

PERMANENT MISSION OF FINLAND TO THE OSCE**5.9.2002****FINNISH REPORT ON TRAFFICKING IN HUMAN BEINGS**PC.DEL/654/02
5 September 2002**Report to the Informal Group on Gender Equality and Anti-Trafficking**

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Ref: PC.DEL/558/02**Introduction**

The combination of inadequate economic and social conditions in countries of origin and immigration controls in recipient countries allied to the restrictions on moving from one country to another leaves many people vulnerable to the activities of criminal groups. The most serious manifestation of this is trafficking in human beings.

Cases of trafficking in human beings have surfaced in regular intervals in Finland in recent years, although not in particularly high numbers. However, there have been serious cases also where people were transported in inhumane circumstances to Finland or via Finland to a third State. The biggest problem in relation to trafficking in human beings is the sexual exploitation of women and children.

Finland signed the International Convention Against Organized Transnational Crime and its additional protocols in Palermo in December 2000. Finland has also signed the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in September 2000.

General provisions of the Penal Code on violence, sexual abuse, illegal entry and coercive acts as well as provisions of the Aliens' Act are to be applied to prevention of trafficking in human beings. Currently the Finnish Penal Code does not include provisions concerning trafficking in human beings as such. Preparations for new specific legislation on preventing and criminalizing trafficking have started in the Ministry of Justice. In that connection the ratification processes of the Palermo Convention and the Optional Protocol to the Convention on the Rights of the Child will also begin.

Organized trafficking in human beings constitutes a crime under international conventions. Trafficking in human beings is to a great extent a human rights issue. It among other things violates the victims' right to personal freedom and their economic rights. Human rights of the victims of trafficking must be secured, with special emphasis on the problems of women and children. Finland believes the fight against trafficking in human beings will in the future require more effective implementation of the existing provisions on trafficking, and more intensive exchange of information between the various actors.

The National Research and Development Centre for welfare and Health (STAKES) has launched a Programme for the Prevention of Prostitution and Violence against Women which focuses on providing information on trafficking in women. Also other research projects on this issue have been launched recently. The results of these projects together with information acquired from international co-operation will give the Finnish authorities invaluable information in the fight against trafficking in women particularly.

Research and Media Coverage

Finnish National Programme for Prevention of Prostitution and Violence against Women is part of the Finnish Governmental Plan of Action for the Promotion of Gender Equality. On this occasion, the Ministry of Social Affairs and Health launched the Programme for the Prevention of Prostitution and Violence Against Women, chaired by the Minister for Social Services. The endeavour consists of two sister projects and implemented at the National Research and Development Centre for Welfare and Health (STAKES).

The task of the Project for Prevention of Prostitution is to monitor and follow up prostitution nationally and internationally and to compile and provide information about the phenomena of commercial sex and trafficking in women. The project plays an expert role and disseminates information on questions relating to prostitution. The project develops professional education and requires collaboration between the police, social and health services, the judiciary and service providers. The project goals include the development of research and legislation. One objective of the project is to promote co-operation between the authorities and non-governmental organisations and enhance pilot projects to support victims of prostitution and trafficking in women to find alternatives, to find a way out of prostitution.

The Project for the Prevention in co-operation with Ministry of the Interior co-ordinated two STOP-projects during last three years, financed by EU. The STOP 1-project was the Building up a network between the authorities of Russia, Estonia, Sweden Germany, Denmark and Finland for monitoring, analysing and combating trafficking in women and children. STOP 2 - project was called Minors in the Sex Trade.

The Project has also conducted a research The Finnish Daily Press as a Forum for the Sex Trade on marketing of sex and prostitution services in Finnish daily newspapers. The study examined the volume of sex service advertisement and the marketing strategies utilised by the sex industry. The investigations covered sex service advertisements in 35 different newspapers. The analysed material comprised the 3 500 separate sex advertisements published in the selected newspapers during the ninth week of 1999. As a part of the research a survey was conducted among the editors of the papers.

Second research carried out by the project in 1998, 2000 and 2001 in sex bars and on the streets of Helsinki capital area, in which a total of 254 female foreign prostitutes (all victims of trafficking) were interviewed.

According to a survey conducted in 1998, Russian-speaking prostitutes accounted for 86.6 per cent of the visible prostitution in Greater Helsinki, women from other countries (Ukrainians, Poles, Latvians) for 10.1 per cent, Finns for 2.2 per cent and Estonians for 1.1 per cent. In 2000, the percentage of Estonian- and Finnish-speaking women increased in sex bars and, in 2001, only Russian-speaking prostitutes were interviewed.

According to studies, approx. seventy per cent of the prostitutes interviewed were in Finland on a tourist visa and approx. twenty per cent with a residence permit. The individuals who have a residence permit for Finland are immigrants. In 2000-2001, the situation changed slightly in the sex bars and the percentage of immigrant women increased. According to field interviews, the change in the situation can be explained principally by an increase in the trade in wives and by unemployment among immigrant women in Finland.

Prostitution would not be possible without male customers. Each day, several hundred buyers of sex services visit sex bars. It is evident that more customers are required than sellers of services in order for the activity to be viable. The sex market is open not only to Finns but also to tourists. According to a study from 1995, almost 200,000 Finnish men have sometimes purchased sex in Finland or abroad. According to international studies, the sellers of sex services need approx. 6-8 customers a day in order to secure their livelihood. According to those interviewed in Helsinki's sex bars, prostitutes served an average of 3-4 customers a day. However, the record for one procuring ring was 26 customers a day received by one woman.

It is possible to distinguish at least two different categories of trafficking in women for the purposes of prostitution in Western Europe:

The first and the largest group consists of women who have been brought there by the different types of Mafia networks. This factor can be named organised crime on a macro-level. In Finland, brothels are illegal.

The second group are women who travel independently. These women use a wide variety of ways, legal or illegal, to cross the borders of the European Union. They are recruited by "colleagues", boyfriends, travel agencies or by relatives, sometimes with the assistance of people that may take advantage of their position. This factor is organised crime on a micro level. According to their own statements, these women have arrived in the country "voluntarily" to earn money. In a large part of the cases investigated it has been found that the women have been directed to certain locations and certain addresses. In the countries of origin, they have been reserved accommodation in a centralised way and they have been told in advance the addresses suitable for engaging in their occupation in the locations in question.

The international debate, which has broadened in recent years, on the trafficking in human beings has paid less attention to prostitution falling within the boundaries of states. It is important to note that the trafficking in women and prostitution cannot be separated from each other, any more than child and adult prostitution can. The same violence, exploitation, health risks and exercise of power apply to local prostitutes as to trafficked women and children. Parallel to the phenomenon of the trafficking in women, local sex industry and local prostitution has been visibly growing in the 1990s in Finland.

Of other research projects, one should mention the work of the National Research Institute of Legal Policy (OPTULA). They published in February 2002 a research paper on "Trafficking of women, illegal immigration and Finland". Summary of the report is available in English in www.om.fi/optula/2667.htm

Additionally, the National Bureau of Investigation has prepared an investigation into the issue of prostitution in Finland. The responsibility for monitoring cases of illegal entry and trafficking lies with the National Bureau of Investigation. The National Bureau of Investigation is also responsible for collecting information on trafficking in women.

Awareness raising

In June 2001, at the Women and Democracy conference in Vilnius, Lithuania, the Nordic and Baltic ministers of Gender Equality decided to carry out a joint Nordic-Baltic information campaign against trafficking in women. The objectives of the campaign are to increase knowledge and awareness among the public, and to initiate discussion about the problems surrounding the issue of trafficking in women and children. The Finnish Action Plan for the Nordic & Baltic Campaign on Combating Trafficking in Women is scheduled to take place in late 2002. The campaign is aimed at the general public and it should reach many sectors of civil society.

The aim of the campaign in Finland is:

- To raise awareness among the general public; trafficking in women is a part of the global sex industry, inform buyers and potential buyers of sexual services about the reality of the prostitution
- To develop multi-agency networks; to activate the co-operation between authorities, NGO's and volunteer organisations dealing with women's issues.

Legal framework/legislative review and reform efforts

As a starting point it could be stated that current legislation does not provide adequate instruments to deal with trafficking in human beings. Minister of Justice Johannes Koskinen has at various occasions stated, that a legal reform will take place in the near future in this respect. The Ministry of Justice will start preparing new specific legislation on criminalization and prevention of trafficking. The Palermo agreement has not yet been ratified as also the witness protection laws need to be amended.

The two basic objects of legal protection in regulating trafficking in human beings as well as in its partial phenomena, trafficking in women and children, are human rights of the victims on one hand and public order and safety on the other. For the time being, the focus in national legislation of Finland lies with securing public order.

In 1999 a direction given to the police by the Ministry of the Interior came into effect. This direction states that the police shall make efforts to make the prevention and the clarification of prostitution and trafficking in women as well as the criminal acts tied to these more efficient.

Kidnapping is criminalized by provisions of chapter 25, section 3 of the Penal Code. Regulating prostitution is mainly based on chapter 20, section 9 of the Penal Code criminalizing prostitution and chapter 20, sections 6 and 76 of the Penal Code criminalizing sexual abuse of children. In other relations, general provisions of the Penal Code on violence, sexual abuse, illegal entry and coercive acts as well as provisions of the Aliens' Act are to be applied to prevention of trafficking in human beings, subject to the circumstances and motives of the particular case. It is stated in the alien act of 1999 that foreigners can be turned back at the border if one seriously can suspect that they are selling sexual services.

It can be concluded on the above basis that trafficking in human beings is comprehensively criminalised by our national legislation only in relation to trafficking in children and slavery. The other provisions on offences of illegal entry, pandering and violations of liberty that could

be applied to the activity cannot be considered to meet the needs set by regulating organised trafficking in human beings and women in particular.

Government co-ordination

Finnish National Programme for Prevention of Prostitution and Violence against Women (1998 – 2002) has been the national co-ordinating body in Finland and has taken care of the international contacts. This programme is implemented at the National Research and Development Centre for Welfare and Health until the end of December 2002.

National Plan of action

Currently Finland has no specific national strategy on prevention of trafficking in human beings. The National Project for the Prevention of Prostitution and Violence against Women will prepare a National Plan of Action to Prevent Violence against Women, which will also include actions against prostitution and trafficking as they are closely connected issues. The Ministry for Social and Health Affairs has a working group “Nordic Baltic Campaign Against Trafficking in Women”, which could also be identified as a suitable context to organise a plan of action.

Cooperation with non-governmental and international organisations

International co-operation functions with the UN, Council of Europe and the European Union. A forum for action with NGO's does not currently exist.

The project for the Prevention of Prostitution developed co-operation work with non-governmental organisations. Three Daphne-Foundation projects were supported during the last three years. Project Improvement and Co-ordination of Assistance to the Victims of Violence and Trafficking in Women in the area of Prostitution had partnership with Germany and Austria. Multicultural Women's Association MONIKA in Finland has done outreach work and gathered information of trafficking in women. A central objective of the project was to co-ordinate individual social work of affected women with the method of case management and to help victims of trafficking in finding ways out of prostitution. Also the project involved immigrant women who are victims of violence against women. The aim of Training and Capacity Building Against Trafficking in Women and Girls in the Baltic Sea Region - project has built up a network between Scandinavian and Baltic States. (This project was co-ordinated by Kvinnoforum, Sweden.) The main objective of the project was to enhance the capacity among interested Finnish NGO's to work with women and girls at risk of being trafficked or victims of trafficking in Finland and to set up a National Focal Point - Resource centre for the women.

There should be mutual understanding that the prevention of all kinds of prostitution is necessary before any co-operation is successful. The operations should be government led and especially police and law enforcement are crucial as the issues are sensitive and the work can be dangerous. Municipal and governmental support and co-operation is needed.

The National Bureau of Investigation participates in international co-operation in preventing trafficking in human beings as a member in various international organisations and bodies. These include Europol, Baltic Sea Task Force and ICPO-Interpol.

Training of relevant state authorities

General training programmes across authorities do not exist. Every sector has the responsibility to organise their own training according to their needs.

Project for the Prevention of Prostitution organized three international seminars for authorities and NGOs (Tallinn, St. Petersburg, Helsinki).

The Office of the Prosecutor General organises training for the prosecutors on crime against women and children.

The National Bureau of Investigation is responsible for its part for possible training provided to authorities in relation to illegal entry and prevention of trafficking in human beings in Finland.

Aid and Development programmes abroad

Joint research was carried out during the two EU-financed STOP-projects. Researches in Estonia and Russia got funding to collect information on the local situation.

Bilateral and multilateral Agreements

Finland signed the UN Convention against Transnational Organised Crime on 12 December 2000 in Palermo, Sicily. The aim of the Convention is to make the process of granting legal assistance and extraditing offenders easier and faster. The UN General Assembly adopted the Convention and two accompanying protocols on 14 November 2000. The protocols deal with prevention of trafficking in immigrants and human beings, women and children in particular.

The Ministry of Justice has stated that they will soon begin the ratification process of the Convention and its protocols. The Ministry of Justice will also begin the implementation the Framework Decision of the Council of the European Union of 19 July 2002 on combating trafficking in human beings.

Finland has also ratified the 1026 Slavery Convention and the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others; both with later amendments and additions.