



OSCE Conference on Successful Prosecution of Human Trafficking - Challenges and Good Practices

Helsinki, 10-11 September 2008

Welcoming remarks by Ms Tuija Brax, Minister of Justice of Finland, OSCE Chairmanship

Excellencies,
Ladies and Gentlemen,

It is a great pleasure for me as a representative of the Finnish OSCE Chairmanship to open and address this OSCE conference on identifying ways to successfully prosecute cases of human trafficking.

Trafficking in human beings is a serious threat undermining the security of our societies. As a sub-category of human rights violations, it is not a new phenomenon, but states, international organisations and civil society actors have adopted a more consistent approach to combat this heinous crime that encroaches upon the dignity of the individual only fairly recently.

The OSCE with its 2003 Action Plan on Combating Trafficking in Human Beings has been in the forefront of combating trafficking in human beings. For Finland, it was quite obvious to choose combating trafficking in human beings as one of its priorities during the OSCE Chairmanship. The phenomenon is related to all the three dimensions of the OSCE. Trafficking in human beings is first and foremost a human rights violation, but we all must also be aware of the economic and environmental as well as politico-military dimensions of this crime in order to combat it effectively.

In addition to the OSCE's three dimensions, a comprehensive approach to trafficking encompasses also three well-known "P's", namely prevention, prosecution and protection. The participating States have committed themselves to preventing trafficking in human beings with the support of the OSCE. Perpetrators of this crime must be prosecuted without delay and victims of human trafficking protected in all circumstances. Victims of trafficking should never be prosecuted solely for the reason that they have become the object of trafficking.

This Conference provides an excellent opportunity to discuss the challenges that law enforcement officials, prosecutors, judges and other relevant actors face in their everyday efforts to combat trafficking. Exchange of experiences and sharing of best practices will help us find ways to ensure that traffickers can no more operate with impunity and that victims are ensured easy access to justice.

I would like to give a few examples from Finland. As such, our legislation - the Penal Code, the Aliens Act and the Integration Act - forms a solid foundation for an effective fight against trafficking. The timing of this Conference is of particular interest for Finland, since the Government approved the

revised National Plan of Action against Trafficking in Human Beings in June 2008. Many challenges need to be met in Finland also.

So far very few cases of trafficking have been taken to courts of law. Since the inclusion of the crime of human trafficking in the Penal Code in 2004, there has been only one case in which a sentence was passed for trafficking in human beings. As such, of course, the small number of cases can be considered a positive sign, indicating that trafficking is not a widespread phenomenon in Finland. However, it can be assumed that the real figures are not as low as the number of court cases appears to show.

The fact that only a few cases of trafficking have been prosecuted is linked with the difficulty of identifying cases of trafficking. It is worth noting that victims of human trafficking arriving in Finland or any other destination are not necessarily even aware of what kind of circumstances to expect, and they are thus not capable of assessing their own situation. The identification of trafficking crimes and prosecuting the perpetrators requires that the victim of the crime gives adequate and truthful information. The revised National Action Plan highlights the importance of securing the safety of victims of trafficking.

The low number of offences involving human trafficking is related to the demarcation between the question of what is human trafficking and what is pimping. Views have been expressed according to which possible offences of human trafficking should be treated as pimping crimes. It is difficult to draw any far-reaching conclusions at this moment, because we have experience of the penal provisions from a short period of time only, and the number of detected offences is low.

When the number of offences is considered, it is worth noting that the effectiveness of penal provisions does not show only in light of the application practice. Penal provisions cannot be assessed only based on the number of cases when they have been applied. Penal provisions may have preventive effects, for example, in that criminal organisations direct their action to other countries.

Successful prosecution requires that the police, prosecutors and judges are given intensive training that helps them become sensitive to and identify all aspects of this crime, including training modules on victim protection, identification of trafficking cases and legislation relating to trafficking. In addition to training of all those engaged in efforts to combat trafficking, it is important to ensure that sufficient resources are made available for the investigation and prosecution of traffickers and that officials have access to special information. In Finland, since the beginning of this year there are five local district prosecutors specializing in crimes that affect women and children, in particular, including trafficking. Their work is lead by a State Prosecutor in the Office of the Prosecutor General.

We should not forget the valuable work done by non-governmental organisations in, among others, providing grass-roots information about trafficking and reaching out to victims by providing them support and protection. Our national experience shows that the information and knowledge provided by civil society actors is of great significance in combating trafficking in human beings.

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In both national and international contexts, it is vital that commitments to combat trafficking are of long duration. As the current OSCE Chairmanship, Finland values the expressed commitment by the earlier and forthcoming Chairmanships to support the relentless efforts by the OSCE to combat trafficking.

Let me conclude by expressing the Chairmanship's appreciation for the priceless work carried out by Ms. Eva Biaudet - the Special Representative and Co-ordinator for Combating Trafficking in Human Beings - and her office in contributing to the fight against trafficking.

I look forward to the presentations by our distinguished keynote speakers and panellists and the discussions that will follow, which I trust will contribute further to effective combat against trafficking.

Thank you.