providing legal advice and assistance for victims of human trafficking, when needed.<sup>86</sup>

The first National Plan of Action against Trafficking in Human Beings was introduced in 2005.<sup>87</sup> The purpose of the plan was to suggest measures to recognize and help the victims of human trafficking, convict perpetrators, prevent trafficking in human beings as well as raise awareness and knowledge of human trafficking issues.<sup>88</sup>

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<sup>83</sup> *Id.*

<sup>84</sup> NAT'L BUREAU OF INVESTIGATION, *supra* note 79.

<sup>85</sup> *Id.*

<sup>86</sup> Act on Ombudsman and Discrimination Board, § 2, ¶¶ 1, 2a. *See also* OMBUDSMAN FOR MINORITIES, *Duties of the Rapporteur on Trafficking in Human Beings*, [http://www.ofm.fi/en/trafficking\\_in\\_human\\_beings/rapporteur\\_on\\_trafficking\\_in\\_human\\_beings](http://www.ofm.fi/en/trafficking_in_human_beings/rapporteur_on_trafficking_in_human_beings).

<sup>87</sup> MINISTRY FOR FOREIGN AFFAIRS OF FINLAND, *National Plan of Action against Trafficking in Human Beings 2005*, available at <http://www.formin.finland.fi/public/default.aspx?contentid=238923&contentlan=2>.

<sup>88</sup> *Id.*



After introducing the first plan, two evaluations of the plan have been prepared. The first evaluation in 2008 focused more on recognizing the victims and raising awareness on human trafficking issues. The plan also concentrated on prevention measures, such as diminishing demand for human trafficking.<sup>89</sup> The most current plan prepared in 2011 evaluates the effectiveness of measures set out in previous plans. The working group points out issues and gives recommendations on how to further affect the human trafficking situation in Finland.<sup>90</sup>

The victims of trafficking in human beings are entitled to protection and assistance through the National Assistance System for victims of human trafficking. This assistance may include various services and support, including legal aid, social services, healthcare, translator services and general assistance, arranging accommodation and providing social welfare. If the victim wishes to return to his or her country of origin, safe return may be arranged. Special needs of the victims ought to be considered as well.<sup>91</sup>

All human trafficking victims are entitled to the assistance, regardless of whether or not they are in the country legally or have any documentation. A person may be admitted to the assistance system on the mere suspicion that he or she might be a victim of human trafficking. Receiving help is voluntary for the victims.<sup>92</sup> At the moment, assisting victims of human trafficking is concentrated in the Joutseno reception center, located in South-East Finland, close to the city of Lappeenranta. The reception center is responsible for the administration of a victim assistance system. All victim types, including men, women, children, families and groups of people may re-

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<sup>89</sup> MINISTRY OF THE INTERIOR, *Revised National Plan of Action Against Trafficking in Human Beings*, Publ'n No. 27 (2008), at 3-6, 14-22.

<sup>90</sup> MINISTRY OF THE INTERIOR, *Evaluation of the National Plan of Action against Trafficking in Human Beings and Recommendations to Develop Legislation and Measures Concerning Human Trafficking*, Publ'n No. 17(2011).

<sup>91</sup> Act on Reception of Persons Seeking for International Assistance, *supra* note 83, ch. 4, ¶ 33.

<sup>92</sup> THE FINNISH MIGRATION SERV. *System of Assistance for Victims of Human Trafficking* (2014), [http://www.migri.fi/asylum\\_in\\_finland/reception\\_activities/reception\\_services/help\\_for\\_victims\\_of\\_human\\_trafficking](http://www.migri.fi/asylum_in_finland/reception_activities/reception_services/help_for_victims_of_human_trafficking).

ceive assistance.<sup>93</sup> In addition to national assistance, many non-governmental organizations provide help for human trafficking victims.<sup>94</sup>

The national assistance system has official web sites, providing information about human trafficking and the rights of the victims. This information is currently provided in eight languages: Finnish, Swedish, English, Russian, Spanish, Arabic, Thai and Chinese. The information provided in Finnish and Swedish, the national languages of Finland, is quite thorough, containing information and instructions for both possible victims and other people seeking information. In other languages, however, the information provided is still very scarce, including only a few sentences on who can seek assistance and when, as well as a phone number.<sup>95</sup>

Finland provides special training on how to identify victims of human trafficking for personnel working closely with possible human trafficking situations, such as Finnish forces going on peace-keeping missions, as well as the staff of the Finnish airline company Finnair. Finland also participates in providing assistance for counter-trafficking programs and to a regional expert group on trafficking in human beings.<sup>96</sup>

### 3. *Court Decisions*

The District Court of Helsinki pronounced the first human trafficking conviction in Finland in 2006. Four Estonian men were convicted of aggravated human trafficking. The men trafficked an Estonian, disabled woman to Finland and forced her into sex work. The district court originally convicted six men for aggravated human trafficking.<sup>97</sup> The case was taken to the Helsinki Court of Appeal,

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<sup>93</sup> I EXIST!, *supra* note 10.

<sup>94</sup> *See id.* (listingsome NGO's engaged in providing assistance for victims of human trafficking).

<sup>95</sup> I EXIST!, *supra* note 10.

<sup>96</sup> U.S DEP'T OF STATE, *Trafficking in Persons Rep.* 2013, *supra* note 22.

<sup>97</sup> Helsinki District Court, 2006-07-20 Judgment 6857 (Fin.). Also summarized THE NAT'L BUREAU OF INVESTIGATION OF FINLAND, *Actions against Human*

which confirmed the conviction of four men. The primary offender was sentenced to five and a half years of imprisonment. In addition, another two men originally accused of aggravated human trafficking were eventually convicted for aggravated pandering, and one female was convicted for assisting in it. Some of the key findings of the court were that the victim had been threatened with violence, her freedom had been restricted, and her dependable and insecure state had been taken advantage of. The court also noted her disability when assessing the intensity of the victim's subordination and her actual chances of leaving the situation; the court saw the fact that the victim may have been in possession of her passport and possibly having access to the house keys as irrelevant.<sup>98</sup>

Another human trafficking case occurred in 2008 and was prosecuted in the Kotka District Court. The case was interesting in that all parties were Finnish citizens and it involved no movement across borders. A Finnish female was violently forced into prostitution. The primary offender was sentenced for aggravated human trafficking to five and a half years of imprisonment. Four other offenders were sentenced to over two years of imprisonment.<sup>99</sup>

The District Court of Helsinki issued the first human trafficking conviction of forced labor in 2012.<sup>100</sup> A Vietnamese couple recruited two Vietnamese employees to work for a nail salon. A young Vietnamese woman, related to the perpetrators, was brought to Finland and made to work in a nail salon for little to no compensation.

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*Trafficking in Human Beings in Finland*, Poliisi, <http://www.poliisi.fi/poliisi/krp/home.nsf/pages/E0FE673C479190B6C2257589004F8AA2>.

<sup>98</sup> Helsinki Court of Appeal, Judgment 722 of 3/1/2007, Case No. R06/2317.

<sup>99</sup> *Actions against Human Trafficking in Finland*, *supra* note 98.

<sup>100</sup> Helsinki District Court, Kä0 12/2880, Judgment of March 30, 2012. *See also* numerous Finnish newspapers before and after the conviction, e.g., *Kynsistudion Pitäjille Vankilatuomiot Ihmiskaupasta*, HELSINGIN SANOMAT, MAR. 30, 2012, available at <http://www.hs.fi/kotimaa/a1305558919243>; *Syyttäjä: Kynsistudiossa Työkennelleeltä Ihmiskaupan Uhrilta Iaadittiin Aborttia*, MTV3 NEWS Mar. 20, , <http://www.mtv.fi/uutiset/rikos/artikkeli/syyttaja--kynsistudiossa-tyoskennelleelta-ihmiskaupan-uhrilta-vaadittiin-aborttia/2048992>; *Kaivokadun Kynsistudion Omistajille Tuomio Ihmiskaupasta*, HELSINKI NEWS, Apr. 2, 2012, available at <http://www.helsinginuutiset.fi/artikkeli/101937-kaivokadun-kynsistudion-omistajille-tuomio-ihmiskaupasta>.

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In addition, she had to do domestic work and take care of the couple's children. What made the crime even more aggravated was that the woman was pregnant. The couple tried to force her to have an abortion, and when that did not succeed, to work throughout her pregnancy, including the morning she eventually gave birth, to have her legal maternal leave,<sup>101</sup> but to return to work only two weeks after giving birth. The couple had agreed to bring the father of the child to Finland as well, promising him work. After he arrived, it soon became clear that he would not get paid either, but the perpetrating couple demanded 20,000 Euros<sup>102</sup> from the victims for arranging the father's arrival. The perpetrating couple was sentenced to two years and four months of imprisonment for human trafficking and aggravated usury.<sup>103</sup>

The number of human trafficking cases has steadily increased after the amendments to the Criminal Code. In 2012, eight alleged human trafficking cases were prosecuted. Currently, there is an ongoing case of trafficking in human beings in the District Court of Pohjanmaa. The number of victims receiving help through the national assistance system has also steadily increased. In 2012, 52 victims of human trafficking received help through the National Assistance System for Victims of Human Trafficking.<sup>104</sup>

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<sup>101</sup> According to Finnish legislation, all Finnish inhabitants who have lived in the country for at least 180 days before the birth of the child are entitled to maternity allowance for 105 days. *See* Finnish Health Insurance Act (Act No. 1224/2004), § 9, ¶¶ 1, 2. Employees have the right to take a leave of absence from work for the period of maternity allowance, as well as other periods of parental allowances set by the law. *See* Finnish Employment Contracts Act (Act No. / ?) § 4, ¶¶ 1, 2.

<sup>102</sup> One Euro amounts approximately 1.35 U.S. Dollars; 20,000 Euros is approximately 27,000 USD. EUROPEAN CENTBANK, *Euro Foreign Exchange Rates*, available at <http://www.ecb.europa.eu/stats/exchange/eurofxref/html/index.en.html> (last visited July 23, 2014).

<sup>103</sup> Helsinki District Court, *supra* note 101.

<sup>104</sup> U.S. DEP'T OF STATE, *TRAFFICKING IN PERSONS REP.* 2013, *supra* note 22. *See also A Vietnamese Foreman Accused of Human Trafficking*, YLE NEWS, Sept. 2, 2013, [http://yle.fi/uutiset/vietnamilaista\\_tyonjohtajaa\\_syytetaan\\_ihmiskaupasta/6810548](http://yle.fi/uutiset/vietnamilaista_tyonjohtajaa_syytetaan_ihmiskaupasta/6810548).

*B. International Law*

As stated above, Finland is part of most United Nations human rights treaties. Some of the key treaties are the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, and the Convention on the Rights of the Child.<sup>105</sup> Finland has ratified the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. The Protocol entered into force globally on January 18, 2002. The purpose of the Protocol is to protect children by prohibiting their sale, child prostitution and child pornography. Finland signed the Protocol in 2000.<sup>106</sup>

Finland has also ratified a number of international and regional conventions regarding trafficking in human beings and has been actively involved in international work to stop human trafficking. Finnish Ambassador Pekka Hyvönen is currently the Chair of the Committee of the Parties of the Council of Europe Convention on Action against Trafficking in Human Beings.<sup>107</sup>

One of the main international treaties regarding fighting against human trafficking is the United Nations Convention against Transnational Organized Crime, from 2000,<sup>108</sup> supplemented by three protocols.<sup>109</sup> Finland signed the Convention in 2000 and rati-

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<sup>105</sup> See MINISTRY OF FOREIGN AFFAIRS OF FINLAND, *supra* note 13 (listing U.N. Conventions Finland has ratified), <http://www.formin.fi/public/default.aspx?contentid=67680&contentlan=1&culture=fi-FI>.

<sup>106</sup> Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, U.N. Doc. A/RES/54/263 (May 25, 2000) (entered into force Jan. 18, 2002).

<sup>107</sup> COUNCIL OF EUROPE, *Action Against Trafficking in Human Beings: News*, Oct. 18, 2013, [http://www.coe.int/t/dghl/monitoring/trafficking/default\\_en.asp](http://www.coe.int/t/dghl/monitoring/trafficking/default_en.asp).

<sup>108</sup> United Nations Convention against Transnational Organized Crime, U.N. Doc. RES/55/25 (Nov. 15, 2000) (entered into force Sept. 29, 2003), available at [www.unodc.org/unodc/en/treaties/CTOC/index.html](http://www.unodc.org/unodc/en/treaties/CTOC/index.html).

<sup>109</sup> The three supplementing protocols to the Covenant are: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which Finland signed in 2000 and accepted in 2006; the Protocol against the Smuggling of Migrants by Land, Sea and Air, which Finland signed in 2000 and

fied it in 2004.<sup>110</sup> Additionally, Finland has signed and ratified all three optional Protocols to the Convention. The most important instrument of the three protocols addressing human trafficking issues is the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the so-called “Palermo Protocol.” The Protocol entered into force December 25, 2003. The Protocol is universally significant because it is the first international, legally binding instrument that contains the definition of trafficking in human beings.<sup>111</sup> As of September 7, 2014, 161 states are parties to the Palermo Protocol,<sup>112</sup> which entered into force in 2006.<sup>113</sup>

In addition to international conventions, Finland is part of numerous regional agreements. Most of these are European Union Conventions and Directives. One of the most important regional instruments is the Council of Europe Convention on Action against Trafficking in Human Beings of 2005. The purpose of the Convention is to prevent and combat human trafficking, protect gender equality, effectively investigate and prosecute human trafficking cases, protect the victims and improve international cooperation. The

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accepted in 2006; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition, which Finland signed in 2000 and accepted in 2011. *See id.*

<sup>110</sup> U.N. TREATY COLLECTION (listing countries who have signed and/or ratified the Convention against Organized Crime), [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12&chapter=18&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en) (last visited September 7, 2014).

<sup>111</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, *supra* note 2 (adopted and opened for signature, ratification and accession by General Assembly resolution 55/25 of 15 November 2000). *See also United Nations Convention against Transnational Organized Crime, supra* note 108.

<sup>112</sup> U.N. TREATY COLLECTION (listing states parties to the Protocol), [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XVIII-12-a&chapter=18&lang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12-a&chapter=18&lang=en) (last visited on Sept. 7, 2014).

<sup>113</sup> UNDOC: *World Drug Report 2014*) (listing countries who have signed and/or ratified the Protocol, <http://www.unodc.org/unodc/en/treaties/CTOC/countrylist-traffickingprotocol.html> (last visited July 23, 2014).

Convention came into force in Finland September 1, 2012.<sup>114</sup>

Another important regional instrument is a European Council directive, regarding issuance of residence permits for victims of human trafficking. The Directive concerns issuing residence permits to third-country nationals who are victims of human trafficking or have been subjected to illegal entry to the country. These victims may be issued a residence permit to European Union countries if they cooperate with the competent authorities, for example, in order to catch the perpetrators. The directive was issued in April 2004<sup>115</sup> and adopted by the Finnish Aliens Act (301/2004) in 2006.<sup>116</sup>

The latest regional convention Finland is a part of is the European Union directive on preventing and combating human trafficking and protecting its victims.<sup>117</sup> The Directive “establishes minimum rules at European Union (EU) level concerning the definition of criminal offences and sanctions in the area of trafficking in human beings” and it also “provides measures aimed at better prevention of this phenomenon, and at improving the protection of victims.”<sup>118</sup> Since it is an EU directive, all member states of the European Union must adapt their domestic legislation to comply.<sup>119</sup> Finland’s domestic efforts to create an effective support system for victims of human trafficking are aimed to be consistent with this EU directive.

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<sup>114</sup> Council of Europe Convention on Action against Trafficking in Human Beings, ch. 1, Art. 1, May 16, 2005, C.E.T.S. 197 (entered into force in Finland September 1, 2012, Bill 427/2012).

<sup>115</sup> Council Directive, *supra* note 75.

<sup>116</sup> Bill HE 32/2006 vp., *available at* <http://www.eduskunta.fi/valtiopaivaasiat/he+32/2006>.

<sup>117</sup> Directive 2011/36 of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and Replacing Council Framework Decision 2002/629/JHA, 2011 O.J. (L 101).

<sup>118</sup> Council Directive, *supra* note 75. *See also* EUROPA: SUMMARIES OF EU LEGISLATION, *Preventing and Combating Trafficking in Human Beings*, [http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/fight\\_against\\_trafficking\\_in\\_human\\_beings/jl0058\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/fight_against_trafficking_in_human_beings/jl0058_en.htm).

<sup>119</sup> *See* European Commission, [http://ec.europa.eu/eu\\_law/introduction/what\\_directive\\_en.htm](http://ec.europa.eu/eu_law/introduction/what_directive_en.htm) (providing more information about EU directives).

*IV. Predicting Future Trends*

Problems in detecting human trafficking and overlaps in legislation have been noticed. The Ministry of Justice in 2011 established a working group to identify needs for legislative changes. The purpose of the working group was to investigate how well Finnish legislation is in line with the recent EU directive about combatting human trafficking<sup>120</sup> and what kind of legislative changes may be needed to clarify the difference between human trafficking and crimes with similar aspects, such as pandering and extortionate work discrimination. The working group suggested certain legislative changes to more effectively intervene in human trafficking and protect the victims, as well as to better comply with the international obligations to which Finland has committed.<sup>121</sup>

The working group suggests removing the word “coercion” from the current pandering clause and removing all violence-related methods from the aggravated pandering clause. They also suggest amending the wording “takes control over another person” in the human trafficking clause to better comply with the purpose of the clause.<sup>122</sup> This would clarify the line between human trafficking and pandering, making all cases involving pressuring, threatening or violence cases of human trafficking. The working group suggests improving the position of persons subjected to pandering by providing them legal aid and support. It furthermore points out that, in labor cases, the responsibility of the employer should be investigated further, for example, whether using bans on business operations could be effective.<sup>123</sup> These amendments have not yet been made, but will

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<sup>120</sup> See Directive 2011/36, of the European Parliament and of the Council of 5 April 2011 on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, and Replacing Council Framework Decision 2002/629/JHA, 2001 O.J. (L 101), available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.

<sup>121</sup> See The Finnish National Rapporteur on Trafficking in Human Beings, Rep. of the Ombudsman for Minorities, Pub. 12, at 11 (2012), available at [http://www.ofm.fi/download/39494\\_SM\\_ihmiskauppa\\_uk\\_web.pdf](http://www.ofm.fi/download/39494_SM_ihmiskauppa_uk_web.pdf).

<sup>122</sup> Finnish National Rapporteur, *supra* note 123, at 11-12.

<sup>123</sup> *Id.*



most likely happen in the near future.

The Steering Group, established to evaluate the human trafficking situation in Finland, points out, as its main recommendation, that a special working group should be established to further investigate needs for legislative changes and to draft a proposal for a comprehensive act regarding human trafficking issues. The Steering Group also points out the need to draft proposals on how to regulate the identification of victims of human trafficking, as well as how to communicate with and pass information between different authorities or among authorities and other parties helping the victims.<sup>124</sup> So far, these suggestions have not been put into practice. They are, however, recommendations of the Steering Group, and therefore the government likely will at least carefully consider them.

The Ministry of Justice has debated whether Finland should follow the methods practiced in Sweden. Sweden has completely criminalized buying sex, and Finland is debating whether the same legislation could work in Finland. Currently Finnish legislation prohibits prostitution in a public place<sup>125</sup> and buying sex from minors or from victims of human trafficking.<sup>126</sup> Needless to say, the legislation is ineffective in practice, since such cases are almost impossible to prosecute. The prosecution should be able to prove that the person buying sexual favors knew at the time that the person was underage or a victim of human trafficking. Complete prohibition of buying sexual services would clarify the legislation and, it is hoped, create a negative public atmosphere towards commercial sex.<sup>127</sup> Most likely complete criminalization of buying sex will not happen due to the strong objection of many parties, but some changes in the legislation are predicted.

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<sup>124</sup> MINISTRY OF THE INTERIOR, *Evaluation of the National Plan of Action against Trafficking in Human Beings and Recommendations to Develop Legislation and Measures Concerning Human Trafficking*, pubs. 17/2011, at 116-117.

<sup>125</sup> Public Order Act (Act No. 612/2003), ch. 2, § 7.

<sup>126</sup> The Criminal Code of Finland, *supra* note 48, at ch. 20, §§ 8, 8a.

<sup>127</sup> MINISTRY OF JUSTICE OF FINLAND, *Publications, Inquests and Instructions* 39/2013, at 112, 116-118, available at [http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1378203764840/Files/OMSO\\_39\\_2013\\_Seksikaupan\\_kohteen\\_hyvaksikaytto.pdf](http://oikeusministerio.fi/fi/index/julkaisut/julkaisuarkisto/1378203764840/Files/OMSO_39_2013_Seksikaupan_kohteen_hyvaksikaytto.pdf).

Finland is part of the European Union and actively involved in international cooperation. Human trafficking is more and more condemned universally, and both states and different organizations are increasingly putting effort into victim identification and protection. Finland is likely to follow this international direction, making legislative amendments and finding new ways to improve the position of the victims.

## V. *Appraisal, Invention of Alternatives, Recommendations*

### A. *Appraisal*

Finland is generally considered to be a safe Western welfare country, having but few problems with corruption or organized crime. Finland has made numerous efforts in improving the human rights situation in the country. In addition to international agreements, Finland has made domestic efforts to stop human trafficking and help the victims get back on their feet.

Despite the fact that certain legislative changes have been made and domestic legislation in Finland is considered to be consistent with international obligations and European Union directives, the legislation in its current form does not give the victims of human trafficking enough protection. Human trafficking statutes are not used broadly enough, and old habits in all levels of legal procedures, from investigation by the police to prosecution and court procedures, are still used all too commonly. Both legislation and the general legislative system in the country need further inspection and improvements before victims of human trafficking can effectively be protected and their perpetrators brought to justice.

On paper, the current National Assistance System for Victims of Human Trafficking is functional. Though some need for improvement may always be found, the basic assistance system is relatively good. The problem, however, remains that victims of human trafficking are not recognized, and therefore stay out of the reach of support systems.

The system of recognition of possible victims of human traf-

ficking is not effective. No legislative guidelines have been drawn up to assist authorities in their work. General knowledge about human trafficking remains inadequate both among the public and those people who might first interact with the victims, such as ground-level personnel in border control, police, social services or health care. These officials working on the ground level, where victims usually are easiest to spot, do not have enough knowledge to recognize the victims among all other clients. Making a distinction between what is human trafficking and what is something else is not easy without proper training or education; it remains challenging even for those involved in different kinds of training programs.

### *B. Alternatives*

In order to protect the victims of human trafficking, Finnish legislation needs significant changes. The distinction between human trafficking and pandering statutes must become clearer. At the moment, many victims fall out of the support system because their cases are prosecuted as pandering cases instead of using the more serious human trafficking statute. As long as these two statutes overlap, changing the legal praxis is challenging. Some suggestions to amend the legislation have already been made, and will hopefully happen, but the legislation may still need closer observation.

In many other countries, the clear distinction between pandering and human trafficking is the consent of the person selling services. This distinction would make Finnish legislation more effective and give victims of human trafficking more protection. All cases, when sex workers are not conducting business with their full consent, and cannot truly, freely stop working whenever they want should be prosecuted as human trafficking. Similarly, only those cases when the workers truly have a chance of leaving whenever they want without being pressured financially or in any other way, and they are conducting in prostitution out of their free will, could be prosecuted as pandering.

Enacting a new law regarding trafficking in human beings, as the working group suggested, could be a useful idea. It might also be

useful to set up legislated guidelines for identifying victims of human trafficking. Currently, the guidelines can be found only in different governmental instructions.<sup>128</sup>

The complete prohibition of buying sexual services has been debated. Criminalizing buying sex might help in managing demand for commercial sex and therefore demand for sex trafficking. Complete prohibition, however, has its issues, and so far proof of its effectiveness has been scarce. The suggestion to broaden the clause on prohibiting buying sex from victims of human trafficking, to also include situations where the buyer should have known to suspect human trafficking would probably not have much effect, either. Proving that the buyer should have known he was dealing with a victim of human trafficking is almost as problematic as proving he in fact knew that was the case. One alternative would be to go a little further and make buying sex from a victim of human trafficking punishable in all cases, whether or not the buyer was fully aware that he in fact was dealing with human trafficking. This method is used in the United Kingdom.<sup>129</sup>

### *C. Recommendations*

Human trafficking is not an easy crime to tackle. Many efforts have been made globally to stop it, yet trafficking in human beings continues to be an aggravated crime all over the world. Even giving specific recommendations on how to tackle the human trafficking situation in Finland is problematic. Ending human trafficking would require completely abolishing demand and sources, which in the current state of the world seems quite unrealistic. Diminishing human trafficking, however, can be achieved. It requires effective legislation, trained individuals in all fields, changes in public attitude, raising awareness and open discussion, and the public's will to help one another. Victims need to be protected, assisted and supported effectively on a practical level. Putting all of this into specific acts is not an easy task.

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<sup>128</sup> MINISTRY OF THE INTERIOR, Evaluation, *supra* note 126, at 40-44.

<sup>129</sup> Puu-Oksanen, *supra* note 42.

### *1. Legislation*

Different observation groups already suggest changes in domestic legislation. The main suggestion is clearly separating pandering and human trafficking statutes as well as forced labor and extortionate work discrimination from one another. The clear distinction between sex trafficking and pandering is suggested to be the consent of the victim. The distinction of full consent is very clear and broadly used all over the world.<sup>130</sup> It would require either minor changes in the Criminal Code of Finland, or a statute and guidelines for the court and police to follow while investigating possible human trafficking cases. This change could be done quite easily and it would have a significant impact on the future of human rights prosecution. More specifically, broader guidelines and legislation might be needed to fully cover different situations of trafficking in human beings. Therefore, I would suggest a more careful observation of current legislation.

Current legislation does not specifically mention different forms of sex trafficking. Adding some type of guidelines or even statutes on different forms of sex trafficking, such as establishing a notion on what kind of forms sex trafficking may have, but is not limited to, could help in investigating these situations. The distinction between two consenting adults marrying each other compared to a perpetrator buying a victim abroad for exploitation is naturally extremely difficult to detect, and national legislation may not be the best forum for defining forms of sex trafficking; it could limit the use of the statute. However, having mail-order brides mentioned in, for example, law preparation documents as a possible form of human trafficking might make it a little easier for border control and other officers to question these situations. It could also help the victims to see that they may in fact be victims of a crime, and they may seek help.

Further legislation or guidelines regarding ethnic enterprises,

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<sup>130</sup> See Chapter V, A. Appraisal and B. Alternatives.

such as massage parlors and restaurants, might also be needed. Sex trafficking and forms of forced labor are changing; the general image of traditional prostitution happening on the streets is not necessarily a reality anymore. New forms of exploitation are surfacing, and legislation, usually one step behind, should try to keep up with the changing world.

## 2. *Attacking Demand*

A major change in general attitude is needed to effectively impact human trafficking in Finland. As long as certain forms of human trafficking, such as ethnic massage parlors and mail-order brides, are seen as acceptable and the general public does not understand or want to see the problems behind such behavior, the phenomena will continue. Major campaigns raising awareness of human trafficking issues might help to wake up the public to seeing that human trafficking is in fact happening in Finland and that there are victims all over the country.

Both media and the public usually have powerful effects on raising governmental interest, as well as affecting everyday situations. If the public were more aware of the forms of human trafficking taking place, identifying possible victims might become more effective. Change in general attitude and awareness might even have a minor impact on the demand. Being realistic, no awareness campaign will ever completely erase the demand for sex labor. Commercial sex is the oldest form of labor in the world, and that is hardly going to change. However, raising awareness might make some customers think twice before buying services from someone who might fall under the guidelines on how to recognize a victim of human trafficking.

One way of raising awareness and affecting general attitudes towards human trafficking could be including obligatory courses on human rights and trafficking in human beings in the Finnish educational system. It would not have to be too intensive; even a few lessons a year could be effective. This education should be well-tailored for each age group; little children in the first grades of elementary school obviously should not be exposed to possibly harmful infor-

mation. The education could, however, begin already in the first grades, taking the age of the children into account. Providing human rights education including information about human trafficking as a normal part of Finnish educational system could, at least, create a new generation more aware of both their rights and duties as humans. It could also make victim recognition a little bit easier.

### *3. Recognizing the Victims*

The main problem still remains of how to recognize the victims. No matter how effective the supporting system for victims is on paper, it does not make much difference in practice as long as the victims remain unidentified and do not get the help the support system offers.

Ground-level officers are usually the ones first communicating with the victims. They may be social workers, police officers, immigration, border control, or officers in other fields, such as social workers or health care personnel. They are the first ones who should notice when something is wrong and be able to recognize warning signs of potential human trafficking situations, and providing them with proper training to do so is essential. If these ground-level workers do not have the knowledge or resources to recognize these situations and intervene, it is very likely that the abuse of the victims will continue without anyone knowing about it, and the likelihood that the victims will get the help they need before it is too late will significantly diminish.

Officials are not the only parties who encounter possible human rights victims in their everyday work. The Finnish government provides training for Finnish forces and personnel of Finnish national airline company Finnair to help them identify victims of human trafficking. I would suggest expanding this training to concern other transportation personnel, as broadly as possible. Training personnel of airline companies not based in Finland is not in the hands of the Finnish government. It could, however require a certain level of victim identification training from all personnel working at the airports, not only from Finnair staff or border control. The same training

could be effective when provided to personnel working in other transportation companies, such as the cruise companies Silja Line and Viking Line, as well as the national railway company VR. Since certain trains from Finland go to Russia, training VR personnel, especially those directly working on those trains, to identify human trafficking victims, might be extremely beneficial.

NGOs have an important role in battling human trafficking. The Finnish government is already financially supporting certain NGOs. Cooperation between governmental authorities and organizations and the NGOs should be improved and the NGOs should be engaged more in anti-trafficking work. The options of providing sustainable financial support for the NGOs helping possible victims should be investigated further. The government should also cooperate more with international organizations. Many multinational organizations are making enormous efforts in improving the universal human rights situation. Human trafficking should become one of those efforts. The Finnish government could take the observations of the NGOs into account more effectively when creating new guidelines or legislation concerning human trafficking.

Cooperating with the governments of those countries from which most victims of human trafficking come to Finland is important. Improving international cooperation systems regarding human trafficking could be investigated. This might include improving systems of providing information between countries in alleged human trafficking situations, even before the victims enter the country.

Since human trafficking is an unreported crime that remains hidden, finding the victims may not be easy, even if the workers know what to look for. Ground-level search work, within reasonable resources, could be an effective way of finding some of those hidden victims. Human trafficking victims cannot come to you; you need to go to them. This might include on-the-spot visitations to massage parlors, restaurants or factories where possible victims may be working. Engaging NGOs could be useful in this ground level search, since victims may not want to talk to people whom they suspect are police officers or other officials, even if the officers are not wearing uniforms. Mail-order bride victims are extremely difficult to spot because their exploitation usually happens in their homes by their



spouses. Additional checks by immigration authorities on certain groups of foreign marriages could be one way to supervise mail-order marriages. This does not have to happen in a discriminating way just by adding some sort of surveillance and changing protocols. For example, an interview for the foreign spouse alone, with the presence of a translator, could be enough.

In today's society, more and more information is online, including perpetrators and victims of human trafficking. NGO's or special groups could be established to monitor online discussion boards and social media and report suspicious activity. A lot of information can be found online and it should be taken advantage of. If a simple search on google reveals several discussions on specific massage parlors providing "additional services" across the country, a special working group could find a significant amount of information and places to target through online monitoring. Other online services, such as chatting online with possible victims, could be a way to raise awareness.

Many legal documents, especially legislation, can be found in only the two national languages of Finland. On the Finnish online database containing all domestic legislation, only a few statutes are available in English. Finding information about human trafficking in Finland in any language other than Finnish or Swedish turned out to be difficult; information was scarcely available even in English. Even the official Finnish web site [www.humantrafficking.fi](http://www.humantrafficking.fi), set up specifically to provide information about human trafficking to possible victims and other parties, has very little information in any language other than Finnish or Swedish. Basic information is provided in eight different languages, but this information is extremely poor, as scarce as a few sentences.<sup>131</sup> Providing information on a language that the victims understand is essential in order to give them a chance to find understandable information about their rights. Victims may come from all over the world, and translating all documents to dozens of languages is obviously not possible. It might, however, be useful to look into the geographical distribution of the victims and focus on providing information in at least a few main languages.

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<sup>131</sup> See Chapter III.A.2, Monitoring and Assistance.

Improving already existing channels of information is a good way to start, but searching for alternative ways to raise awareness could be necessary. The most isolated victims are not likely to have access to Internet. Reaching these victims may need more ground-level work, including targeting workplaces, restaurants and other forums where possible victims of human trafficking may be working or residing.

Battling human trafficking requires work from all parties, including governments, international organizations, and non-governmental organizations, as well as individuals. Trafficking in human beings is a widespread problem all over the world, and ending this crime against human dignity will not be easy. The most important thing, however, is to realize that human trafficking is a crime, that it is not tolerable, and that the government is continuously working, step by step, towards reducing human trafficking and helping the victims to rehabilitate and break free from exploitation.