

EMN FOCUSED STUDY 2013

Identification of victims of trafficking in human beings in international protection and forced return procedures

Top-line “Factsheet” (Finland)

In Finland, it has already been acknowledged for a long time that there may be victims of trafficking in human beings among asylum seekers. Attention has been drawn to this in the guidelines of the police, which is responsible for receiving applications for international protection, and the Finnish Immigration Service, which makes decisions on these applications. Non-governmental organisations and counsels/attorneys of asylum seekers have played a significant role in referring (potential) victims of trafficking in human beings to assistance. Attention is also paid to indicators of trafficking in human beings at the reception centres for asylum seekers and the detention centre for persons to be removed from the country. Various indicator lists have been prepared in order to support identification of victims, and persons who may come across (potential) victims in their work have received training on trafficking in human beings. Despite positive developments, identification of victims is still a major challenge.

In an asylum interview, the Finnish Immigration Service establishes the grounds given by the applicant for the need for international protection (asylum: Finnish Aliens Act, Section 87, subsidiary protection: Finnish Aliens Act, Section 88). In conjunction with the asylum procedure, the Finnish Immigration Service also investigates, on the initiative of the authority and without a separate application, whether there are grounds for issuing the applicant a residence permit as a victim of trafficking in human beings (Finnish Aliens Act, Section 52a) according to the so-called victims of trafficking directive (2004/81/EC). It is also investigated as part of the authority's official duties whether the applicant can be issued with a residence permit on compassionate grounds (Finnish Aliens Act, Section 52). In Finland, the processing of the case is not transferred from one process to another nor from one authority to another.

A (potential) victim within the asylum seekers' reception system will be referred to the National Assistance System for Victims of Trafficking if any indication of trafficking in human beings emerges. The Assistance System comprises statutory operations of authorities that are coordinated by the Joutseno reception centre, maintained by the state. The referral for the admittance of an applicant to the Assistance System can be made not only by an authority but also by the victim of trafficking in human beings him-/herself, the victim's counsel, a non-governmental organisation or a provider of social and health services, for instance. The share of asylum seekers in the persons referred to the National Assistance System for Victims of Trafficking has been increasing since late 2010.

The aim is to keep the threshold to the Assistance System as low as possible, and the practice is supported by legislation: the so-called Reception Act makes it possible to admit a person who can be assessed to be a victim of trafficking in human beings on the basis of circumstances to the Assistance System. Consequently, a person who is merely suspected of being a victim can be admitted to the Assistance System. For instance, admittance to the Assistance System does not require the police or the border control authority to have launched criminal investigation into the case or granted the person a reflection period or the Finnish

Immigration Service to have considered there to be reasonable grounds to suspect that the person is a victim of trafficking in human beings.

Identification of victims of trafficking in human beings is especially challenging in the so-called Dublin process, whereby the Finnish Immigration Service, when making the decision on asylum, does not meet the asylum seeker personally as no asylum interview is carried out. Indeed, the police or the border control authority that receives the application for international protection plays a key role in the identification of potential victims. A suspicion of trafficking in human beings can also be brought up by other authorities, non-governmental organisations and the applicant's counsel/attorney. If any indication of trafficking in human beings emerges, the Finnish Immigration Service may, when exercising case-specific consideration, decide to examine in merits an application, the resolution of which would be the responsibility of another EU Member State on basis of the so-called Dublin II Regulation (EC 343/2003). Minor asylum seekers who have potentially fallen victim to trafficking in human beings are not returned to another Member State in the Dublin procedure without a very weighty reason.

The guidelines of the police demand that the possibility of trafficking in human beings be taken into account in the enforcement of a removal decision. The starting point is that a claim of victimisation must always be investigated unless it has already become clearly evident that the claim cannot hold true. On the basis of the investigation carried out, there may be reason to refrain from the enforcement until the matter of admittance to the Assistance System has been processed.

Section 1

Residence permits, protection statuses and national programmes available to victims of trafficking in Member States

Q.1 What residence permit(s) specifically for victims of trafficking in human beings are available in your Member State?

The Finnish Aliens Act was amended in connection with the implementation of the so-called victims of trafficking directive (Council Directive 2004/81/EC of 29 April 2004 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) by adding a special provision on a residence permit to be issued for a victim of trafficking in human beings (Finnish Aliens Act, Section 52a).¹

¹ **Section 52a of the Aliens Act (Issuing a residence permit for a victim of trafficking in human beings)**

A victim of trafficking in human beings staying in Finland is issued with a temporary residence permit if:

- 1) the residence of the victim of trafficking in human beings in Finland is justified on account of the pre-trial investigation or court proceedings concerning trafficking in human beings;
- 2) the victim of trafficking in human beings is prepared to cooperate with the authorities so that those suspected of trafficking in human beings can be caught; and
- 3) the victim of trafficking in human beings no longer has any ties with those suspected of trafficking in human beings.

If the victim of trafficking in human beings is in a particularly vulnerable position, the residence permit may be issued on a continuous basis regardless of whether the requirements laid down in subsection 1(1) and (2) are met. Issuing the residence permit is not conditional on the alien having secure means of support.

If a victim of trafficking in human beings is issued with a temporary residence permit, his or her family members staying abroad are not issued with a residence permit on the basis of family ties. If he or she is issued with a continuous residence permit, family members are issued with a residence permit under Section 47(3).

Q1a. Are they conditional on cooperation with the authorities?

As a rule, a residence permit for a victim of trafficking in human beings is issued as a temporary one (Finnish Aliens Act, Section 52a, Subsection 1), and its issuance is conditional on, for instance, the preparedness of the victim of trafficking in human beings to cooperate with the authorities so that those suspected of trafficking in human beings can be caught. If the victim is in a particularly vulnerable position, the residence permit may be issued on a continuous basis (Finnish Aliens Act, Section 52a, Subsection 2), in which case cooperation is not required.

Q1b. In which year was it/were they introduced?

A provision concerning a residence permit issued to victims of trafficking in human beings (Finnish Aliens Act, Section 52a) was added to the Aliens Act with a law that entered into force in 2006 (619/2006).

Q.2 Are international protection status(es) granted to third-country nationals for the reason of being a victim of trafficking in human beings in your Member State? Yes / No

Q2a. If yes, please name which statuses are granted here

A victim of trafficking in human beings who has applied for international protection can be granted asylum (Finnish Aliens Act, Section 87) or subsidiary protection (Finnish Aliens Act, Section 88).

Q3. Does your Member State have a national referral mechanism? Yes / No

Finland has a centralised National Assistance System for Victims of Trafficking, to which a (potential) victim is referred with his/her consent.² In the experts' opinion, Finland currently has no assistance and referral mechanism in the sense that "a national referral mechanism" generally has at the international level. The deficiencies will possibly be remedied when the working group contemplating the development of legislation related to assisting victims of trafficking in human beings, appointed by the Ministry of the Interior for the period of 1 February 2012–31 December 2014, completes its work. According to the proposal provided in June 2013 by another working group, led by the Ministry of the Interior, a position of an anti-trafficking coordinator will be established for intersectoral monitoring and coordination of anti-trafficking activities.

² Chapter 4 of the Finnish Act on the Reception of Persons Seeking International Protection (746/2011) contains provisions on assisting victims of trafficking in human beings. According to Section 33 (Content of Assistance) of the Act, victims of trafficking in human beings may be provided with services and support measures which may include legal and other advice, crisis therapy, social and health care services, interpretation and translation services and other support services, accommodation or housing, reception allowance or social assistance and other necessary care as well as support for safe return. When providing services and support measures, the special needs arising from the age, vulnerable position and physical and psychological state of the victim of trafficking in human beings should be taken into account, as well as the security of the victim and the personnel providing services and support measures.

Section 2

Detection, identification and referral of victims in International Protection Procedures

2.1 Legislative framework

*Q.4 Are there established mechanisms for detecting and identifying victims of trafficking in human beings in the procedure for international protection?*³ **Yes/No**

Q4a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification of victims in the procedure for international protection is outlined in legislation (if yes, provide reference to the legislation) **No***
- b. Process for detection and identification in the procedure for international protection is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference) **Yes***

On 12 April 2012, the National Police Board issued guidelines called “Ihmiskaupaan ja sen kaltaisiin rikoksiin puuttuminen sekä ihmiskaupan uhrien auttaminen” (“Response to trafficking in human beings and corresponding crime and provision of assistance to victims of trafficking in human beings”; record number 2020/2011/3768) that deal with the effects of a suspicion of trafficking in human beings on the asylum procedure, among other topics. On 14 October 2010, the Finnish Immigration Service issued guidelines called “Turvapaikkamenettely tapauksissa, joissa kansainvälistä suojelua Suomesta hakenut henkilö on mahdollinen ihmiskaupan uhri” (“The asylum procedure in cases in which a person seeking international protection in Finland is a potential victim of trafficking in human beings”; record number 91/0032/2010). The guidelines particularly discuss the procedure in cases in which, according to the Council’s Dublin II Regulation (343/2003), Finland would not be responsible for examining the asylum application lodged by a potential victim of trafficking in human beings. Identification of victims of trafficking in human beings is also discussed in the Asylum Guidelines (record number 104/032/2010) issued by the Finnish Immigration Service on 8 March 2011 and applied by the Finnish police, too.⁴

- c. Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description) **No***

³ (Member) States should here **only** refer to mechanisms for detection/identification used in international protection procedures – i.e. they should not refer to those used specifically by law enforcement, NGOs or other persons coming into contact with victims in situations outside of international protection procedures.

⁴ In Finland, the authority (the police or the border control authority) that receives the application for international protection establishes the applicant’s identity, entry into the country and travel route. After this, the Dublin Section of the Finnish Immigration Service determines whether Finland is responsible for examining the application according to the so-called Dublin II Regulation. If Finland is responsible for examining the application, the application will be examined in merits in the Finnish Immigration Service. In an asylum interview, the Finnish Immigration Service establishes the grounds given by the applicant for the need for international protection. On the same occasion, it is investigated as part of the authority’s official duties whether the applicant can be issued with a residence permit on compassionate grounds (Finnish Aliens Act, Section 52) or on the grounds of the applicant being a victim of trafficking in human beings (Finnish Aliens Act, Section 52a). However, if another state is responsible for examining the application, the Finnish Immigration Service may decide not to examine the application and remove the applicant from the country to the state responsible for the examination. The police is responsible for the enforcement of a removal decision.

Q5. Are there different protocols and/or practices for children and adults? **Yes** / No

Q5a. If yes, please briefly describe how these differ and why.

According to the guidelines of the Finnish Immigration Service, minor asylum seekers who have potentially fallen victim to trafficking in human beings are not returned to another EU Member State in the Dublin procedure without a very weighty reason. The application for international protection is examined as an urgent application in cases in which the applicant is an unaccompanied minor, the applicant is accompanied by one or more minors, the applicant can be assessed to be a victim of trafficking in human beings on the basis of circumstances or it becomes evident that the applicant is in need of special assistance when an offence concerning trafficking in human beings is investigated.

Q6. Are there different protocols and/or practices for men and women? Yes / **No**

Q6a. If yes, please briefly describe how these differ⁵ and why.

2.2 Detection and identification of victims

Q7. How are (potential) victims of trafficking in human beings detected in procedures for international protection?

Q7a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:

- a. The competent authority⁶ proactively screens all applicants for indications of trafficking in human beings; **Yes**

In Finland, the authority (the police or the border control authority) that receives the application for international protection establishes the applicant's identity, travel route and entry into the country. The guidelines of the police emphasise that if any indication of trafficking in human beings emerges at this point, matters relevant to victimisation should be investigated. The guidelines of the police demand that the possibility of trafficking in human beings be taken into account in the asylum procedure.

In an asylum interview, the Finnish Immigration Service establishes the grounds given by the applicant for the need for international protection. If any indication of trafficking in human beings emerges with regard to the applicant, an investigation is carried out on the same occasion as part of the authority's official duties as to whether the applicant can be issued with a residence permit on the grounds of the applicant being a victim of trafficking in human beings. The authority must on its own initiative take into account and strive to investigate all matters that are relevant to the case (Finnish Aliens Act, Section 7, Subsection 2).

If the Administrative Court returns an application for international protection to the Finnish Immigration Service for examination due to a suspicion of trafficking in human beings emerging at the appeal phase, the Finnish Immigration Service reports the suspicion to the police in order for an investigation of an offence concerning trafficking in human beings to be launched.

⁵ E.g. only female officers can screen / assess women.

⁶ Here, "competent authority" refers to the authority competent for examining the merit of the third-country national's case for international protection. In many (Member) States, this is a 'case worker'.

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- b. *The competent authority proactively screens applicants with a particular profile⁷ for indications of trafficking in human beings (please provide information on the type of profile); Yes*

The possibility of trafficking in human beings is taken into account in all cases. Nevertheless, particular attention is paid to applicants with a particular profile, such as women from Nigeria, working asylum seekers (with low wages) and persons who have stayed illegally in the country.

- c. *Victims self-report; Yes*

Victims of trafficking in human beings can bring up victimisation in trafficking in human beings themselves (or through their attorneys/counsels) with the authority that receives the application for international protection (the police or the border control authority) or with the Finnish Immigration Service, which makes the decision on the application.

- d. *Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed); Yes*

Victimisation in trafficking in human beings can be brought up by the applicant's attorney/counsel (such as the Finnish Refugee Advice Centre), non-governmental organisations (such as Pro Centre Finland), the personnel of the reception centre in charge of the applicant's accommodation or health care professionals, for instance. As for work-related exploitation, victimisation can also be brought up by an occupational safety and health authority and labour unions.

- e. *Other (please specify).*

Q7b. Is there a stage the applicant for international protection can no longer be screened (e.g. after the first negative decision)? Yes / No. If yes, please describe the circumstances.

Victimisation can be invoked at any phase. However, problems arise particularly in situations in which victimisation is invoked and the applicant is referred to the National Assistance System for Victims of Trafficking only after the reception of a notification about a so-called Dublin decision or a negative decision on the application for international protection. Several times during the process, it is emphasised to the person applying for international protection that s/he should bring up all matters which affect the processing of his/her case in the early stages of the asylum investigation. Consequently, a claim of victimisation presented only when the person is being removed from the country does not, as a rule, constitute grounds for postponing the enforcement of the removal decision. Nevertheless, in individual cases it may be justified to refrain from the enforcement of removal from the country until the matter of admittance to the Assistance System has been processed.

Q8. If the competent authority detects that an applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

Q8a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? Yes / No

⁷ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

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- a. *If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

The guidelines of the National Police Board (record number 2020/2011/3768) list indicators, the emergence of which calls for a particularly careful assessment of whether the person in question is potentially a victim of trafficking in human beings:

- misleading the person with regard to the nature, conditions and circumstances of work
- clear non-compliance with work norms
- fear of the trafficker, such as threat of violence that can be directed not only at the victim him-/herself but also at his/her family members or other relatives
- a close relationship with the trafficker and a resulting dependent or subordinate status
- a weak financial situation due to indebtedness that can be caused by travel costs, unpaid wages, very low wages or the fact that the employer deducts an unreasonable share of wages for expenses related to accommodation and food, for instance
- intimidating and threatening an illegally staying person being reported to the authorities
- fear arising from religious rites and their realisation
- mental instability, traumatisation, alcohol or drug addiction, particular vulnerability or dependency on the trafficker resulting from other reasons, such as lack of language skills or safety nets, foreign origin or young age
- defencelessness due to disability
- travel or other personal documents or other belongings, such as bank cards and their PIN codes, taken into possession by someone else
- other restrictions on freedom of movement, referring not only to physical obstructions but also to other controls of freedom and independent running of errands, such as restriction on access to earnings or confiscation of earnings, tight bonds with work through accommodation or working time arrangements so that there are no clear boundaries between work and free time, and prevention from establishing any contacts outside work, from learning the country's language, from seeking assistance (from labour unions, for instance) or from changing jobs

In asylum interviews carried out by the Finnish Immigration Service, the main emphasis is on what the applicant him-/herself says and open-ended questions are used to encourage the applicant to explain his/her grounds for international protection freely. If any indication of trafficking in human beings emerges, requiring a closer inspection in the matter, the interviewer may use e.g. the following questions, provided in the guidelines of the Finnish Immigration Service (record number 91/0032/2010), as support:

- Are you afraid of your employer or procurer?
- Have you experienced violence or threat of violence (physical, psychological, sexual)? Have your relatives or other persons close to you been threatened?
- Is your freedom of movement restricted physically or otherwise, by threats, for instance?
- Do you work without the required permit?
- Did someone else arrange your travel to Finland? Do you have possession of your identity and travel documents?
- Do you owe money to anyone? How much? To whom? How did the debt come about? How are you supposed to pay back the debt? Is the interest on the loan unreasonable?

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- Do you have the opportunity to move and run errands independently?
- Do you have the opportunity to establish social relations freely or does your employer restrict your life outside work? If you wished, could you contact your labour union, for instance, or get assistance from other sources?
- Do you feel that you have any other real alternatives than submission to abuse? Do you feel that you can get away from an unsatisfactory situation?
- Have you been threatened with refusal of entry, deportation, the police, imprisonment, immediate termination of employment or other similar issues?
- Will you be punished or are you threatened with punishment if you do not submit to all requirements of your employer/procurer, even if they seem unreasonable to you? In your opinion, does your procurer demand an unreasonable share of the compensation you receive from your clients?
- Do you feel that something unpleasant may happen to you, your family members or other persons close to you if you give up prostitution?

According to the guidelines of the Finnish Immigration Service, if the asylum seeker has already entered working life in Finland, the following work-related additional questions could be posed to him/her:

- Has your employment agreement been made in writing/verbally or do you have an employment agreement at all? Do your work duties and working hours correspond to what you consider to have agreed on?
- Are you paid wages? Do your wages correspond to your employment agreement? Are you paid according to general collective agreements?
- Do you have independent access to and control of your earnings and belongings? Do you receive your wages in their entirety?
- Are other employment-related matters in order? Are you allowed to take holidays or breaks? Can you stay at home if you are ill, and do you get paid for this time, as you should? Does your employer ensure that you can perform your work duties safely without getting hurt?
- How has your accommodation been arranged (especially if the applicant does not live at a reception centre)? Are your accommodation costs reasonable? Do you live at your place of work?
- Are you required to pay other charges that you find unreasonable and that reduce your take-home pay significantly?
- Do you feel that you can leave your job if you want? Do you feel that something unpleasant may happen to you, your family members or other persons close to you if you leave your work?

In practice, the following questions are asked in asylum interviews carried out by the Finnish Immigration Service, as they have proved to be useful in trying to determine whether the case fulfils the three constituent elements of trafficking in human beings: the act, the means and the purpose (the act and the purpose in case of a minor):

The act

- Why/for what purpose did the applicant arrive in the country where exploitation occurred?
- How did the applicant arrive in the country in question? Did anyone assist the applicant in travelling or arrange (forged) documentation?
- What has happened in the country in question, how was the applicant recruited or how

did s/he become subjected to exploitation?

- Was the applicant misled with regard to the purpose of the journey or the job?

The means – intended for finding out what kind of a dependence relationship the applicant has had with the trafficker

- Has the applicant been threatened?
- Has the applicant's family been threatened?
- Has the applicant been abused? How often and how severely?
- Has the applicant's movement been restricted?
- Has the applicant been allowed to keep his/her passport/identity document etc.?
- What kind of relationship has the applicant had with the trafficker (family member, relative, boyfriend etc.)?
- Does the applicant owe money to anyone? How did the debt come about?
- Has the applicant been threatened with being reported to the authorities if s/he has been staying in the country illegally, for instance?
- Does the applicant speak the language of the destination country?

The purpose – the kind of exploitation to which the applicant has been subjected

- Has the applicant been coerced into prostitution?
- Has the applicant been coerced into forced labour?
- Has the applicant been exploited sexually or otherwise?
- Has the applicant been allowed to keep the money s/he has earned by working?
- For how long has the act continued?

In order to determine victimisation, authorities have at their disposal an extensive list of questions compiled by the National Bureau of Investigation for describing various aspects of trafficking in human beings (see Annex 2). The questions are based on similar question lists used by international organisations (UNODC, Interpol, ILO etc.). Information on the identification of victims and victimisation can also be found on the website of the office of the Ombudsman for Minorities www.vahemmistovaltuutettu.fi and at www.humantrafficking.fi.

*Q8b. Are other mechanisms⁸ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? **Yes/No***

a. If yes, what are these?

In order to determine victimisation, the applicant is heard when the police or the border control authority establishes his/her identity, travel route and entry into the country as well as in connection with the asylum interview carried out by the Finnish Immigration Service. A re-interview is also possible if the matter does not emerge until after the asylum interview. Often the chain of events is that the police/the border control authority does not suspect that the applicant has fallen victim to trafficking in human beings, but a non-governmental organisation or the applicant's attorney/counsel refers the applicant to the Assistance System before the asylum interview. In these situations, too, the Finnish Immigration Service investigates the matter in the asylum interview; it has also received information about the person's admittance to the Assistance System and may take this into account in the decision on asylum. The Finnish Immigration Service may also ask for the applicant's consent for the

⁸ E.g. interviews.

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documents related to admittance to the Assistance System to be delivered to the Finnish Immigration Service to be used as support in decision-making.

*b. If no, why not?*⁹

Q8c. If, following detection, the third-country national concerned is not assessed as a (potential) victim, what happens? Can the third-country national seek an alternative assessment elsewhere?

The Finnish Immigration Service makes a negative decision on the application and a removal decision for a person who applied for international protection if no other grounds for international protection or for issuing a residence permit have been presented. The applicant is entitled to appeal the decision to the Administrative Court.

The National Assistance System for Victims of Trafficking functions independently from other authorities, and admittance to the Assistance System does not require the person in question to have been granted a residence permit as a victim of trafficking in human beings. The person can seek admittance to the Assistance System regardless of the outcome of the asylum process. However, in practice it is unlikely that the person would be admitted to the Assistance System unless new/different aspects come up in the case after the asylum process. A negative decision related to admittance to the Assistance System can be appealed to the Administrative Court. It should be noted that admittance to the Assistance System does not regularise the residence of a (potential) victim.

Q9. Have methods for the detection and/or identification of victims in international protection procedures been evaluated in your Member State? Yes/No

In Finland, the Ombudsman for Minorities (OFM) monitors the implementation of anti-trafficking legislation and activities as an independent National Rapporteur on Trafficking in Human Beings. The Rapporteur on Trafficking in Human Beings has devoted efforts to determining how well the authorities have detected victimisation in trafficking in human beings in connection with the Dublin procedure. When investigating the issue, the Rapporteur went through all (15) Dublin decisions made in January–August 2009 pertaining to minors or a women under 35 years of age regarding whom a decision has been made to remove them from the country and return them either to Greece or to Italy on the basis of the Dublin II Regulation. (See Q9a below.)

Experts have highlighted the need to look into the victimisation or the risk of victimisation of minor asylum seekers who have arrived in the country accompanied by their guardians. In addition to cases processed through the Dublin procedure, particular attention should be paid to those accompanied children who are not heard in an asylum interview and whose status is determined on the basis of the decision on the asylum seeker's/guardian's application. Experts have expressed their concern over the fact that accompanied children may also be victims of trafficking in human beings, and there have been doubts as to whether persons presenting themselves as guardians/biological parents truly are guardians/biological parents.

Q9a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

According to the investigation of the National Rapporteur on Trafficking in Human Beings, the cases within the Dublin procedure clearly showed indicators of trafficking in human

⁹ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

beings which should be sufficient grounds for refraining from removal from the country and for enabling victims of trafficking in human beings to be identified and referred to the Assistance System. Nevertheless, ambiguities in the travel arrangements of the applicants, victimisation in sexual or work-related exploitation, physical and sexual violence, kidnaps or misleading with regard to the nature of work did not result in measures being taken by authorities. At that time, in 2009, removal decision was given without a closer investigation of the applicant's situation as s/he had already been registered in the Eurodac system. Furthermore, the Rapporteur also considered that the best interests of the child were not taken into account appropriately.

On the basis of her observations, the Rapporteur on Trafficking in Human Beings made two recommendations with regard to the Dublin procedure:

- In so-called Dublin cases, the general rule would be to refrain from removal from the country in cases in which indicators of trafficking in human beings are met. The asylum applications of these persons would be examined in merits on the basis of Article 3(2) of the Dublin II Regulation. This procedure would apply particularly to minor victims of trafficking in human beings.
- Victims of trafficking in human beings identified in the so-called Dublin procedure would be referred to the National Assistance System for Victims of Trafficking regardless of whether a pre-trial investigation could be begun in the case. The victims should be assigned a counsel who should be provided with a real opportunity to be present when the victim is interviewed and interrogated.

After this, the Finnish Immigration Service has prepared the guidelines mentioned above (record number 91/0032/2010) for facilitating the identification of victims of trafficking in human beings in the Dublin process, which the Rapporteur considered a positive development. At present, if any indication of trafficking in human beings emerges in the Dublin process, the Finnish Immigration Service requests the police (or the border control authority) that received the application to investigate whether the case involves trafficking in human beings. (See also 1.4, describing the current operating procedure of the Finnish Immigration Service.)

Q9b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in international protection procedures.

2.3 Referral

Q10. If an applicant is identified as a (potential) victim, can s/he access tailored statutory assistance and support whilst remaining in the international protection procedure (i.e. without referral to other procedures)? Yes/No

Q10a. If yes, please briefly describe how the assistance is provided (e.g. state programme, access to general state welfare services, government-funded assistance provided by NGOs, etc.).

In Finland, (potential) victims of trafficking in human beings are referred to the Assistance System, which is based on the so-called Reception Act (Act on the Reception of Persons Seeking International Protection, 746/2011). The System comprises operations of authorities that are coordinated by the Joutseno reception centre (for asylum seekers), maintained by the state. An asylum seeker may receive special assistance from the National Assistance System for Victims of Trafficking. According to the law, victims of trafficking in human beings are in some respects entitled to more extensive services than asylum seekers are (see Section 33 of the Reception Act). In exceptional circumstances, a victim who is seeking asylum may have a domicile in Finland, in which case the municipality in question is responsible for assistance

and support measures. The state compensates the municipalities for costs incurred by the special services offered to victims of trafficking in human beings.

Many non-governmental organisations support and assist victims of trafficking in human beings. However, organisations receive no financial support from the state for identification work that is carried out both as outreach work and as low-threshold counselling services.

*Q10b. If yes, describe under what conditions the assistance can be provided (**without referral to other procedures**) – specifically, does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to access the assistance? (Yes / **No**) – if yes, state which authorities are competent.*

The aim is to keep the threshold to the Assistance System as low as possible. In admittance to the Assistance System, the definition of a victim of trafficking in human beings provided in Section 3, Item 7 of the Reception Act is applied: *a victim of trafficking in human beings* means a person who has been issued with a residence permit under section 52a of the Aliens Act, in whose case a reflection period referred to in section 52b of the same Act has been granted or who can otherwise, considering the circumstances, be deemed to be a victim of trafficking in human beings or in need of special assistance in connection with the investigation of an offence concerning trafficking in human beings.

Consequently, a person who is merely suspected of being a victim can be admitted to the Assistance System. For instance, admittance to the Assistance System does not require a law enforcement authority (the police or the border control authority) to have launched criminal investigation into the case or granted the person a reflection period or, in its consideration of a residence permit, the immigration authority to have considered there to be reasonable grounds to suspect that the person is a victim of trafficking in human beings.

Q10c. What mechanisms are in place to facilitate this type of referral (to assistance, whilst remaining in international protection procedures)? Are there any agreements in place? Does it form part of a National Referral Mechanism?

If any indication of trafficking in human beings emerges in connection with the establishment of the identity, travel route and entry into the country, the police or the border control authority immediately informs the Finnish Immigration Service of the suspicion and makes a referral for the admittance of the applicant to the Assistance System to the Joutseno reception centre, which is responsible for assistance to victims of trafficking in human beings. If (potential) victimisation becomes evident only at the asylum interview, the Finnish Immigration Service makes a referral for the applicant to be admitted to the Assistance System. The Finnish Immigration Service is immediately informed of whether the applicant is admitted to the National Assistance System for Victims of Trafficking.

The referral for the admittance of an applicant to the Assistance System can be made by not only an authority but also the victim of trafficking in human beings him-/herself or a private or public service provider, such as an organisation involved in assistance activities, a church or a religious community or a provider of social and health services (Reception Act, Section 35). For instance, in 2010 authorities made 18 referrals for admittance to the Assistance System, non-governmental organisations 22 referrals and victims or their counsels 15 referrals. In 2011, the corresponding figures were 41, 16 and 7, and in 2012, they were 46, 8 and 6. In addition to victims, the 24/7 help line of the Assistance System serves authorities, non-governmental organisations and other parties that may come across victims.

The director of the reception centre makes the decision on applying provisions related to

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assistance as well as on terminating their application (Reception Act, Section 36). The reception centre features a multi-professional evaluation group tasked with supporting the director's decision-making and assessing the services needed by victims of trafficking in human beings (Reception Act, Section 37).

Q10d. Are there any obstacles to this type of referral?

The referral of a (potential) victim to the Assistance System can only happen with his/her consent – however, in the case of minors, welfare and restrictive measures defined in the Child Welfare Act can also be used. Indeed, in practice challenges arise from the fact that victims do not necessarily trust the authorities or want to turn to the Assistance System. Furthermore, victims have found the System complex and difficult to understand – to truly give one's consent, the person in question would need to be able to understand what their consent is being given for. In these situations, assistance arranged by non-governmental organisations that specialise in helping victims of crime may prove useful.

Q11. If an applicant is identified as a (potential) victim and there is the possibility to change to (or participate in parallel in) procedures as foreseen under Directive 2004/81/EC or national equivalent measures¹⁰ how does this work in practice?

Q11a. Does the applicant have to withdraw from the procedure for international protection in order to do so? Yes/No

- a. If yes, can s/he re-open the procedure for international protection if s/he is not granted a residence permit under Directive 2004/81/EC? Yes/No, please elaborate the process.*
- b. If no, please elaborate – how does this work in practice? Does the victim have to be formally identified by a different competent authority? (Yes / No) – if yes, state which authority*

In the asylum interview, the Finnish Immigration Service establishes the grounds given by the applicant for the need for international protection. On the same occasion the same authority investigates, on the initiative of the authorities, whether there are reasonable grounds to suspect that the applicant has fallen victim to trafficking in human beings and whether s/he can be issued with a residence permit on the basis of Section 52a of the Finnish Aliens Act, equivalent to the victims of trafficking directive (2004/81/EC). Issuing the residence permit is not conditional on another authority identifying the victim of trafficking in human beings. However, the Finnish Immigration Service requests the police's (or the border control authority's) view as to whether the issuance of a residence permit is considered justified on the basis of Section 52a, Subsection 1 of the Finnish Aliens Act on the grounds of a pre-trial investigation or court proceedings. According to the preamble of the Aliens Act, in its statement the police should bring up all issues for or against the issuance of a residence permit. The border control authority's view is taken into account in the statement if the authority has carried out investigations and granted a reflection period.

Q11b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised? Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The victim is given information on his/her rights and possibilities, but has to initiate the procedure on his/her own (where applicable with the help of*

¹⁰ As mentioned, Denmark, **Ireland** and the **United Kingdom** have not opted into Directive 2004/81/EC.

his/her legal representative).

- b. *The competent authority contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*
- c. *There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

As such, options a, b and c do not describe the Finnish system. In conjunction with the asylum procedure, the Finnish Immigration Service, which is responsible for making decisions on applications for international protection, investigates without a separate application whether the applicant can be issued with a residence permit as a victim of trafficking in human beings. If any indication of victimisation in trafficking in human beings emerges, the (potential) victim within the asylum seekers' reception system will be referred to the National Assistance System for Victims of Trafficking with his/her consent. The (potential) victim is not required to be active with regard to the matter. According to current practice, in this case the alien is not usually granted a reflection period (by the police or the Border Guard), as a reflection period is not necessary for the regularisation of residence in the country – a (potential) victim who is waiting for the decision on his/her application for international protection is considered to be residing legally in Finland (Finnish Aliens Act, Section 40, Subsection 3).

Q11d. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)

The Finnish Immigration Service, which processed the application for international protection, is also responsible for issuing a residence permit for a victim of trafficking in human beings. The police or the border control authority that grants a reflection period is entitled to obtain information gathered in the processing of the application for international protection. Information gathered in connection with the asylum process is information under the Finnish Act on the Register of Aliens, with regard to which the authorities using the register (the police, the border control authority, the Finnish Immigration Service) have a right of access to the extent that the access pertains to a task in line with the purpose of the Act on the Register of Aliens, such as the granting of a reflection period or the issuance of a residence permit to a victim of trafficking in human beings. (See also the Finnish Act on the Openness of Government Activities, Section 24 Subsection 1, Item 24 and the Finnish Police Act, Section 35.)

Q12. If an applicant is identified as a victim and there is the possibility to change to obtain a residence permit (other than that described in Q11) or international protection status on grounds of being a victim of trafficking in human beings, how does this work in practice?

The application of the special provision on trafficking in human beings included in the Aliens Act (Finnish Aliens Act, Section 52 a, Subsection 1) is closely linked with the criminal procedure and with catching criminals involved in trafficking in human beings, which substantially restricts the application of the provision in practice. In conjunction with the processing of an application for international protection, the bases for issuing a (potential) victim of trafficking in human beings with a residence permit on compassionate grounds (Finnish Aliens Act, Section 52) are also investigated.

Q12a. Can the applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to apply for the residence permit / international protection on these grounds? Yes/No

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In the asylum procedure, an investigation is carried out as part of the authority's official duties as to whether it is justified to issue a residence permit on compassionate grounds (Finnish Aliens Act, Section 52).

Q12b. If yes, please name the title of the residence permit / protection status and the conditions under which (potential) victims of trafficking in human beings can apply for it.

In conjunction with the processing of an application for international protection, it is also investigated whether it is justified to issue a (potential) victim of trafficking in human beings with a residence permit on compassionate grounds (Finnish Aliens Act, Section 52). The issuance of a residence permit requires that its refusal would be manifestly unreasonable with regard to the alien's health, ties to Finland or other compassionate grounds, particularly in consideration of the circumstances s/he would face in his/her home country or of his/her vulnerable position.

Q12c Does the (potential) victim have to be formally identified by a competent authority (e.g. law enforcement) in order to apply for the residence permit / protection status? (Yes / No) – if yes, state which authorities are competent. Can the authorities responsible for processing applications for international protection formally identify in these circumstances?

The bases for issuing a residence permit on compassionate grounds (Finnish Aliens Act, Section 52) are investigated as part of the authority's official duties at the Finnish Immigration Service in conjunction with the processing of an application for international protection. The issuance of a residence permit does not require the applicant to have been identified as victim by other authorities, such as law enforcement authorities. Nevertheless, when the Finnish Immigration Service considers its decision, it takes into account, within the limits of the right of access to information, information gathered in connection with the criminal investigation and information obtained from the National Assistance System for Victims of Trafficking, for instance.

Q12d. When can the application procedure be started?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. When a first instance decision has been made as to whether the applicant can be granted asylum; No*
- b. When a first instance decision has been made both in regard of whether the applicant can be granted asylum and, if not, whether s/he can be granted subsidiary protection; No*
- c. When the third-country national has received a (final) negative decision on his/her application for asylum; No*
- d. When the third-country national has received a (final) negative decision on his/her applications for (other types of) international protection; No*
- e. Other, please specify. Yes*

When a (potential) victim has applied for international protection, the primary investigation object is whether the prerequisites for granting international protection are met (asylum: Finnish Aliens Act, Section 87, subsidiary protection: Finnish Aliens Act, Section 88). If the prerequisites for international protection are not met, the same authority investigates in the same procedure whether there are grounds for issuing a (potential) victim with a residence

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permit for a victim of trafficking in human beings (Finnish Aliens Act, Section 52a) or a residence permit on compassionate grounds (Finnish Aliens Act, Section 52).

Q12e. How is referral to the procedure for the residence permit / international protection on grounds of being a victim of trafficking in human beings organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. *The victim is given information on his/her rights and possibilities, but has to initiate the procedures on his/her own (where applicable with the help of his/her legal representative). **No***
- b. *The competent authority starts up the procedure for the other form of protection. (If yes, please elaborate) **Yes***

The processing of the case is not transferred from one process to another nor from one authority to another; the grounds for issuing a residence permit are processed as part of the authority's official duties in connection with the primary case/the application for international protection.

- c. *There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate). **No***

*Q12f. Can the applicant's dossier /evidence gathered to date in the procedure for international protection (e.g. personal interview) be transferred to and used in the new procedure? **Yes** / No / in some cases (please elaborate)*

The Finnish Immigration Service, which processed the application for international protection, is also responsible for issuing a residence permit.

*Q13. Have systems of referral of (potential) victims of trafficking in human beings from international protection procedures to other procedures been evaluated in your Member State?¹¹ Yes/**No***

In Finland, the processing of the case is not transferred from one process to another nor from one authority to another.

Q13a. If yes, how well are they considered to be working? Provide evidence.

Q13b. If no, please provide any other evidence of the effectiveness (or otherwise) of referral here.

2.4 Detection and identification and referral in relation to Dublin procedures

*Q14. If, in accordance with Council Regulation 343/2003, the competent authority decides that another Member State is responsible for examining the application for international protection (i.e. Dublin procedures apply) and the applicant is detected as a (potential) victim of trafficking in human beings, does this trigger Article 3(2)¹² and/or Article 15¹³ of the Regulation – i.e. can the Dublin transfer be suspended? Yes/No/**other response***

¹¹ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

¹² Article 3(2) states that “each Member State may examine an application for asylum lodged with it by a third-country national, even if such examination is not its responsibility under the criteria laid down in this Regulation.”

¹³ Article 15(1) states that, “Any Member State, even where it is not responsible under the criteria set out in this Regulation, may bring together family members, as well as other dependent relatives, on humanitarian grounds

A suspicion of trafficking in human beings triggers consideration pursuant to Article 3(2), but such suspicion does not automatically mean that Finland accepts the responsibility for examining the application. The Dublin transfer is suspended to allow the matter to be investigated within the time limits defined in the Dublin II Regulation.

If yes, please answer the following questions:

Q14a If yes, how are (potential) victims subject to Dublin transfers detected? Please specify which applies:

- a. The competent authority¹⁴ proactively screens all applicants subject to Dublin transfer for indications of trafficking in human beings; **No***
- b. The competent authority proactively screens applicants subject to Dublin transfer with a particular profile¹⁵ (please provide information on the type of profile); **Yes***

Not all applicants subject to Dublin transfer are screened, but the police or the border control authority that receives the asylum application actively investigates whether the case involves trafficking in human beings if the applicant fits into a particular profile or if any indication of trafficking in human beings emerges. Regardless of nationality, all cases in which the asylum seeker is a single mother or a pregnant woman coming from Italy after residing there as an asylum seeker or with a residence permit or, very often, working as a prostitute are screened actively.

- c. There is no systematic screening, but victims can self-report / other actors can draw attention to the potential victimisation (cf. section 3.4 if (optionally) completed); **Yes***

In the context of the Dublin process, it must be taken into account that the Finnish Immigration Service, when making the decision on asylum, does not meet the asylum seeker personally as no asylum interview is carried out and the application is not examined in merits in Finland. The suspicion of trafficking in human beings is brought to the Finnish Immigration Service's notice by the (potential) victim or his/her attorney/counsel (such as the Finnish Refugee Advice Centre), other authorities, the reception centre in charge of the applicant's accommodation or non-governmental organisations (such as Pro Centre Finland). This makes it challenging to investigate the matter within the time limits defined in the Dublin II Regulation.

- d. Other (please specify).*

Q14b. If a (potential) victim is detected, what are the next steps in terms of assessment

based in particular on family or cultural considerations. In this case that Member State shall, at the request of another Member State, examine the application for asylum of the person concerned. The persons concerned must consent." Article 15(3) refers specifically to Unaccompanied Minors and states, "If the asylum seeker is an unaccompanied minor who has a relative or relatives in another Member State who can take care of him or her, Member States shall if possible unite the minor with his or her relative or relatives, unless this is not in the best interests of the minor".

¹⁴ Here, "competent authority" refers to the authority competent for examining the merit of the third-country national's case for international protection. In many (Member) States, this is a 'case worker'.

¹⁵ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

and identification? Is there a specific level of evidence needed to suspend a Dublin II transfer?

The police or the border control authority that receives the application for international protection plays a key role in the identification of a potential victim. In an asylum interrogation, the police or the border control authority investigates matters that are relevant for assessing victimisation in trafficking in human beings and refers the applicant to the National Assistance System for Victims of Trafficking if it seems that the prerequisites set out in Section 3, Paragraph 7 of the Reception Act for admittance in the Assistance System are met. If the applicant refers to victimisation in a state to which s/he may be returned on the basis of the Dublin II Regulation, the asylum interrogation also deals with reasons for which the applicant should not be returned to the said state (question 29 “reasons why the application should be examined in Finland” and question 29.1 “special reasons why the application could not be examined in the state that is responsible for examination on the basis of the Dublin II Regulation” in the form U3A) from the point of view of victimisation.

The Finnish Immigration Service makes the decision on applying the Dublin II Regulation or examining the application in merits in Finland. There are no actual guidelines with regard to the level of evidence required for the application to be examined in merits in Finland; instead, the matter is resolved on the basis of case-specific consideration. However, the guidelines of the Finnish Immigration Service (“Turvapaikkamenettely tapauksissa, joissa kansainvälistä suojelua Suomesta hakenut henkilö on mahdollinen ihmiskaupan uhri” (“The asylum procedure in cases in which a person seeking international protection in Finland is a potential victim of trafficking in human beings”), record number 91/0032/2010) present instructions for investigating the matter and highlight aspects relevant for consideration:

- If a suspicion of victimisation rises after an asylum interrogation carried out by the police or the border control authority (after the applicant’s counsel invoked victimisation, for instance), the authorities in question are requested to supplement the interrogation so that victimisation is investigated on the basis of the additional information supplied to the Finnish Immigration Service and particularly with regard to the return to another state on the basis of the Dublin II Regulation. The aim is to investigate whether there are grounds on which the Finnish Immigration Service should accept the responsibility for examining the application on the basis of Article 3(2) of the Regulation. Grounds for taking the application under examination include, for instance, the applicant being considered to be in a vulnerable position due to potential victimisation or possibly being issued with a residence permit on the basis of Section 52a of the Finnish Aliens Act. On the same occasion the police or the border control authority is requested to investigate the need for beginning a pre-trial investigation on the grounds of a suspected offence concerning trafficking in human beings. If the authority performing the asylum interrogation and any supplementary interrogation considers that there is no reason to take any measures on the basis of the information presented, the Finnish Immigration Service generally uses this view as a basis.
- As a starting point, the Dublin II Regulation is applied in cases in which an applicant has not been admitted to the Assistance System on the basis of the referral made or s/he has been removed from the System while the case is still being processed at the Finnish Immigration Service or an instance of appeal.

This Regulation is also applied, as a starting point, in cases in which no such account of victimisation has been presented on the basis of which there would be reason to refer the applicant to the Assistance System. The applicant has, for instance, only

presented general references to the risk of victimisation if s/he were to be returned to another state that applies the Regulation, but has not presented any credible or reliable account of his/her potential victimisation. Such references could include references to working as a prostitute, procurement, sexual exploitation, poor working conditions or poor terms of employment and thus to victimisation or the risk thereof, for instance, without seeming to meet the attributes related to trafficking in human beings (the act, the means and the purpose).

The Regulation is also applied in cases in which victimisation has been invoked without a weighty reason only after the reception of a notification about a Dublin decision or at the appeal phase or in which the applicant has submitted several asylum applications and victimisation has been invoked without a weighty reason only during the processing of the latest application.

- Although the threshold for admittance to the Assistance System has been reached on the basis of Section 3, Item 7 of the Reception Act, victimisation in trafficking in human beings has not necessarily been investigated. According to the guidelines of the Finnish Immigration Service, the full application of the recommendations of the National Rapporteur on Trafficking in Human Beings (See Q9a) would result in an application for international protection being examined in merits solely on the basis of the applicant's own, unconfirmed story and on the basis of the Reception Act without the applicant's actual victimisation being investigated. In such cases, there is a danger that claims of trafficking in human beings are made systematically solely to prevent the application of the Dublin II Regulation and the applicant's removal from the country.

However, the admittance of an asylum seeker to the National Assistance System for Victims of Trafficking in Finland is taken into account in the asylum investigation. The starting point is that a (potential) victim is a person in a vulnerable position and the application of the Dublin procedure to this group is always based on case-specific consideration. Within the limits of its rights of access to information, the Finnish Immigration Service aims in each case to investigate the factors resulting in admittance to the Assistance System and other matters influential to the case and decides on the impact of admittance to the System on the processing of the asylum application (both in the Dublin procedure and in the examination in merits) on the basis of overall consideration. In connection with consideration, particular attention is paid to the question of the state which would be responsible for examining the application on the basis of the Dublin II Regulation, whether the state in question has issued the applicant with a residence permit and the information available on the assistance system of the state in question.

- The starting point is that unaccompanied minor asylum seekers admitted to the Assistance System who are included in the System at the time of decision-making or writing of the statement on appeal are not returned without a weighty reason. On a case-by-case basis, a weighty reason could be, for instance, that the host state has issued the applicant with a residence permit and that in the light of information obtained, the applicant has a real opportunity to be referred to the assistance system of the host state. Even if the applicant has not been issued with a residence permit in the host state, the Finnish Immigration Service can in an individual case consider a minor's removal from the country, taking into account the country to which the applicant would be returned (other Nordic countries, for instance) and information on the assistance system of the country in question, among other factors. In practice,

return is possible only when the best interests of the child support it.

Even if another state which applies the Dublin II Regulation were responsible for examining the application, the Finnish Immigration Service still investigates as part of the authority's official duties whether grounds exist for issuing a residence permit as a victim of trafficking in human beings (Finnish Aliens Act, Section 52a) if a suspicion of trafficking in human beings has arisen. In this respect, it is problematic that the wording of the provision (which is equivalent to the so-called victims of trafficking directive) significantly restricts its scope of application. As a general rule, the application of the section would require the issuance of a residence permit to be necessary for reasons related to a pre-trial investigation or court proceedings. However, in the cases that have come up in practice, the offence concerning trafficking in human beings has been committed in the country of departure or in the country of transit (another EU Member State), and consequently no pre-trial investigation is even begun in Finland. According to the current practice of application, a victim is not considered to be in a particularly vulnerable position in the sense defined in the Aliens Act (Finnish Aliens Act, Section 52a) in relation to another EU Member State. If the offence concerning trafficking in human beings had been committed in Finland (which has proved to be uncommon), a factor significant for the examination of the asylum application would be the decision made by the authority responsible for the pre-trial investigation for its part – when the authority responsible for the pre-trial investigation investigates the offence in Finland, the asylum application is also examined in Finland. As part of the authority's official duties, it is also considered whether it is possible to issue a residence permit on compassionate grounds (Finnish Aliens Act, Section 52).

If there is no information indicating otherwise, the starting point is that the Finnish Immigration Service and the police responsible for removal from the country trust that the asylum seeker can receive assistance intended for victims of trafficking in human beings in other states that apply the Dublin II Regulation, too. If a victim of trafficking in human beings is returned to another Member State on the basis of the Regulation, the authorities of the host state are informed – if the applicant consents – of his/her inclusion in the National Assistance System for Victims of Trafficking in Finland. The police has been instructed to cooperate with the reception centre that is responsible for providing assistance to the victim in order to ensure that the person receives the assistance s/he needs before his/her return. If necessary, personnel working in the Assistance System try to contact the bodies which provide assistance measures in the host state and establish a network and a continuum of assistance measures for the person to be returned in the host state. Nevertheless, contact is sought only with the consent of the person to be returned.

In its ruling practice, the Helsinki Administrative Court has provided direction on the significance of admittance to the Assistance System with regard to the Dublin procedure. In two of its rulings, this court of appeal has stated that the Finnish Immigration Service was entitled to leave the appellants' applications for international protection unexamined and to reject residence permit applications regardless of the fact that the appellants had been admitted to the National Assistance System for Victims of Trafficking in Finland. In another of these rulings, the Administrative Court also stated that the doctor's and psychotherapist's statements presented had no impact on the case.

*Q15. If being a victim of trafficking in human beings does not trigger Article 3(2) or Article 15 in your Member State can Dublin II transfers be suspended anyway? Yes / No / **in some cases.** Please elaborate on your answer.*

If Article 3(2) or Article 15 is not applicable to the case, according to the Dublin II Regulation the Member State is obliged to transfer the applicant to the state that is responsible for

examining the application. In consideration pursuant to Article 3(2), particular attention is paid to the state which would be responsible for the examination of the application according to the Regulation, which may result in examination in Finland regardless of whether the person has fallen victim to trafficking in human beings.

Q16. Are third-country nationals subject to Dublin procedures informed of possibilities offered under Directive 2004/81/EC or national equivalent measures, or other residence possibilities?

Information is provided in cases in which there is indication of trafficking in human beings; however, it is not provided generally to all persons to be returned on the basis of the Dublin II Regulation.

2.5 Future measures

Q17. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for international protection? Yes/No

Q17a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

The Ministry of the Interior has set up a project for the period of 1 February 2012–31 December 2014, with the aim of looking into the functionality of legislation related to assisting and supporting victims of trafficking in human beings and making a justified proposal for its development. The working group also intends to discuss questions related to the identification of victims of trafficking in human beings.

Q17b. If no, are there any obstacles to the introduction of measures?

Section 3

Detection, identification and referral of victims in Forced Return Procedures

*Please note that wherever reference is made to forced return in this section, it relates to the **forced return of rejected applicants for international protection** only rather than other persons subject to forced return measures (e.g. irregular migrants).*

3.1 Legislative framework

Q18. Are there established mechanisms for detecting and identifying victims of trafficking in human beings in forced return procedures¹⁶? Yes/No

Q18a. If yes, please state whether one of the scenarios below or a combination thereof applies in your (Member) State:

- a. Process for detection and identification in forced return procedures is outlined in legislation (if yes, provide the reference) No*
- b. Process for detection and identification in forced return procedures is outlined in soft law – e.g. a ‘protocol’ (if yes, provide the reference) Yes*

On 12 April 2012, the National Police Board issued guidelines called “Ihmiskauppaan ja sen kaltaisiin rikoksiin puuttuminen sekä ihmiskaupan uhrien auttaminen” (“Response to trafficking in human beings and corresponding crime and provision of assistance to victims of

¹⁶ (Member) States should here **only** refer to mechanisms for detection/identification used in forced return procedures – i.e. they should not refer to those used to detect/identify in situations outside of forced return procedures.

trafficking in human beings”; record number 2020/2011/3768). The guidelines of the police demand that the possibility of trafficking in human beings be taken into account in the enforcement of removal decision.

- c. *Process is not outlined in official documents, but there is a working system or standard practice in place, which is understood and used by the actors concerned (if yes, provide a brief description) **No***

Q19. *Are there different protocols and/or practices for children and adults? Yes / **No***

Q19a. *If yes, please briefly describe how these differ and why.*

Q20. *Are there different protocols and/or practices for men and women? Yes / **No***

Q20a. *If yes, please briefly describe how these differ and why¹⁷*

3.2 Detection of victims

Q21. *How are (potential) victims of trafficking in human beings detected, amongst rejected applicants, in forced return procedures?*

Q21a. *Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State. For each, state Yes / No and (if yes) give a brief description of how this works:*

- a. *The competent authority¹⁸ proactively screens all rejected applicants for indications of trafficking in human beings; **No***
- b. *The competent authority proactively screens all rejected applicants with a particular profile¹⁹ for indications of trafficking in human beings (please provide information on the type of profile); **No***
- c. *Victims self-report; **Yes***

In the early stages of the process, it is emphasised to a person applying for international protection that s/he should bring up all matters that affect the processing of his/her case. In practice, problems can arise in situations in which victimisation is invoked and the applicant is referred to the Assistance System either by him-/herself or someone else only after the removal decision has been made, during or immediately before the enforcement of the removal from the country. According to the guidelines of the National Police Board, when investigating the victim status in these situations, it must be taken into account that some applicants may try to avoid removal from the country by providing the authorities with false information; in other words, a person to be removed from the country may try to use the victim status as a kind of last resort or an excuse in order to prevent operations of the authorities and avoid enforcement. However, the starting point is that a claim of victimisation made after the removal decision must always be investigated before the enforcement of the decision, unless it has already become clearly evident in asylum investigations carried out or otherwise that the claim cannot hold true. On the basis of the investigation carried out, there may be reason to refrain from the enforcement of removal from the country until the matter of

¹⁷ E.g. only female officers can screen / assess women.

¹⁸ Here, “competent authority” refers to the law enforcement official or other authority competent to supervise and enforce forced return process of applicants for international protection who are subject to a return order.

¹⁹ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

admittance to the Assistance System has been processed.

- d. *Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed);*
Yes

Victimisation in trafficking in human beings can be brought up by the applicant's attorney/counsel or a non-governmental organisation. (See c above.)

- e. *Other (please specify).*

Q22. If the competent authority detects that a rejected applicant may be a victim of trafficking in human beings, what are the next steps in terms of assessment?

*Q22a. Does the Member State apply a standard set of indicators to assess whether the person is a (potential) victim? **Yes** / No*

- b. *If yes, please give further details, provided the information is not considered of a sensitive nature. How have these been developed? Are they based, for example, on international standards?*

See Q8a above – The guidelines of the National Police Board (record number 2020/2011/3768) list indicators, the emergence of which calls for a particularly careful assessment of whether the person in question is potentially a victim of trafficking in human beings, and a list of questions compiled by the National Bureau of Investigation has been appended to the guidelines (see Annex 2).

*Q22b. Are other mechanisms²⁰ used by the competent authority to assess whether a person detected as a (potential) victim should be identified as such (or referred onto formal identification procedures)? **Yes**/No*

- c. *If yes, what are these?*

A (potential) victim is heard in order to determine victimisation.

- d. *If no, why not?*²¹

Q22c. What happens if, following the assessment, the competent authority decides that the third-country national concerned is not a (potential) victim? Can the third-country national seek an alternative assessment elsewhere?

A (potential) victim can submit a subsequent application to the Finnish Immigration Service to have his/her asylum application re-examined or apply for a residence permit solely on the basis of Section 52a of the Aliens Act (e.g. in the event that victimisation did not come up during the earlier examination of his/her application for international protection by the Finnish Immigration Service or at the appeal phase) or on compassionate grounds (Finnish Aliens Act, Section 52). The applicant can also be referred to the Assistance System.

*Q23. Have methods for the detection and/or identification of victims in forced return procedures been evaluated in your Member State? **Yes**/No*

The National Rapporteur on Trafficking in Human Beings has devoted efforts to determining how well the authorities have detected potential victimisation in trafficking in human beings in connection with procedures related to removal from the country, especially the Dublin

²⁰ E.g. interviews.

²¹ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

procedure.

Q23a. If yes, how well are they considered to be working? Is there any evidence to suggest that (potential) victims are going undetected / unidentified? Provide evidence.

(See Q9 and Q9a above.)

Q23b. If no, please provide any other evidence of the effectiveness (or otherwise) of detection / identification in forced return procedures here.

3.3 Referral

Q24. If a rejected applicant is identified as a (potential) victim and there is the possibility to open up a procedure as foreseen under Directive 2004/81/EC, how does this work in practice?

Q24a Can the rejected applicant (where relevant, with the support of his/her legal representative) decide whether or not s/he wishes to access the provisions of Directive 2004/81/EC or national equivalent measures? Yes/No

Q24b. How is referral to the procedure as foreseen under Directive 2004/81/EC organised?

Please highlight which one option, or a combination thereof, is applicable in your Member State:

- a. The (potential) victim is given information on his/her rights and possibilities, but has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. The authorities competent for implementing the forced return procedure contact the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*
- c. There is a national referral/cooperation mechanism that helps him/her. (If yes, please elaborate).*

As such, options a, b and c are not applicable to Finland; the situation is instead a combination of these options. A (potential) victim is provided with information on the National Assistance System for Victims of Trafficking, the reflection period and the residence permit. The referral for admittance to the Assistance System can be made by the police (responsible for the removal from the country), the applicant him-/herself (with the aid of his/her attorney/counsel) or another party. The reflection period is granted on a case-by-case basis and on the initiative of the authority by the police, and it cannot be applied for. However, a residence permit for a victim of trafficking in human beings issued by the Finnish Immigration Service must be applied for by the (potential) victim him-/herself (with the aid of his/her attorney/counsel).

Q24c. Can the applicant's dossier /evidence gathered to date by the law enforcement authorities be transferred to and used in the new procedure for a reflection period or residence permit as foreseen under Directive 2004/81/EC? Yes / No / in some cases (please elaborate)

Information gathered by the police with regard to a case of removal from the country can be used when the police (or the border control authority) is granting a reflection period and when the Finnish Immigration Service is processing a residence permit application. Information related to the removal of a victim of trafficking in human beings constitutes information under the Finnish Act on the Register of Aliens, to which the authorities using the register (the police, the border control authority, the Finnish Immigration Service) have a right of access to

the extent that this access pertains to a task in line with the purpose of the Act on the Register of Aliens, such as the granting of a reflection period or the issuance of a residence permit for a victim of trafficking in human beings. (See also the Finnish Police Act, Section 35.)

*Q25. Have systems of referral of (potential) victims from forced return procedures to other procedures been evaluated in your Member State?²² Yes/**No***

Q25a. If yes, how well are they considered to be working? Provide evidence.

Q25b. If no, please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms.

3.4 Future measures

*Q26. Are any future measures anticipated in relation to improving or facilitating the detection and identification of victims of trafficking in human beings in procedures for forced return? Yes/**No***

Q26a. If yes, please briefly describe the anticipated measures here: what type of mechanisms to be covered, actors involved, etc.

Q26b. If no, are there any obstacles to the introduction of measures?

Section 4

Detection, identification and referral of victims by other related actors

4.1 Detection and identification of victims in reception centres / detention facilities

Q27. How are (potential) victims of trafficking in human beings detected in the following situations:

a. Whilst residing in reception centres for applicants of international protection (where these exist in Member States)?

A suspicion arises when a (potential) victim brings up issues that refer to trafficking in human beings in his/her discussions with a social worker, nurse, counsellor etc. of the reception centre or the matter is brought up by the victim's attorney/counsel. The personnel of the reception centre may also notice that something suspicious is going on.

b. Whilst detained in detention facilities for irregular migrants awaiting return (where these exist in Member States)²³?

Potential victimisation is revealed by the stories of the victim him-/herself or his/her attorney/counsel. In addition, the personnel may in some other way get the impression that something is wrong – something sets alarm bells ringing.

Q27a. Please state whether one of the scenarios below or a combination thereof is applicable to your (Member) State:

*a. All residents / detainees are screened for indications of trafficking in human beings; **No***

b. All residents /detainees with a particular profile²⁴ for indications of

²² For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

²³ In some (Member) States, third-country nationals awaiting return are not detained at all, whereas in some (Member) States, returnees are detained in regular prisons or in migration reception centres. These cases fall outside of the scope of this Study, and only detention facilities will be covered.

*trafficking in human beings; **No***

- c. Victims self-report; **Yes***
- d. Another actor in contact with the victim draws attention to the potential victimisation (if so, please refer to section 3.4 if (optionally) completed); **Yes***
- e. Other (please specify).*

Options c and d describe the situation in Finland. A suspicion of trafficking in human beings arises on the basis of the person's story or is brought up by his/her attorney/counsel or a non-governmental organisation. The National Rapporteur on Trafficking in Human Beings is informed of detention decisions and has also contacted the detention centre with regard to some cases.

Not all reception centre residents and detainees are interviewed to detect trafficking in human beings. Nor is systematic screening based on a particular profile carried out. However, the personnel of the reception centres and the detention centre have accumulated experience that gives them sensitivity for detection, with regard to women from Nigeria, for instance. At the detention centre, attention is paid to indicators of potential trafficking in human beings, especially if the centre has information of underlying smuggling of human beings.

Q28. Is the practice described above based on established guidelines / protocol (if yes, please provide a reference / information)

There are no written guidelines or actual instructions. However, the personnel have received training.

*Q29. Are there different protocols and/or practices for children and adults? Yes / **No***

Q29a. If yes, please briefly describe how these differ.

*Q30. Are there different protocols and/or practices for men and women? Yes / **No***

Q30a. If yes, please briefly describe how these differ²⁵

Q31. What are the next steps in terms of assessment and identification?

*Q31a. Is there a standard set of indicators used to assess whether the suspected victim should be identified as a victim? Yes / **No***

No standard set of indicators has been compiled for personnel working at the reception centres and the detention centre (social workers, for instance). When a suspicion arises, the personnel of the reception centres contact the National Assistance System for Victims of Trafficking, which provides advice on how to investigate victimisation. The personnel of the detention centre have been instructed to report their suspicions to their supervisor, after which the Assistance System is contacted. The Assistance System operating in connection with the Joutseno reception centre has no standard set of indicators either. Nevertheless, the list of questions compiled by the National Bureau of Investigation is intended to be used by all authorities, and information on the indicators of trafficking in human beings can also be found at the website of the Ombudsman for Minorities www.vahemmistovaltuutettu.fi and at

²⁴ E.g. unaccompanied minors; children; women; women from particular geographical regions; women or children who, for example, when describing the route from their country to origin to the EU Member State, refer to a known route used by traffickers.

²⁵ E.g. only female officers can screen / assess women.

www.humantrafficking.fi, for instance.

- a. *If yes, please give further details, provided the information is not considered of a sensitive nature.*

Q31b. Are other mechanisms²⁶ used to assess whether a suspected victim should be identified as such? Yes/No

- a. *If yes, what are these?*

The situation is discussed with the client/detainee, s/he is informed of the suspicion of trafficking in human beings that has arisen and s/he is provided with information on the Assistance System.

- b. *If no, why not?*²⁷

4.2 Referral of (potential) victims in reception centres / detention facilities

Q32. What are the next steps in terms of referral?

- a. *The (potential) victim is provided information on his/her rights and possibilities, but s/he has to initiate alternative procedures on his/her own (where applicable with the help of his/her legal representative).*
- b. *The reception centre / detention facility manager or other contact point in these institutions contacts the authorities responsible for issuing a reflection period or residence permit. (If yes, please elaborate)*
- c. *There is a centralised national referral / coordination mechanism/contact point that helps him/her. (If yes, please elaborate).*

As such, options a, b and c are not applicable to Finland. A (potential) victim is provided with information on the National Assistance System for Victims of Trafficking, to which s/he is referred by authorities, provided that s/he consents to it. The victim is not required to show independent initiative with regard to this. However, the referral for admittance to the Assistance System can be made not only by authorities but also by the (potential) victim him-/herself (with the aid of his/her attorney/counsel) or another actor (such as a non-governmental organisation).

The reception centres and the detention centre do not contact the authorities that are responsible for reflection periods and residence permits. The reflection period is granted by the police or the border control authority, and it cannot be applied for. Applying for a residence permit is not necessary when a (potential) victim resides at a reception centre for asylum seekers and has a pending application for international protection, as grounds for issuing a residence permit as a victim of trafficking in human beings are also investigated as part of the authority's official duties in conjunction with the processing of the application. If the victim has already received a negative decision on his/her application for international protection and is awaiting removal from the country at the detention centre, s/he can submit (with the aid of his/her attorney/counsel) a subsequent application or apply solely for a residence permit on the grounds of trafficking in human beings.

Q33. Have systems of detection and referral by actors in reception centres or detention facilities to procedures for victims of trafficking in human beings been evaluated in your

²⁶ E.g. interviews.

²⁷ E.g. legislation foresees that the slightest indication that a person may be a victim of trafficking in human beings is sufficient for automatic identification.

Member State?²⁸ Yes / **No**

Q33a. If yes, how well are they considered to be working? Provide evidence.

Q33b. Please provide any other evidence of the effectiveness (or otherwise) of such referral mechanisms here.

4.3 Role of other actors (optional)

Q34. Do other actors coming into contact with applicants and rejected applicants – e.g. legal representatives, civil society organisations, medical staff – formally detect (potential) victims amongst third-country nationals in international protection and/or forced return procedures and refer them onto other authorities competent to identify and assist²⁹? **Yes / No**

In practice, non-governmental organisations and parties acting as counsels/attorneys of asylum seekers have played a significant role in referring (potential) victims of trafficking in human beings to assistance. There are frequently proposals that the social and health care personnel's awareness of trafficking in human beings be developed as to allow them to learn to detect trafficking in human beings and refer victims appropriately to the Assistance System.

Q34a. If yes, describe the mechanisms for detection.

Low-threshold counselling services and outreach work provided by non-governmental organisations jointly form a structure in which the threshold to seeking help is kept as low as possible: services are free of charge, individuals do not have to give their name and they can decide themselves what they disclose and when. The greatest challenges arise from situations in which a person immediately needs protective measures (safe accommodation), yet is unwilling to turn to the authorities, and the organisations have no possibility of offering crisis accommodation to calm the situation.

In their work, parties acting as counsels in the asylum process (such as lawyers of the Finnish Refugee Advice Centre) come across asylum seekers whose stories give reason to suspect that they have fallen victim to trafficking in human beings.

Q34b. If yes, describe what happens in terms of referral

When a non-governmental organisation comes across a person whose story contains indicators of trafficking in human beings, s/he is told which aspects refer to a potential offence concerning trafficking in human beings. S/he is provided with basic information on the Assistance System, criminal investigation processes and residence provisions either in his/her mother tongue or in another language that s/he understands sufficiently well to be able to give or refuse his/her consent to being referred to the Assistance System. An interpreter is used, if necessary. Some non-governmental organisations have signed an agreement with the Assistance System on receiving compensation for interpretation services from public funds. After this, the organisation prepares a draft referral for admittance to the Assistance System and goes through it with the victim. If necessary, the Assistance System is consulted (with the victim's consent) before submitting the referral. The organisation is involved in the process for as long as the victim considers it necessary. If the person does not give his/her consent to the referral to the Assistance System, his/her legal status and available services are explained

²⁸ For example, if a national referral mechanism or (other) coordination mechanism exists, has this been evaluated?

²⁹ **Only** describe detection amongst third-country nationals in international protection / forced return procedures; not for detection in general.

to him/her realistically. This procedure is also followed in cases in which the referral for admittance to the Assistance System is rejected. When the decision is positive, the person him-/herself, the Joutseno reception centre that coordinates the Assistance System and the non-governmental organisation in question jointly prepare a service plan in which the roles of the various parties are agreed on. In so far as the organisation is still involved later on in the role of a service provider, an outsourcing agreement is signed for these services with the Assistance System.

If a lawyer of the Finnish Refugee Advice Centre identifies indicators of trafficking in human beings in the client's story, the lawyer usually contacts the client's social worker with the client's consent in order to find out whether the social worker is aware of the potential victimisation and whether the social worker has made a referral for admittance to the National Assistance System for Victims of Trafficking. Sometimes the first appointment with a lawyer of the Finnish Refugee Advice Centre is made with a contribution from a social worker, particularly if the social worker identified the client as being a victim of trafficking in human beings in need of assistance. If the client's victimisation comes up for the first time only when s/he meets the lawyer, the lawyer asks for the client's consent to contact not only the social worker but also the Assistance System. If an agreement on assistance in the asylum case at a general level is made with the client, the lawyer also informs the Finnish Immigration Service of the client's potential background with regard to trafficking in human beings. The aim is to send information on the client's situation to the Finnish Immigration Service as soon as possible in the form of a so-called examination request in the event that the client has fallen victim in another European country. In cases involving trafficking in human beings, the lawyers of the Finnish Refugee Advice Centre often contact other authorities too, such as Immigration Police or the Border Guard.

Section 5 Training

Q35. What guidance and training do competent authorities (and optionally other actors) receive regarding the detection and identification of victims? Please specify the following for each type of training described:

The Finnish Immigration Service

The Finnish Immigration Service, which is responsible for decisions on applications for international protection and the issuance of residence permits for victims of trafficking in human beings, employs a so-called Anti-trafficking Specialist whose tasks include providing new Senior Advisers ("case workers") with orientation on matters related to trafficking in human beings as part of the orientation training provided in the Asylum Unit. New employees are required to attend the training soon after the start of their employment. Training, in general executed as one-on-one training, has been formalised in the Asylum Unit.

- i) The training deals with indicators of trafficking in human beings as well as questions that can be asked in the asylum interview in order to investigate trafficking in human beings.
- ii) In the training, the participants are advised to pay particular attention to applicants with a particular profile, such as women from Nigeria, working asylum seekers (with low wages) and persons who have stayed illegally in the country.
- iii) All asylum interviewers receive training on gender sensitivity, an essential starting point in any interview regardless of the subject matter.
- iv) Asylum interviewers are also trained in building trust, which for its part helps to detect

trafficking in human beings.

v) Furthermore, other topics related to trafficking in human beings that are dealt with in the training include the relevant national legislation (especially provisions of the Finnish Aliens Act), international regulation (UNHCR guidelines, the Council of Europe Convention on Action against Trafficking in Human Beings etc.), guidelines, official processes, the National Assistance System for Victims of Trafficking and the obligation to contact and inform the Immigration Service's Anti-trafficking Specialist and the Ombudsman for Minorities (National Rapporteur on Trafficking in Human Beings).

The majority of the employees at the Asylum Unit of the Finnish Immigration Service have also had the opportunity to participate in seminar-type training events in which trainers have included both the Anti-trafficking Specialist of the Finnish Immigration Service and external parties, such as the National Rapporteur on Trafficking in Human Beings.

The police

In police training, the theme of trafficking in human beings is covered as part of police training in immigrant affairs. At the Police College of Finland, training on trafficking in human beings is mostly related to the training module of international treaties on human rights and more specifically to its theme of illegal entry and procuration.

According to the police's Diploma in Police Studies curriculum, topics dealt with in relation to the theme of the monitoring of aliens include the basic concepts of illegal entry and trafficking in human beings, among other topics. In the training for the Diploma in Police Studies, this means three hours of classroom training on detection of trafficking in human beings and the police's initial actions in cases of trafficking in human beings.

In the current Police Sergeant training, training on trafficking in human beings is included in the Fundamentals of operative management (KT J A) module, in which trafficking in human beings is dealt with in connection with the theme of the monitoring of aliens.

In the current Bachelor in Police Command training, the theme is discussed in several different modules. In Part A, there is the "The basics of immigrant affairs" (KT J 7), in which trafficking in human beings is dealt with as one of themes of the illegal immigration section. For self-study, the book "Frontex: Anti-trafficking training for border guards, Trainers' manual" is available to the students. The book is mainly aimed at border control authorities, and the police are also involved in border control activities in some of the smaller airports.

In the "Internationality in police operations" (PO2) module of Part A of the Bachelor in Police Command training, the topic is discussed to some extent in conjunction with questions pertaining to human rights. The topics of the module include international investigation of human rights, for instance.

In addition, the subject is discussed in the "Challenges of demanding criminal investigations management" module of Part B of the current Bachelor in Police Command training, the topics of which include current phenomena in serious crime and the police's possibilities of responding to them. A Senior Officer from the office of the Ombudsman for Minorities, who is responsible for the duties of the National Rapporteur on Trafficking in Human Beings, has been acting as a guest lecturer.

Questions pertaining to trafficking in human beings and illegal entry are discussed actively in the illegal entry network (LAMA) maintained by the National Police Board, as well as in various seminars, current news bulletins and statistics. Consequently, persons including those belonging to the network are well aware of the state of trafficking in human beings in Finland and of cases involving trafficking in human beings under a pre-trial investigation at different

police departments. Exchange of information between these persons is constant and efficient. Cooperation with the Finnish Border Guard in cases involving illegal entry and trafficking in human beings has also been intensive.

Trafficking in human beings is also included as one part of some of the police's further training courses.

The National Bureau of Investigation has provided training to police command personnel and responsible trainers working with issues related to illegal entry and trafficking in human beings at police departments at the training events organised by the National Police Board twice a year. In addition to case descriptions, the content of training includes i) indicators for identifying victims of trafficking in human beings, ii) profiling techniques, iii) gender-sensitive approaches for engaging with victims and iv) building trust. Training events are organised as seminars and may include interactive sections. Training events are mainly voluntary, but sometimes police departments may order their representative to attend a training event.

The border control authority

a. The Border and Coast Guard academy is using the anti-trafficking training programme of the Frontex Agency, developed in 2011 in cooperation with the Member States and HR organisations. This training programme consists of three training modules, namely: 1) Awareness, 2) Identification and 3) the Interview.

Modules 1 and 2 consist of for example: i) Indicators for detecting / identifying victims; ii) Profiling techniques; iii) Gender-sensitive approaches for engaging with victims; iv) Building trust and engaging with (potential) victims. Module 3 consists of training to interview victims of trafficking in human beings.

The THB and Fundamental rights trainer of the Border and Coast Guard Academy is a nominated Frontex' trainer.

b. The Border and Coast Guard Academy has trained mainly border guards. Additionally it has organised one border checks course for Customs and Police (3 weeks, 5 ECTS; 19 participants). Human smuggling and identification of a victim of human trafficking –modules are in alignment with the essential parts of the Frontex' respective training manual.

Among other border checks contents, the course included THB and fundamental rights related learning objectives as follows: human rights and fundamental rights, incl. special status of children; prevention of illegal immigration (human smuggling, human trafficking); identification of victims of trafficking in human beings.

c. A common training period is about 7 hours and it includes Frontex' training programme's modules 1-3. This kind of training day includes lectures, team works, educational videos and exercises.

d. The authority / organisation providing the training has been the Border and Coast Guard academy.

e. Border guard career courses are organized annually. Advanced and supplementary training as well as on-the-job training is organized according to annual training plan, depending on the identified needs.

f. The THB and fundamental rights related training during the career courses (Border Guard Basic Course, Bachelor and Master's degree education) is obligatory.

The border guards' and officers' post-graduate training also contains THB-training and this

training is obligatory but the contents and number of the training are course-specific.

As far as on-the-job training is concerned the contents and number of the training are job-specific as well.

The reception centres and the detention centre

The personnel of the reception centres have been informed of the National Assistance System for Victims of Trafficking and were, on the same occasion, provided with information on trafficking in human beings. As for the detention centre, training has been aimed at some of the personnel. However, training has not been systematic but rather occasional. The trainers of the seminar-type training events have included representatives of different sectors.

The first formal and systematic training project with the right type of framework was the HAPKE project, funded by ERF, one of the aims of which was to provide the personnel of the reception centres with tools for the detection of victims. Within the scope of the project, nine regional training events were organised in spring 2013 for the personnel of the reception centres, organisations etc. The content encompassed the detection and assistance of victims of trafficking in human beings, with a particular emphasis on work-related trafficking in human beings. Training was organised jointly by the Reception Unit of the Finnish Immigration Service and the Joutseno reception centre, which is responsible for the National Assistance System for Victims of Trafficking, and experts from different sectors acted as trainers.

*Q36a. Specifically please describe whether your Member State has organised **joint training sessions** of trainees from different backgrounds – e.g. personnel involved in procedures for international protection, forced return and those for victims of trafficking in human beings.*

Numerous seminar-type training events with representatives of several different sectors among both trainees and trainers have been organised in Finland. For instance, trafficking in human beings has been discussed at the intersectoral seminar on migration affairs organised annually by the police.

The National Assistance System for Victims of Trafficking has worked actively in order to increase awareness of trafficking in human beings as a phenomenon. The System has organised training events for different parties, the latest of which was a training event in spring 2013 that focused on trafficking in human beings related to sexual exploitation and which was attended by representatives from the police, the Border Guard, the Prosecutor's Office, the Administrative Court, social authorities, the Finnish Immigration Service and the Local Register Office.

Awareness of trafficking in human beings has been increased through several information campaigns that have reached a wide target audience. For instance, in 2010, in connection with a project for voluntary return of victims of trafficking in human beings, training and information events were organised by the Anti-trafficking Specialist of the Finnish Immigration Service and the Joutseno reception centre, coordinating the National Assistance System for Victims of Trafficking. In 2009–2010, numerous information and training events were organised around Finland in connection with the launch of the www.humantrafficking.fi website. The "Ihmiskauppa ei ole satua" ("Trafficking is no fairytale") campaign, arranged by the Ombudsman for Minorities together with the migration organisation IOM in 2012, attracted wide publicity.

*Q36b. Specifically please describe whether your Member State has organised **multi-disciplinary training** – i.e. as provided by a range of experts.*

Numerous seminar-type training events with representatives of several different sectors among

both trainees and trainers have been organised in Finland. For instance, at the intersectoral seminar on migration affairs organised by the police in spring 2013, the programme included presentations on trafficking in human beings by a prosecutor, an occupational safety and health authority, the police and the National Assistance System for Victims of Trafficking.

The Office of the Prosecutor General, operating under the Ministry of Justice, has organised seminar-type training on trafficking in human beings for prosecutors, judges and legal aid counsels nearly annually, with experts from different fields acting as lecturers.

In the HAPKE project, held in spring 2013 and funded by ERF, lecturers were experts from different sectors.

Non-governmental organisations have participated actively in training authorities and other organisations. Pro Centre Finland coordinates the national anti-trafficking organisation network that has representatives from 36 key anti-trafficking organisations and communities as well as researchers interested in the topic.

Section 6 Statistics

*Q37. Has your Member State conducted any research into the scale of victims of trafficking in human beings in international protection procedures and/or procedures for forced return? Yes / **No***

No actual research has been conducted into the topic, but the Joutseno reception centre, which coordinates the National Assistance System for Victims of Trafficking, compiles statistics on persons referred to the Assistance System. The statistics are based on the backgrounds of these persons. For instance, on 15 May 2013, a total of 43 of the persons within the Assistance System were asylum seekers and 60 were others (the total number of people was 103). Of these 43 asylum seekers, Eurodac hits existed for 23 (however, this does not provide grounds for concluding whether the application will be eventually examined in the Dublin procedure or examined in merits in Finland).

Q37a. If yes, briefly describe it here, providing the reference to the Study, its aims, and any key findings relevant to this present study.

*Q38. Please complete the table in **Annex I** as far as possible, based on statistics available in your (Member) State.*

ANNEX 1**Table 1 – Statistics on third-country national victims of trafficking in human beings identified in procedures for international protection and forced return**

	2008	2009	2010	2011	2012	Source / further information
<i>Third-country nationals identified as (potential) victims and who have <u>withdrawn from or stopped</u> procedures for international protection</i>						
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures (or – where relevant – have stayed in international protection procedures) ³⁰ and who have (later) been granted a <u>reflection period</u> as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC, Directive 2011/36/EU or other national provisions). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	-	-	-	-	-	According to the information available, reflection periods have not been granted. Source: National Police Board and Border Guard
Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) <u>applied for</u> a (temporary or permanent) <u>residence permit</u> as a <u>victim of trafficking in human beings</u> cooperating with the authorities (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive ³¹). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	-	-	-	-	-	According to the Finnish Immigration Service, there are no such cases, because when an application for international protection is submitted, an

³⁰ The measure provided here depends on the (Member) State's response to Q11a – i.e. whether the applicant has to withdraw from the procedure for international protection in order to be granted a reflection period and/or residence permit under Directive 2004/81/EC.

³¹ Denmark, **Ireland** and the **United Kingdom** are not signatory to and therefore do not transpose Directive 2004/81/EC; however, each of these offers alternative procedures for granting residence permits.

Identification of victims of trafficking in human beings in international protection and forced return procedures

						investigation is made (in the same process, by the same authority) as to whether there are grounds for granting a residence permit for a victim of trafficking in human beings (Finnish Aliens Act, Section 52a).
<p>Number of third-country nationals who have <u>withdrawn</u> from or <u>stopped</u> (EU harmonised) international protection procedures and who have (later) been granted a (temporary or permanent) residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p> <ul style="list-style-type: none"> - Gender, age, nationality of the person identified 	-	-	-	-	-	<p>According to the Finnish Immigration Service, there are no such cases, because when an application for international protection is submitted, an investigation is made (in the same process, by the same authority) as to whether there are grounds for granting a residence permit for a victim of</p>

Identification of victims of trafficking in human beings in international protection and forced return procedures

						trafficking in human beings (Finnish Aliens Act, Section 52a).
<i>Third-country nationals identified as (potential) victims and who have <u>been rejected</u> from procedures for international protection <u>following a (final) negative decision</u></i>						
Number of third-country nationals who have been <u>rejected</u> from (EU harmonised) international protection procedures <u>following a (final) negative decision</u> on their application and who have (later) ³² been <u>granted a (non-EU harmonised) protection status or residence permit</u> (e.g. on humanitarian grounds) ³³ as a victim of trafficking in human beings (e.g. due to humanitarian reasons). Where possible, please disaggregate for: - Gender, age, nationality of the person identified	N/A	N/A	N/A	N/A	N/A	The Finnish Immigration Service is not aware of any cases in which a person would have applied for a separate residence permit on grounds of trafficking in human beings or on compassionate grounds (Finnish Aliens Act, Section 52) after being refused international protection by the Finnish Immigration Service. These

³² **Note:** in some (Member) States, where all third-country nationals applying for international protection are assessed against all categories of international protection simultaneously in the same process, this reference to two separate processes may not be relevant. (Member) States with single procedure are not required to provide an answer here, and can state “Not Applicable” in the box.

³³ Where possible, please specify the type of protection status / residence permit.

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						<p>grounds for a residence permit are examined in connection with the application for international protection.</p> <p>Information is not available regarding permits granted after a possible appeal process.</p>
<p>Number of third-country nationals who have <u>been rejected</u> from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a reflection period as a (potential) victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU or other national provisions).</p> <p>Where possible, please disaggregate for: - Gender, age, nationality of the person identified</p>	-	-	-	-	-	<p>According to the information available, reflection periods have not been granted. Source: National Police Board and Border Guard</p>
<p>Number of third-country nationals who have <u>been</u> rejected from (EU harmonised) international protection procedures <u>following a negative decision</u> and who have – following official identification procedures - (later) been granted a residence permit as a <u>victim of trafficking in human beings</u> (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).</p> <p>Where possible, please disaggregate for:</p>	0	0	0	1	7	<p>As the Finnish Immigration Service does not collect official data on the matter, the figures presented here are estimates.</p>

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- Gender, age, nationality of the person identified						If the requirements for granting international protection are not met, an investigation is made in the same process as to whether there are grounds for granting a residence permit for victims of trafficking in human beings (Finnish Aliens Act, Section 52a).
<i>Statistics on referrals to national referral mechanisms (where existing in (Member) States)</i>						
If an national referral mechanism (NRM) exists in your (Member) State, please provide statistics on:						
- Number of third-country nationals referred by the authorities responsible for <u>examining and deciding upon applications</u> for international protection to the NRM	0	0	2 2 women	0	1 1 woman	According to experts, Finland's national referral system has deficiencies. There is, however, an Assistance System for Victims of Trafficking, to which victims are referred.
- Number of third-country nationals referred by the authorities responsible for <u>enforcing forced returns</u> to the NRM	0	0	3 1 woman + 2 men	8 4 women + 4 men	0	
- Number of third-country nationals referred by the authorities responsible for <u>managing reception</u>	0	3 3 women	3 2 women	3 2 women	8 7 women	The unofficial figures presented

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centres to the NRM			+ 1 man	+ 1 man	+ 1 man	here have been collected by the Assistance System and apply only to adult victims. Corresponding information for minor victims is not available.
- Number of third-country nationals referred by the authorities responsible for <u>managing detention facilities</u> to the NRM	0	0	0	0	0	
- Number of third-country nationals referred by <u>legal representatives</u> to the NRM	0	2 1 woman + 1 man	10 2 women + 8 men	4 3 women +1 man	3 2 women + 1 man	
- Number of third-country nationals referred by <u>civil society</u> to the NRM	1 1 woman	3 3 women	18 16 women + 2 men	17 12 women + 5 men	6 4 women + 2 men	
- Number of third-country nationals referred by <u>other actors</u> to the NRM	9 3 women + 6 men	10 7 women + 3 men	9 7 women + 2 men	25 13 women +12 men	27 10 women + 17 men	
Where possible, please disaggregate for: - Gender, age, nationality of the person identified						
General statistics ³⁴						
Number of third-country nationals who have been granted a (non-EU harmonised) protection status or residence permit as a victim of trafficking in human beings (e.g. due to humanitarian reasons). ³⁵	1 (0)	0 (0)	1 (0)	2 (1)	7 (6)	As the Finnish Immigration Service does not collect official data on the matter, the figures presented here are estimates.

³⁴ The purpose of presenting these general statistics is to allow for the possibility to present the statistics above as a proportion of wider groups of (potential) victims of trafficking in human beings.

³⁵ Where possible, please specify the type of protection status.

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						<p>The figures not in brackets include the following, issued on grounds of trafficking in human beings:</p> <ul style="list-style-type: none"> • asylum (Finnish Aliens Act, Section 87) • subsidiary protection (Finnish Aliens Act, Section 88) • residence permits on compassionate grounds (Finnish Aliens Act, Section 52) <p>Actual residence permits (Finnish Aliens Act, Section 52a) as stipulated by the so-called victims of trafficking directive (2004/81/EC) are</p>
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						not included in the figures. The figures in brackets include only the number of residence permits granted on compassionate grounds (Finnish Aliens Act, Section 52).
Number of third-country nationals who have been granted a reflection period as a victim of trafficking in human beings (e.g. under procedures outlined in Directive 2004/81/EC or Directive 2011/36/EU).	-	-	-	-	-	According to the information available, reflection periods have not been granted. Source: National Police Board and Border Guard
Number of third-country nationals who have been granted a residence permit as a victim of trafficking in human beings (i.e. under procedures outlined in Directive 2004/81/EC or alternative procedures where your (Member) State does not implement this Directive).	0 (0)	0 (1)	0 (0)	1 (1)	7 (19)	As the Finnish Immigration Service does not collect official data on the matter, the figures presented here are estimates. The figures not in brackets apply to

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						<p>residence permits as stipulated in the so-called victims of trafficking directive (2004/81/EC) granted in connection with the processing of an application for international protection (Finnish Aliens Act, Section 52a).</p> <p>The figures in brackets also include other residence permits granted to victims of trafficking in human beings (Finnish Aliens Act, Section 52a) than those granted in connection with the international protection process.</p>
Number of third-country nationals referred to procedures for victims of trafficking in human beings through the NRM	10	18	45	57	45	The unofficial figures presented here have been collected by the

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						Assistance System for Victims of Trafficking and apply only to adult victims.
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ANNEX 2**Identification of Victims of Trafficking in Human Beings (Checklist of questions by the National Bureau of Investigation)**

BASIC PERSONAL DATA

1. Name
2. Date of birth
3. Marital status
4. Nationality
5. Citizenship
6. Language
7. Immediate or extended family members in Finland
8. Address in Finland
9. What documents did the person possess when encountered? *None* → *Suspected victimization*
 - If the person has documents: record identification details and validity
 - If the documents are at the person's home or accommodation or elsewhere, they must be retrieved *Not found* → *Suspected victimization*
 - If the person does not have access to the documents *No feasible reason* → *Suspected victimization*
 - Does the person know where the documents are? *No* → *Suspected victimization*
 - Where did the person get the documents? How did he/she enter the country? Using what transport? *Unclear* → *Suspected victimization*
10. Does the person possess incorrect or forged (travel) documents? Genuineness and validity of document, verified how? *Forgery* → *Suspected victimization*
11. Does the person in general possess his/her own documents? *No feasible reason why not* → *Suspected victimization*

REQUIREMENTS FOR ENTRY AND RESIDENCE

12. Residence of the person in Finland
 - When did the person enter Finland and the Schengen region?
 - Does the person intend to leave and when? Date, place of departure, type of transport and tickets
 - The person is illegally resident and/or employed in Finland or has entered the country illegally → *Suspected victimization*

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- Visa-free / visa / residence permit / work permit?
13. Did the person enter Finland with the assistance of someone else?
- Did the person arrive on his/her own from elsewhere in the EU? Under visa freedom? *No feasible reason → Suspected victimization*
 - Did someone else organize the person's travel and entry permit? If there is reason to believe that someone else assisted the person in coming to Finland and there is no feasible reason → *Suspected victimization*
14. Is the person's immediate or extended family in the person's home country being threatened? *If there are indications of this → Suspected victimization*
15. Can the person describe how the permit process (for a residence permit or visa) was conducted? *No → Suspected victimization*
- Progress of the residence permit process
16. Is the person afraid of being refused entry or being deported?
- Is the person's only apparent chance of remaining in Finland legally to remain employed with or otherwise dependent on an employer in what can become a domineering relationship? *Yes, NB subjective assessment → Suspected victimization*
 - Has the person been intimidated e.g. with threatened deportation for the purposes of control (employer or other person)? *Yes → Suspected victimization*

FINANCIAL SITUATION

17. Control of property
- The person's employer/supervisor/accommodation owner... interferes in the person's use of money → *Suspected victimization*
 - Has the person been able to spend his/her earnings as he/she pleases? *No → Suspected victimization*
 - Does the person have sole and independent control of his/her income? *No → Suspected victimization*
 - Does the person receive the entire pay promised to him/her when the job was first discussed?
 - Does the person receive the pay specified in the employment agreement?
 - Does the person have to pay something out of his/her pay to his/her employer or a third party before receiving the money?
 - If the person has a bank account, who has access to it? Whose account is the person's pay paid into?
 - If there are irregularities, or if the pay is clearly below Finnish standards → *Suspected victimization*
 - Property possessed/carried by the person?
 - How much money, in which currency?
 - Has the person's property increased or decreased after departure from the home country?
 - Dependency. Is the person's financial situation in the home country so poor that his/her immediate or extended family is dependent on his/her income? *Yes → Suspected victimization*

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- Does the person send money home himself/herself? How?
- Does the employer send money home? Does the person know how? If someone else sends the money home on behalf of the person, or there are other irregularities → *Suspected victimization*

18. Debt

- Does the person owe anyone anything?
 - Is the person indebted to a relatively high degree to his/her employer or a third party?
 - Is the person, along with other persons, in a loan relationship where the debt is constantly increasing?
 - Are the costs of working unreasonable? *Yes* → *Suspected victimization*
- Does the person accrue debt because of things he/she does or does not do? (e.g. time off sick) *Yes* → *Suspected victimization*
- Does the person work for clearly less than the market rate (especially in sexual work)? *Yes* → *Suspected victimization*
- Is the person required to earn a specified minimum amount per day (especially in sexual work)? *Yes* → *Suspected victimization*
 - Sanctions if the person fails to meet requirements
 - Sanctions if the person does not want to work

CIRCUMSTANCES, RELATIONSHIP TO WORK AND RELATIONSHIP TO PRESENT EMPLOYER**19. Personal freedom and limitations**

- Has the person's freedom of movement been restricted, does the person possess 'normal' clothes? *Restricted* → *Suspected victimization*
- May the person leave the workplace alone, e.g. to visit an authority, without being accompanied by the employer or representative of same? *No* → *Suspected victimization*
- May the person take breaks? *No* → *Suspected victimization*
- Does the person have access to health care? *No* → *Suspected victimization*
- Is the person aware of health care? *No* → *Suspected victimization*
- Is the person allowed (paid) absence from work due to illness? *No* → *Suspected victimization*
- Does the person work under the orders of another person (coercion)? *Yes* → *Suspected victimization*
- Is the person obliged to work long days in all circumstances? *Yes* → *Suspected victimization*
- Are there indications in the person's circumstances or behaviour that show he/she is in the present situation unwillingly? *Yes* → *Suspected victimization*
- Threats of violence, sexual abuse, visible signs of abuse? *Yes* → *Suspected victimization*

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- Are the person's immediate or extended family members being blackmailed or threatened in the home country? *Yes → Suspected victimization*
20. Employment and recruitment
- Did the person know what the work would be like when he/she applied for the job or began the job? Knowing in advance what the work entails does not in itself eliminate victimization. The person may have been well aware of entering sexual employment, but the circumstances may have changed, e.g. compulsory minimum daily earning, not being paid, etc.
 - Did the person apply for the job or was it suggested? By whom, where and how?
 - Does the person know whether a 'transfer fee' has been paid to his/her previous employer for him/her or for someone else doing the same work, either in Finland or elsewhere? *Yes → Suspected victimization*
 - Has the person come to Finland from another country (where he/she has worked for the same employer or supervisor without receiving pay) with the promise of things being better in Finland? *Yes → Suspected victimization*
21. Work
- What is the person's job description at the time of the interview?
 - Who is the person's immediate supervisor?
 - Is the job like what was promised at the application stage? *No → Suspected victimization*
 - Is the person allowed to take breaks? *No → Suspected victimization*
 - Indications that the person is not allowed to leave the workplace alone if he/she so wishes → *Suspected victimization*
 - Does the person have access to health care? *No → Suspected victimization*
 - Is the person aware of health care? *No → Suspected victimization*
 - Is the person allowed (paid) absence from work due to illness? *No → Suspected victimization*
 - Does the person work under the orders of another person (coercion)? *Yes → Suspected victimization*
22. Accommodation, place to spend the night — check where it is and what it is like.
- NB documentation, own observations.
 - How much does the person pay for the accommodation?
 - To whom?
 - Who owns the accommodation?
 - Who lives there?
 - Who has access to the accommodation? Does the person have his/her own keys?
 - What are the terms of the accommodation? (Written agreement?)
 - NB Find out whether the landlord pays tax on the rent received.

OBSERVATIONS OF THE PERSON

23. Physical basic state of health, visual assessment of physical health, disabilities and illnesses.

- Has the person been to see a doctor? Has he/she been able to do so? Where? Why?
- Has the person received physical injuries at the workplace, or did he/she have previous ones?
- If there are any suspicions as to the physical wellbeing of the person → *Suspected victimization*

24. Mental state

- Obvious symptoms of mental disturbance? Withdrawn? Apathetic? Indifferent, absentminded, uncommunicative? Fearful of the authorities, of the employer or of other employees? Intoxicated? Unaware of time and place? Etc. → *Suspected victimization*
- Situation – mental wellbeing?
 - Is the person's appearance at odds with his/her circumstances?
 - Could apparent conflicts/paradoxes be explained by mental stress or psychosis? → NB. Expert statement in assessing mental state!
- What was the person thinking when he/she left the employer's accommodation, workplace, usual place where he/she was staying, and what does the person think of his/her situation now?
- Can the person be interviewed, e.g. visiting a doctor, physician's statement
- Has the person had access to legal counseling before/during/after seeing the authorities?

FURTHER QUESTIONS ABOUT WORK

25. Job at the time of the interview

26. Occupation

27. Sector

28. Employer

29. Supervisor and contact details

30. Pay – how agreed?

31. Method of payment

- cash
- bank

32. Tax card

- has been requested

- has submitted
- has not submitted

33. Pay receivables, if any

34. Country where the person pays taxes

QUICK CHECKLIST:

Freedom

- Can the person move about freely?
- Does the person possess his/her own documents?

Contacts

- Can the person have contact with other people outside work?
- Does the person have, for instance, a phone of his/her own?
- Which people may or must the person be in contact with?

Travel

- How did the person arrive in Finland and at his/her present location?
- Did the person organize his/her travel himself/herself?

Recruitment

- Who persuaded the person to take this job and leave his/her home country?
- How did the person originally learn of the job?

Job

- Is the person legally employed in Finland?
- What does the person do for a living?
- What is the person's real job description and working conditions?

Pay

- Has the person received appropriate pay for the work?

Debt

- Does the person owe someone something?
- Whom does the person owe and why?
- How will the person repay his/her debt?

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Abuse

- Is the debt being reduced while the person is working?
- Is the person paid for the work?
- Is the person being physically abused?

Intimidation

- Does the person experience intimidation and coercion?