

European Institute for Crime Prevention  
and Control (HEUNI)

*Elina Kervinen and Natalia Ollus*

**TRAFFICKING  
IN CHILDREN  
AND YOUNG  
PERSONS  
IN FINLAND**

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European Institute for Crime Prevention and Control,  
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# TRAFFICKING IN CHILDREN AND YOUNG PERSONS IN FINLAND

Elina Kervinen and Natalia Ollus

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# FOREWORD

Trafficking in children and young persons is both a serious violation of human rights and a social problem. The exercise of power in human trafficking may not be obvious, making it difficult to identify it as exploitation and trafficking. Not all exploitation of children is human trafficking, but in some cases the definitional elements of human trafficking may be fulfilled. It is important to increase the overall awareness of this serious form of exploitation.

This report stemmed from the need of the Assistance system for victims of human trafficking to analyse the existence of the phenomenon in Finland and collect more information about it. Its purpose is to establish an overall picture of trafficking in children and young persons in Finland and the various forms of human trafficking that can victimise children and young persons. The report has been prepared as part of the IHME project, implemented by the Assistance system for victims of human trafficking in 2017–2019, whose goal is to promote work against human trafficking in Finland. The IHME project has received funding from the European Union’s Internal Security Fund (ISF-P).

We thank all those who participated in the report, experts who responded to the survey, interviewees as well as other partners. Special thanks go to Veikko Mäkelä, Project Manager in charge of the IHME project, for his support during various phases of the report. Thanks also go to Katriina Bildjuschkin (the National Institute for Health and Welfare THL), Kirsi Kaikko (Ministry of Social Affairs and Health), Hanna Heinonen (the Central Union for Child Welfare), Kristiina Hannila (the Girls’ House) and Katri Lyijynen (the Assistance system for victims of human trafficking) for commenting on the recommendations; as well as to Venla Roth (the Non-Discrimination Ombudsman’s Office) for comments on the draft report. Finally, we thank our colleagues, Alexandra Anikina, Aili Pääkkönen, Anniina Jokinen, Minna Viuhko and Ville Toivonen, for their help in finalising the study.

Helsinki, 28 February 2019

Elina Kervinen

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## SUMMARY OF THE RESULTS

HEUNI and the Assistance system for victims of human trafficking have analysed whether trafficking of children occurs in Finland and what forms of human trafficking may exist in Finland. In addition to trafficking in human beings, the report examines exploitation related to or indicative of the same, as well as risk and vulnerability factors that create conditions for such exploitation. In addition to minors, the report included young people 18–21 years of age, as many adolescents have been exploited as minors but have either only received assistance as an adult or have been victimised after reaching adult age. The report covers exploitation of children and young persons who are members of the majority population or have a foreign background, including children and young persons who are asylum seekers. The report includes both the cases of exploitation that took place in Finland and those that were identified in Finland. This means that the actual exploitation may have occurred in Finland, in a child's home country or country of origin, or en route to Finland.

The report answers the following research questions: 1) Which forms of trafficking of children exists in Finland, 2) What kinds of cases have been reported to authorities, organisations and other actors, 3) How these parties have acted in the cases reported to them, and 4) How trafficking in children can be identified and prevented in Finland. The focus of the report is on understanding and describing the nature of the phenomenon on the basis of individual case examples. The report utilises both quantitative and qualitative information obtained from an online survey directed at professionals and interviews with experts. We have also used statistics of the Assistance system for victims of human trafficking on child victims of human trafficking and case descriptions of the forms of human trafficking experienced by children.

Between 2006 and 2018, the Assistance system for victims of human trafficking assisted 55 children under 18 years of age and 141 young persons (aged 18 to 21). These figures show how many children and young persons have been guided into the assistance system, but they do not describe the extent of the phenomenon in Finland, as many cases remain unidentified as human trafficking. On the basis of this report, it appears that the exploitation of children and young people is not always seen through the framework of trafficking in human beings: rather, it is understood as some other form of exploitation.

According to the assessment by experts, as obtained from interviews and the survey results, exploitation that took place in Finland was most commonly sexual exploitation, such as forced prostitution, commercial sexual exploitation of a child or sexual exploitation that occurs or begins via the Internet. The report also reveals cases of forced marriage and forced criminal activity in Finland. Sexual exploitation and forced marriages are the most common forms of exploitation experienced by children and young people in their home country or country of origin. En route to Finland, children and young people have experienced many forms of sexual exploitation and labour exploitation. According to this report, sexual exploitation appears to be the most

identifiable form of exploitation related to human trafficking. It was also the most common form of exploitation that took place or was identified in Finland.

Based on this report, the understanding of trafficking in children and young persons varies among municipalities and authorities. The awareness of trafficking in human beings by public authorities and other actors must be increased further so that such cases can be identified and prevented. We also need clear guidelines on how to intervene in the human trafficking of children and young persons as well as sufficient assistance and support for those who have been victimised.

This report was prepared as part of the IHME project, implemented by the Assistance system for victims of human trafficking in 2017–2019, whose goal is to promote work against human trafficking in Finland. The IHME project has received funding from the European Union's Internal Security Fund (ISF-P).

# 1. INTRODUCTION



Taru<sup>1</sup> met Mikko, who was much older than her, on an Internet forum. Mikko was attentive and caring towards Taru. This felt good to her because her circumstances at home were difficult. Mikko seemed to understand Taru better than anyone else. Soon Mikko suggested that she would feel better if she moved in with Mikko. Taru, who was 14 years old, received her mother's permission to move in with him. However, soon after the move, Mikko changed and began demanding sexual intercourse from her. She did not want to return home, and she also thought that Mikko loved her and she loved Mikko.

Mikko sexually abused Taru repeatedly, and also used violence against her for several years. Eventually Mikko forced her into prostitution. Taru was exploited in eight different cities all over Finland. She had hundreds of clients. The exploitation was possible because Mikko took advantage of Taru's difficult background and trust, making Taru dependent on him.

(Source: Assistance system for victims of human trafficking 2019.)

Human trafficking (and the exploitation associated with it) is a global phenomenon that affects children and young persons in Finland and the rest of the world alike (UNODC 2018). Trafficking in human beings is a serious crime against individual freedom and a violation of an individual's human dignity and integrity. Trafficking in children and young persons comes in many forms, which are often linked to one another. Children and young persons who have become victims of human trafficking have been, for example, sexually exploited or forced into prostitution or marriage. Children have also been pressured to commit crimes or beg in the street, or they may have been exploited as labour at restaurants or as domestic workers.

Trafficking in human beings and the associated exploitation is a major human rights challenge for modern society (OHCHR 2014). It is difficult to give precise estimates on the actual number of victims of human trafficking, as many victims remain unidentified. Identifying children as victims of human trafficking is particularly difficult. The United Nations (UN) has gathered information on victims of human trafficking since 2003 and has been informed, by its member states, of a total of 225,000 officially identified victims over the last 15 years (UNODC 2018a, 21, 27). According to the UN, a third of the officially identified victims in the world are estimated to be children (ibid.). In 2015–2016, the

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<sup>1</sup> The names used in the report have been changed.

European Union (EU) identified 20,532 victims of human trafficking<sup>2</sup>, of whom almost a quarter (23%) were children (European Commission 2018, 16, 58). In Finland, the Assistance system for victims of human trafficking has, throughout its period of operation (2006–2018), assisted a total of 760 victims of human trafficking; of these victims, 55 were children under 18 years of age, and 141 were young persons aged between 18 and 21. Thus, children and young persons have accounted for almost a fourth of all victims who have been clients of the Assistance system. (Assistance system for victims of human trafficking 2018.)

In a human trafficking offence, offenders exploit the victim's vulnerability, trust or dependence on the perpetrator and subject them to sexual or labour exploitation, for instance. A human trafficking offence is often committed for financial gain, but this is not required to fulfil the definitional elements of a human trafficking offence. Trafficking in human beings may involve a victim who is yet to enter a situation of exploitation, or an offender who intends to exploit the victim. Trafficking in human beings causes comprehensive harm to its victims and often results in serious psychological and physical injuries. (Koskenoja, Olgus, Roth, Viuhko and Turkia 2018.) It is a serious crime, but it does not always involve extreme coercion or violence. Nevertheless, human trafficking often involves subtle control of the victim and use of power against him/her. This means that trafficking in human beings can occur in very commonplace situations. Trafficking in human beings can also include situations that are customarily interpreted as something else, such as violence within a family or sexual abuse of children.

There is very little information available on trafficking in children. The purpose of this report is to increase awareness and understanding of trafficking in children and young persons in Finland. The report examines the various forms of human trafficking and exploitation related to or indicative of it as well as risk and vulnerability factors that create opportunities for exploitation. The subjects of this report are minors and young persons between 18 and 21 years of age. Many adolescents have been exploited as minors but have only received assistance as adults or have been victimised after reaching adult age. Vulnerability in youth does not follow the legal age limit and coming of age does not protect a young person from exploitation. In Finland, after-care in child welfare covers people aged 18 to 21, which is why the target group of this study includes all children and adolescents under 22 years of age.

Fulfilment of the definitional elements of human trafficking does not require the crossing of state borders and victims of human trafficking are not always foreigners but, in many cases, members of the majority population (Jokinen, Ollus & Viuhko 2011, 11). Therefore, this report covers both the exploitation of children and young persons who are members of the majority population and of those that have a foreign background, including children and young persons who are asylum seekers. The report takes into account both the cases of exploitation that have taken place in Finland and those that have been identified in Finland, which means that the exploitation may have occurred in Finland, in a child's home country or country of origin, or in a transit country en route to Finland.

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<sup>2</sup> Of the victims, 62% were women, 17% were girls, 17% were men, and 5% were boys.



Trafficking in human beings would not exist without the offenders. They may be persons close to the victim, acquaintances or strangers. However, this report does not look at the people who are guilty of human trafficking: rather, the main focus is on highlighting the experiences of the victims.

In this report, we use the concepts *trafficking in children and young persons*<sup>3</sup> and *exploitation related to human trafficking*. The approach is comprehensive, meaning that the report also includes lesser forms of exploitation, as they may lead to more serious exploitation as well as to trafficking in human beings. Furthermore, potential human trafficking cases are not always recognised or defined as trafficking in human beings but may be interpreted as some other form of exploitation or abuse. This is why the report examines not only trafficking in children and young persons but also offences and acts that are akin to human trafficking.

This report was prepared as part of the IHME project as implemented by the Assistance system for victims of human trafficking in 2017–2019, whose goal is to promote work against human trafficking in Finland. The IHME project has received funding from the European Union’s Internal Security Fund (ISF-P). Elina Kervinen and Natalia Ollus from the European Institute for Crime Prevention and Control, affiliated with the UN (HEUNI) implemented the report on assignment from the Assistance system for victims of human trafficking. Project Manager Veikko Mäkelä from the IHME project supported the implementation of the report, provided the statistical data concerning the clients of the Assistance system and case examples used as the material for the report, and contributed to the writing of the recommendations.

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<sup>3</sup> In this report, we mostly use the concept “child” instead of speaking of “minors”. The Convention on the Rights of the Child specifies that all persons under the age of 18 are children, while “minor” is more of a legal term. Colloquially “child trafficking” may be used when referring to trafficking in children, but Finnish criminal legislation does not recognise this concept, so it is not used in this report. Here, a “young person” refers to an individual who is 18–21 years of age.

## 2. LEGISLATION AND DEFINITIONS CONCERNING TRAFFICKING IN HUMAN BEINGS

### 2.1 Anti-trafficking action and regulation in Finland

Trafficking in human beings was criminalised in Finland in 2004. Finnish legislation against human trafficking has its roots in international obligations. In the late 1990s, the international community woke up to the threat posed by international organised crime (Ollus 2016). As a result, the UN adopted the United Nations Convention against Transnational Organized Crime (20/2004) and a supplementary protocol that regulates trafficking in human beings. The optional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (71/2006) created the first comprehensive definition of trafficking in human beings. The optional Protocol also obliges the parties to prevent human trafficking, protect and assist the victims, and promote international cooperation.

Finland is also obliged to observe the Council of Europe Convention on Action against Trafficking in Human Beings, which emphasises the status and identification of the victims. The implementation of the Agreement is supervised by the Group of Experts on Action against Trafficking in Human Beings (GRETA), which has assessed Finnish actions against human trafficking and issued recommendations to the authorities.<sup>4</sup> Finland is further obligated by the European Union Directive on preventing and combating trafficking in human beings and protecting its victims (2011/36/EU).

Finland is also committed to the UN Convention on the Rights of the Child, which obliges children to be protected from all forms of sexual exploitation and abuse, such as the exploitative use of children in prostitution or in pornographic performances and materials. Similarly, Finland is obliged to take national, bilateral and multilateral measures to prevent the looting, sale and peddling of children for any purpose and in any form. Finland has also ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (41/2012). The purpose of the Protocol is to pay special attention to combatting trafficking in children, protecting children from becoming victims of human trafficking, and ensuring that the best interests of the child serve as the primary consideration in the treatment by the criminal justice system of children who are victims of such offences.

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<sup>4</sup> Further information: Council of Europe, GRETA, evaluation reports:  
<https://www.coe.int/en/web/anti-human-trafficking/finland>

International obligations and recommendations have led to great advances in Finnish action against trafficking in human beings. For example, the Assistance system for victims of human trafficking began operation in 2006, and the National Rapporteur on Trafficking in Human Beings in Finland was appointed in 2008. The Government Anti-Trafficking Coordinator was appointed for a fixed term under the auspices of the Ministry of the Interior in 2014, and the Government's coordination structure of action against human trafficking was established the same year. At present, the coordination structure is not in active operation and there is no full-time Coordinator. There have been three anti-trafficking action programmes in Finland, but the most recent one ended in 2017. Trafficking in children and the particularly vulnerable status of underage victims is highlighted in the most recent action programme against trafficking in human beings, which emphasises the importance of comprehensively securing and observing the status, interests and rights of children in all anti-trafficking action (Ministry of the Interior 2016, 32–33).

In accordance with international obligations binding on Finland, victims of human trafficking are entitled to assistance and support. In Finland, measures for assisting victims are provided by the Assistance system for victims of human trafficking, which operates under the Joutseno Reception Centre of the Finnish Immigration Service. Provisions on assistance are laid down in the "Reception Act", i.e. the Act on the Reception of Persons Applying for International Protection and on the Identification of and Assistance to Victims of Trafficking in Human Beings (746/2011, 10.4.2015/388). The Assistance system for victims of human trafficking coordinates victim assistance in the whole country and is responsible for helping victims who do not have a municipality of residence in Finland (such as asylum seekers). Municipalities, on the other hand, have the main responsibility for assisting victims of human trafficking who have a municipality of residence in Finland. In practice, municipal social welfare and health care services help victims of human trafficking who live in the municipality. People with a municipality of residence include, e.g., members of the majority population and foreigners with a residence permit. Municipalities can receive reimbursement for costs incurred from assisting victims of human trafficking from Centres for Economic Development, Transport and the Environment (ELY Centres). Assistance measures under the Reception Act include advice and guidance, safe accommodation, a reception allowance or income support, social services, health care services, interpretation and translation services, legal aid and legal advice, tracing of the parent or guardian of a child victim without a guardian, and support for a safe return.



### **Assisting child victims**

The Assistance system for victims of human trafficking has a key role in helping victims of trafficking in children and young persons in Finland. However, helping children is not always the main responsibility of the assistance system; in some cases it has more of a consultative role. Assisting child victims largely occurs as cooperation between many different parties. Key coordinators besides the assistance system include, e.g. municipalities, child welfare services, and the police. The premise for assisting children is that all matters concerning children must always be processed urgently.

A key matter affecting the division of responsibilities between the various assisting actors involves the child victim's right of residence. Based on the right of residence, responsibilities for assisting child victims can be divided into three groups:

**1. If the child victim has a municipality of residence in Finland,** that municipality and its child welfare services are responsible for helping the child. These include cases where the child is a Finnish citizen or has received a residence permit in Finland. The municipality is responsible for providing the services the child needs and assessing the overall situation of the child. The aim is to guarantee a stable and safe environment for the child, so the child's situation can be clarified in detail and action can be taken. The municipality or its child welfare team are also responsible for providing the child with safe, home-like housing, depending on individual circumstances. The Assistance system for victims of human trafficking supports municipalities and their child welfare teams and offers assistance, especially if the child's safety is at risk.

**2. If the child victim is an asylum seeker in Finland,** the reception centres are largely responsible for providing the services. The Assistance system for victims of human trafficking provides support and consultation to reception centres and covers some of the expenses for additional services offered to child victims (such as therapy). If the situation involves a major threat to the child's personal safety, a child welfare report must be submitted. In that case, the child welfare services can make a decision about emergency placement and other measures to protect the child.

**3. If the child victim is not an asylum seeker in Finland and does not have a municipality of residence,** the assistance system will be responsible for providing the services. If the child is alone in Finland, the child's safety is at risk or the child's parents are suspected of complicity in the child becoming a victim, the Assistance system for victims of human trafficking will submit a child welfare report to the

police. If necessary, the child welfare authority will find a placement for the child and carry out other protection measures.

A child can be admitted into the assistance system regardless of who is ultimately responsible for the child's services. Child victims admitted to the assistance system are always provided with health care on the same basis as persons who have a Finnish municipality of residence, as referred to in the Municipality of Residence Act. Child victims are entitled to these services, irrespective of whether they have a municipality of residence. The same applies to the children of victims who have been admitted to the Assistance system. Children who have been admitted to the Assistance system additionally have the right to all assistance measures intended for victims of human trafficking. After the legislative amendment in 2015, such assistance measures currently also include the right to determine the whereabouts of the guardian/parents of the unaccompanied minor, if this is considered reasonable with regard to the child's safety. Determination of whereabouts is the responsibility of the Finnish Immigration Service.

Pursuant to the Child Welfare Act (417/2007, section 25), a child welfare report is submitted without delay on a child victim or the children of a victim admitted to the Assistance system, if the child's need for care, circumstances endangering the child's development, or child's behaviour make it necessary to investigate the need for child protection. Furthermore, the police must be immediately notified, regardless of the confidentiality provisions, if the child is:

- a victim of human trafficking involving sexual abuse;
- a victim of exploitation involving human trafficking that also includes sexual abuse; or
- a victim of an offence against life and health.

(Source: (Assistance system for victims of human trafficking 2018)

Provisions on human trafficking offences are laid down in the Criminal Code (Chapter 25, section 3).<sup>5</sup> In accordance with the international obligations, the definitional elements of

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<sup>5</sup> A person who (1) by taking advantage of the dependent status or vulnerable state of another person or by pressuring another, (2) by deceiving another person or by taking advantage of a mistake made by that person, (3) by paying remuneration to a person who has control over another person, or (4) by accepting such remuneration, takes control over another person, recruits, transfers, transports, receives or provides accommodation for another person for purposes of sexual exploitation referred to in Chapter 20, section 9, subsection 1(1) or comparable sexual exploitation, forced labour or other demeaning circumstances or removal of bodily organs or tissues, shall be sentenced for trafficking in human beings to imprisonment for at least four months and at maximum six years. Moreover, a person who takes control over another person below the age of eighteen years or recruits, transfers, transports, receives or provides accommodation for that person for the purposes mentioned in

human trafficking offences consist of three different factors: the *means* used in the offence, the *act* of the offence, and the *purpose* of the offence. All three elements must be fulfilled in order for the case to be defined as a human trafficking offence. Means used in human trafficking include threats, taking advantage of a dependent status or vulnerable state, pressure, or deceit. In the case of children, however, the use of such means is not required; rather, it is enough that the offender has used any of the acts, such as taking control over or recruiting another person for the purpose of exploitation. The purposes of trafficking in human beings are sexual exploitation, forced labour or other conditions that violate human dignity, and the removal of organs or tissues.



*Pursuant to the Criminal Code of Finland (1889/39), a person who takes control over another person below the age of eighteen years or recruits, transfers, transport, receives or provides accommodation for that person for the purposes of sexual exploitation, forced labour or other demeaning circumstances or removal of bodily organs or tissues, shall be sentenced for trafficking in children (Criminal Code, Chapter 25, section 3).*

The Criminal Code (“CC”) also includes provisions on aggravated trafficking in human beings (CC, 25:3a).<sup>6</sup> In aggravated trafficking in human beings, the offender uses violence, threats or deceitfulness as means, or inflicts grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering on another person. A person who enslaves or keeps another person in servitude, transports or trades in slaves shall be sentenced for aggravated trafficking in human beings.



*Aggravated trafficking in human beings also includes a situation where the offence has been committed against a child below the age of eighteen years or against a person whose capacity to defend himself or herself has been substantially diminished, or the offence has been committed within the framework of an organized*

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subsection 1 shall be sentenced for trafficking in human beings, even if none of the means referred to in subsection 1(1)–(4) have been applied. Attempt thereof is also punishable.

<sup>6</sup> If, in trafficking in human beings, (1) violence, threats or deceitfulness are used instead of or in addition to the means referred to in section 3, (2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person, (3) the offence has been committed against a child below the age of eighteen years or against a person whose capacity to defend him/herself has been substantially diminished, or (4) the offence has been committed within the framework of an organized criminal group referred to in Chapter 6, section 5, subsection 2, and the offence is aggravated also when considered as a whole, the offender shall be sentenced for aggravated trafficking in human beings to imprisonment for at least two years and at most ten years. In addition, a person who enslaves or keeps another person in servitude, or transports or trades in slaves, shall be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as a whole. Attempt thereof is also punishable.



*criminal group. Merely being under the age of 18 is not sufficient for assessing an act as aggravated; rather, the act must be aggravated also when considered as a whole. (CC, 25:3a; government proposal HE 34/2004, p. 99/l.)*

In addition to human trafficking offences, the Criminal Code includes provisions on offences akin to human trafficking, which include aggravated arrangement of illegal immigration (CC, 17:8a); aggravated pandering (CC, 20:9a); and extortionate job discrimination (CC, 47:3a).

In accordance with international obligations, the consent of a victim of trafficking in human beings is irrelevant if said means of human trafficking have been used to obtain such consent. If, for instance, the victim has been deceived about the nature of the work or the situation where the person is being led to obtain their consent, the original consent is rendered irrelevant. (UNODC 2014.)

The government proposal for the provisions on human trafficking (HE 103/2014) states that human trafficking offences are, “on, the basis of the means used in them, such that one usually cannot even speak of any valid consent, even if the person subjected to the act knows the kind of exploitation s/he will be subjected to, and still submits to it. Consent that is valid under criminal laws requires that such consent is given voluntarily, and that the consent has been given solemnly, meaning that the person is aware of all circumstances with a material effect on the matter” (HE 103/2014, 38-39). In the case of trafficking offences, this condition is not met if the offender, for example, exploits the victim’s vulnerable state or deceives them. Human trafficking offences are often process-like in character, with several phases. Victims may not realise the kinds of conditions and the type of exploitation they are to be subjected until a later stage. Similarly, even if the victim consents to prostitution, for example, but is deceived about the circumstances and cannot make decisions regarding the customers, cannot keep the earnings obtained, or is assaulted by the person who panders them, the case may involve human trafficking.

If the victim is a child, it is irrelevant whether the child has consented to the situation or exploitation. In the case of children, it is enough that the act of trafficking and exploitation of human beings, or the intention of exploitation, are fulfilled. Therefore, if someone takes control of a child, recruits, transfers, transports, receives or provides accommodation for that child for the purposes of exploitation or intended exploitation, the case thereby involves human trafficking. The planning of exploitation, even if it does not necessarily materialise, can also be human trafficking.

International conventions on human trafficking that are binding on Finland also include the non-punishment provision (the Directive of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, Article 8; the Council of Europe Convention on Action against Trafficking in Human Beings, Article 26.). This means that people who are victims of human trafficking,

including children and young persons, should not be prosecuted or punished for criminal acts they have committed because of human trafficking.

## 2.2 The forms of human trafficking

Trafficking in children can take many different forms. As stated above, trafficking in human beings is a process-like offence, so it can be difficult to perceive situations of exploitation specifically as human trafficking. This is why previous studies have utilised the idea of a continuum to illustrate the fact that trafficking in human beings can start with lesser forms and acts of exploitation. On the one hand, less serious forms of exploitation can lead to more serious acts and create conditions for human trafficking (Andrees 2008; Jokinen et al. 2014). On the other hand, the various degrees and forms of exploitation may become merged and mixed, making it difficult to make a distinction between the categories of offences. In the paragraphs below, we describe the various forms of human trafficking involving children.

### 2.2.1 Sexual exploitation

Sexual exploitation means acts that violate a person's right to sexual self-determination and physical integrity. Sexual exploitation is characterised by the use of power not necessarily seen or understood by outsiders. The victim may seem to be living a normal, everyday life, but is in fact under the control of another person. This means that the victim is unable to leave the exploitative relationship or ask for help. The situation may develop over a long period of time, as the perpetrator gradually subjugates and exploits the victim. The victim may have consented to this at first, but as the situation changes the victim is no longer able to leave the perpetrator and escape from the situation. Exploitation is possible because the perpetrator manipulates the victim. The perpetrator may be loving and empathetic at first, but manipulation turns into pressure, intimidation and violence. The victim may imagine that the exploitation is caused by him/herself. A feeling of guilt may also derive from the fact that the victim is unable to break away from the situation. The victim does not tell other people about the experience because of a feeling of guilt and shame. (Ombudsman for Minorities 2014, 101.) The dynamic of this exploitation is highlighted in many cases of sexual abuse against children and young persons.

Human trafficking related to sexual exploitation usually refers to forcing a person into prostitution (HE 103/2014). "Prostitution" means sexual intercourse or comparable sexual acts for remuneration. In the case of children, indecent sexual acts are also referred to as human trafficking. Sexual exploitation also includes using a person in the production of pornography or in pornographic performances. Prostitution usually involves some kind of remuneration, but if no such compensation is paid, the case may involve sexual exploitation that is comparable to prostitution. An integral aspect in these cases is that sexual intercourse or a comparable sexual act occurs repeatedly and involuntarily. (HE 103/2014.) Therefore, exploitation can be human trafficking even if

the sexual acts do not involve financial gain or material remuneration. Repeated and involuntary sexual intercourse with a child can thus be defined as human trafficking.

Pandering (CC, 20:9) and aggravated pandering (CC, 20:9a), which are classified as sexual offences, are so called “parallel offences” in human trafficking. In pandering, the offender seeks financial benefit. Children can also be victims of sexual exploitation that is not directly classified as a human trafficking offence. However, such exploitation can include elements of human trafficking. Sexual offences against children in the Criminal Code (Chapter 20) include, e.g. sexual abuse of a child (CC, 20:6) and aggravated sexual abuse of a child (CC, 20:7). An attempt at sexual abuse is also punishable. Children may also be victims of rape (CC, 20:1) or aggravated rape (CC, 20:2).

Purchase of sexual services from a young person (CC, 20:8a) is specifically prohibited in the Criminal Code. Criminalisation pertains to 16–17-year-olds. For children younger than this, the case is always seen as sexual or aggravated sexual abuse of a child. If an adult has sexual intercourse with a person below the age of sixteen, it is always punishable as aggravated sexual abuse of a child.<sup>7</sup> If violence or threat of violence has also been used, the act is punishable as rape.

More recent additions to the Criminal Code include the criminalisation of solicitation of a child for sexual purposes (CC, 20:8b) and following of a sexually offensive performance of a child (CC, 20:8c). The aim of such criminalisation is to intervene in “grooming”, which means a solicitation process via the Internet where an adult pretends to be, for instance, a young person of the same age and contacts a child or young person. The goal is to create a confidential relationship with the child, for example through social media, after which the child is then solicited or manipulated into different sexual acts, either online or face-to-face.<sup>8</sup> For example, children and adolescents may be persuaded into sending nude pictures of themselves or performing sexual acts on camera. Such pictures and videos are also used as an instrument for blackmail and intimidation, to pressure children into sharing more pictures or continuing in the exploitative relationship.

## 2.2.2 Labour exploitation

According to the Criminal Code, forced labour is a form of exploitation in human trafficking. However, forced labour has not been specifically defined in the Criminal Code of Finland. Instead, the government bill for the Criminal Code refers to the 1930 Forced Labour Convention of the International Labour Organization (ILO), according to which “forced labour means all work or service which is exacted from any person under the

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<sup>7</sup> According to the restrictive provision (CC, 20:7a), an act that does not violate the sexual self-determination of the subject and where there is no great difference in the mental and physical maturity of the parties shall not be deemed sexual abuse of a child or aggravated sexual abuse of a child.

<sup>8</sup> See, e.g. the Family Federation of Finland (2014): Grooming damages young people who are growing up. <http://www.vaestoliitto.fi/?x27375=3423983>

menace of any penalty and for which the said person has not offered him/herself voluntarily” (see SopS 44/1935). The purpose of the Convention was to prevent exploitation of the local population by colonial powers (Ollus 2015, Ollus 2016), and the application of this definition has proved difficult in modern times. The definition has been considered, e.g. in studies conducted by HEUNI (Jokinen, Ollus & Viuhko 2011; Jokinen & Ollus 2014; Ollus 2016). Human trafficking for the purpose of forced labour may be a situation in which an employer exploits the vulnerable state and dependent status of an employee (e.g. a debt situation or a weak financial position, or takes away the employee’s passport, uses threats and pressure), controls use of the victim’s money, or takes possession of his/her banking credentials, and controls working hours and leisure time so that the employee does not have the actual opportunity to stop working. Workers with a foreign background can face underpayment of wages and wage discrimination, excessive working hours, indebtedness and poor living conditions in Finland. However, one should remember that not all exploitation constitutes trafficking in human beings.

Exploitation of foreign workers can also be treated as extortionate work discrimination under criminal law (CC, 47:3a). Extortionate work discrimination is a special situation in work discrimination that is most often directed at employees with a foreign background. Extortionate work discrimination is, e.g. underpayment of wages or demands for long workdays by taking advantage of the employee’s ignorance of their own rights. It has proved difficult to draw a line between trafficking in human beings and extortionate work discrimination in practice, because the elements of the provisions are close to each other.

Children and young persons with the background of a refugee or asylum seeker can become victims of human trafficking and forced labour on their way to Finland. Young persons in Finland can also be subjected to labour exploitation and forced labour for example in situations where adolescents in a vulnerable state without any other possibilities work without pay or in poor conditions. Unpaid internship alone does not constitute forced labour, but if it involves other exploitation, control of the employee and taking advantage of the young person’s vulnerable state, it can be a situation akin to trafficking in human beings.

### 2.2.3 Forced marriage

The Criminal Code of Finland does not include a specific offence titled “forced marriage”, but the act can be punishable as human trafficking, bringing a person to demeaning circumstances (CC, 25:3), aggravated trafficking in human beings (CC, 25:3a), or coercion (CC, 25:8). The Council of Europe Convention on preventing and combating violence against women and domestic violence (the “Istanbul Convention”) obliges the Member States to criminalise forced marriages (Article 37, paragraph 1). Thus far, Finland has not specifically criminalised forced marriages; instead, they can be regarded as one form of human trafficking.

There is no internationally consistent definition of forced marriage, but it refers to a marriage in which one spouse or both spouses have been unable to have a personal influence on the marriage or the choice of a spouse without fear of threat or pressure from the family or extended family, or in which the spouse has consented to the marriage under pressure. Threats or pressure can be both physical and mental. Both girls and boys can be forced into marriage. (FRA 2014, 7; Klemetti & Raussi-Lehto 2013, 152.) A child marriage is a form of forced marriage because, in principle, children can be deemed incapable of giving their permission to marriage or refusing marriage (Viuhko, Lietonen, Jokinen, Joutsen 2016, 17).

The Ministry of Justice recently conducted a survey of how Finland should combat and prevent forced marriages (Ministry of Justice 2019). The Ministry is also exploring the possibility of annulment of forced marriages in accordance with the Istanbul Convention. For many people who have been forced into marriage, annulment is important because divorce does not take into consideration the fact that, in principle, the marriage has been involuntary. Annulment, on the other hand, recognises the wrongdoing and exploitation experienced by the victim, and the fact that the victim did not consent to marriage in the first place. The Parliament recently passed the government proposal for an amendment to the Marriage Act, eliminating the exemption procedure that enables marriages between minors (HE 211/2018). This means that, in the future, persons below the age of eighteen will not be able to marry in Finland.

#### 2.2.4 Forced begging and forced criminal activity

The Criminal Code of Finland stipulates that one form of trafficking in human beings is placing a person in demeaning circumstances (CC, 25:3). This includes forced begging and/or forced criminal activity. Forced criminal activity means pressuring or forcing a person to, for instance, pickpocket, steal items from shops, or sell or smuggle drugs. Forced begging can also be understood as human trafficking when the victim is taken advantage of and someone else benefits financially from the practice (HE 34/2004, p. 97/II.)

Children and young persons can be taken advantage of both in forced criminal activity and in forced begging. Children may be forced to beg because they cause pity in other people, thus potentially increasing the money earned by the offenders. Similarly, children may be forced to commit crimes because children under the age of 15 are not subject to criminal liability, and it is easier to manipulate children to commit different kinds of criminal acts than adults.

## 2.2.5 Other forms of trafficking in children

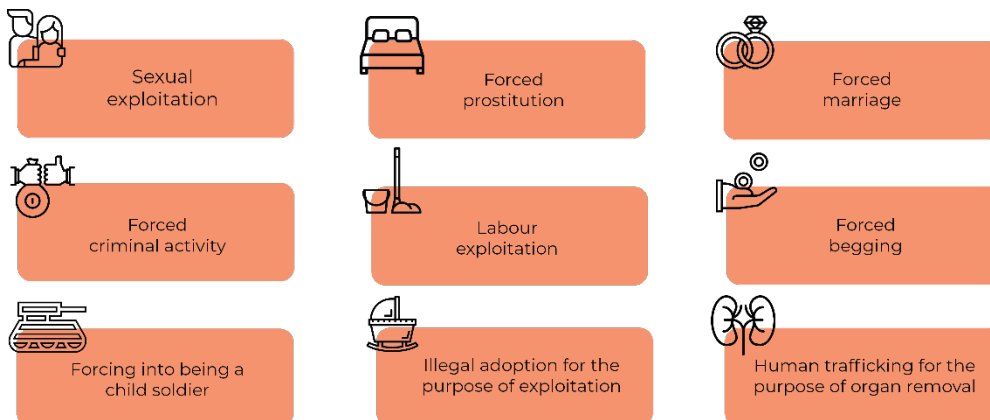
Other specific forms of trafficking in children include illegal adoption for purposes of exploitation, human trafficking for the removal of bodily organs, and forcing into being a child soldier.

The Criminal Code (CC, 25:3 1) prohibits illegal adoption as human trafficking if the custodian, either for or without payment, relinquishes a child under the age of 18 as a subject of sexual exploitation or forced labour (HE 103/2014, 9). “Illegal adoption” means a situation in which a child may be sold, bought or abducted. An illegal adoption may be made without the permission of the biological parents, by deceiving them, or by telling them that the child was born dead or died soon after birth. Parents can also be intimidated or pressured into adoption. Illegal adoption often involves falsifying documents such as the birth certificate and the biological mother’s identity certificates, corruption and financial gain from the adoption process itself. (UN GA 2016.) In practice, forced adoption is human trafficking when a child is exploited after the illegal adoption or as a consequence of it.

As one form of exploitation in a human trafficking offence, the Criminal Code lists the removal of a person’s organs or tissues for the purpose of obtaining financial gain. In principle, organs may not be sold for the purpose of seeking financial gain. Trafficking in human beings would be a situation in which a person is forced to surrender their organs so that someone else benefits financially from this. (HE 34/2004, 98/I.) The Optional Protocol to the Convention on the Rights of the Child also includes an obligation to prevent the sale of a child’s organs for profit, in the context of offering, delivering or accepting the transfer of the child’s organs (HE 34/2004, 98/I).

Human trafficking can also be a situation in which a child is forced to fight in an armed conflict. The Criminal Code of Finland does not include specific provisions on forcing into being a child soldier. However, Finland has adopted the Protocol to the Convention on the Rights of the Child, which prohibits persons under the age of 18 from being coerced into joining military forces or fighting. Forcing into being a child soldier can include several different acts. A child may first be recruited as a soldier by deception or kidnapping, after which the child is forced to fight in a war. After the conflict has ended, the child may become a victim of forced labour or sexual exploitation. (See Conradi 2013.)





## 2.3 Identification of a child who is a victim of human trafficking

It is challenging to identify trafficking in children and young persons and the exploitation associated with it. Human trafficking is mostly hidden criminality. The nature of hidden crime means that victims of human trafficking rarely seek help and describe their situation to outsiders or are aware that they are victims of crime. This is why the identification of trafficking victims often requires investigation and examination of the situation. Experiences of children and young people may be interpreted and understood from the perspective of other crimes and exploitation, and such experiences may not necessarily be identified as human trafficking (Warria, Nel & Triegaardt 2015). Various instruments, such as indicators and lists, have been developed to make identifying victims of human trafficking easier.<sup>9</sup> Sometimes victims can be identified by asking them questions related to their situation or by observing their circumstances.



### Questions to help identify a child or young person who has become a victim of human trafficking

- *Is someone pressuring the child/young person to do something they would not like to do?*
- *If the child/young person is addicted to drugs or alcohol, is someone using their addiction to make them do things they would not like to do?*
- *Is someone using the child's/young person's illegal/irregular stay in the country to make them do things they would not like to do?*
- *Is someone using the child's/young person's homelessness, lack of money or other problems to make them do things they would not like to do?*

<sup>9</sup> Assistance system for victims of human trafficking:  
[http://www.ihmiskauppa.fi/tietoa\\_auttajille/ihmiskaupan\\_uhrin\\_tunnistaminen](http://www.ihmiskauppa.fi/tietoa_auttajille/ihmiskaupan_uhrin_tunnistaminen)

- *Is someone threatening to give the child/young person away to the authorities if they do not do as they are told? Is someone threatening to shame the child/young person in front of their family or other social groups if they do not do as they are told?*
- *Does the child/young person owe money to someone/a group who is pressuring them to act against their will?*
- *Has someone made threats against the child/young person or their loved ones?*
- *Has the child/young person or their loved ones been subjected to violence?*
- *Does the child/young person fear for his/her own safety or the safety of loved ones?*
- *Has the child/young person not been paid enough salary or received no salary at all, but cannot do anything about it?*
- *Has the child/young person been forced to work very long days but cannot do anything about it?*
- *Is the child/young person living in a house that was provided by the potential perpetrator?*
- *Has someone told the child/young person not to talk about his/her life or told him/her not to get help?*

*(Source: Assistance system for victims of human trafficking 2019)*

In the identification of children, it is important to create a safe environment for the child to describe what they have experienced, and to accept the child's account without being horrified and questioning their experiences.<sup>10</sup> A study conducted in the UK showed that when children describe exploitation, they may face disbelief on the part of the authorities. The authorities do not necessarily believe that the child is a minor, that the child has been subjected to human trafficking, or has faced such serious and aggravated exploitation as described by the child. The sceptical attitude of the authorities towards child victims of human trafficking – the “culture of disbelief” – can lead to a child being silenced and denied assistance. It is therefore important to ensure that there is sufficient time for the child to be heard, so that a confidential relationship can be created with the child. (Pearce, Hynes & Bovarnik 2009.)



### **Encountering a child**

- *Create a safe environment for the meeting. A safe contact with an adult person is central to helping the child.*
- *Tell the child about your own role and how you can help them.*
- *Ensure that the child's basic needs are accommodated as well as possible.*

<sup>10</sup> For further information, see the Assistance system for victims of human trafficking: [http://www.ihmiskaappa.fi/tietoa\\_auttajille/lapsikaupan\\_uhrien\\_ja\\_ihmiskaupan\\_uhrien\\_lasten\\_auttaminen/lapsiuhrin\\_kohtaaminen](http://www.ihmiskaappa.fi/tietoa_auttajille/lapsikaupan_uhrien_ja_ihmiskaupan_uhrien_lasten_auttaminen/lapsiuhrin_kohtaaminen)

- *Do not interrogate the child about what has happened. You should listen to the child, write down their story and answer the questions they may have.*
- *Do not ask leading questions. The child will be reading the situation from their point of view and may answer questions in a way you would expect them to because they want to please you or are afraid to answer differently.*
- *Strengthen the child's feeling of innocence. Even though you may think the child's story sounds implausible, do not immediately question it. Even if the story does not seem probable, it does not mean that the child is lying.*
- *If the child has become a victim of a sexual offence or the circumstances point to that, under the Child Welfare Act you must submit a child welfare report and a report of an offence to the police without delay.*
- *If the child's safety is at immediate risk in Finland, call the emergency number 112.*

*(Source: Assistance system for victims of human trafficking 2019)*

As far as minors are concerned, this is a particularly sensitive phenomenon because they are often exploited by people whom the child trusts. The offender can be a guardian, relative, another acquaintance, or a person perceived as safe. The perpetrator's motive may be personal or they may seek financial benefit from exploitation (such as forced prostitution and forced labour). Children of any age can become victims of human trafficking. The smaller the child, the more vulnerable their position. In terms of age, a child under 10 years of age can be deemed to be in a more vulnerable state than a 16-year-old. A child's age also affects the rights and obligations of the child. In all actions concerning children, the best interests of the child shall be a primary consideration (Convention on the Rights of the Child, Article 3). It is also important to hear the child and bring out the child's voice, and the child should always be heard in matters concerning them (either directly or through a representative), and to give the child an opportunity to express their opinions, which should be taken into account in accordance with the child's age and level of development (Convention on the Rights of the Child, Article 12).

According to the Child Welfare Act, the age of twelve is considered to be the limit, after which children are entitled to exercise their right to be heard. Any child who commits a crime can be sentenced for it after turning the age of 15. Even children younger than this are liable for damages for their actions. If a child commits criminal acts, the background, which includes the possibility that the child has been pressured or forced into committing the offence, should always be determined. A child who has turned 18 is legally an adult and loses the rights and services to which they were entitled as a minor (such as the right to child welfare services and a representative), even if the child does not differ much from a 17-year-old, for instance, with regard to the level of development. A child's situation and need for support are not substantially altered even when they

come of age (see Secretariat of the Council of the Baltic Sea States 2015, 30). Being an adult also does not eliminate a young person's vulnerability and the underlying causes for becoming a victim. Where the age of a child subject to trafficking in human beings is uncertain and there are reasons to believe that the person is a child, that person is presumed to be a child in order to receive immediate access to assistance, support and protection (Human Trafficking Directive, Article 13(2); EIGE 2018, 51).

Although anyone can become a victim of human trafficking, perpetrators often direct their acts against children who are in a risky situation or who are especially vulnerable. There are many factors that cause such vulnerability. Similarly, people have certain qualities that can place them in a different position than others in society. These include, e.g. gender, sexuality, ethnicity, "race", class, and age. These intersect each other and, separately and simultaneously, affect a person's risk of becoming exposed to human trafficking or other exploitation, for instance (see Keskinen & Vuori 2012). It is important to realise that a child victim of human trafficking can have many underlying factors which make it impossible to distinguish one particular reason why this child, specifically, was exploited. Different risk factors and vulnerabilities affect children's likelihood of being exploited or trafficked. A single factor does not necessarily increase a child's risk of being exploited, but when risk factors accumulate, the child's position can be more vulnerable, increasing the risk of exploitation. (European Commission 2015a, 7–8.) Thus the fact that discrimination, violence or exploitation accumulate in the case of certain individuals and groups can be made visible through a variety of vulnerability factors. Structural inequality (such as the inferior role of women and girls in certain societies, discrimination against minorities, income disparity, etc.) contribute to how some people are more prone to exploitation than others. In addition to understanding vulnerability and background factors for victimisation, it is important to take a look at exploiters and consider why certain people exploit others. In this report, however, we were unable to study, in greater detail, offenders who are guilty of trafficking in children and young persons.

## 2.4 The situation in other countries

### 2.4.1 Sweden

In 2015, a national report on children who were victims of human trafficking was prepared in Sweden (Länsstyrelsen Stockholm 2015). The report identified 210 children perceived to be victims of human trafficking or an offence indicative of human trafficking. The report included cases identified between January 2012 and June 2015. (Ibid., 14, 20.)

It described in more detail 174 child victims of human trafficking, of whom about half were girls (54%) and half were boys (46%). The majority of the children were 15–17 years old (72%), but they also included 11–14-year-olds (15%) and 0–10-year-olds (13%). Only less than a tenth of the victims were Swedish nationals, and the remainder came from 34 different countries, most from Africa. The majority of the identified child

victims of trafficking were children who had arrived in the country without a guardian (64%) who had sought asylum in Sweden (51%). (Ibid., 23–28.)

The most common form of exploitation revealed in the study by the County Administrative Board was sexual exploitation of both girls (32%) and boys (18%). A fifth of the children were identified as being in circumstances indicative of human trafficking, such as having to beg, commit petty crimes, or do household work that was burdensome or unsuitable for the child's age. It was notable that most (89%) the trafficking cases were suspected to have occurred in Sweden, and only a small part in foreign countries. (Ibid.)

The report by the County Administrative Board of Stockholm was made before 2015 when 35,369 underage asylum seekers without a guardian arrived in Sweden – a factor that increases children's vulnerability and possibility of becoming a victim of exploitation related to human trafficking. In October and November of 2015 alone, about 18,000 children without a guardian arrived in Sweden. Most of the unaccompanied children arrived in Sweden from Afghanistan (66%) and Syria (11%). In addition, Somalia (6%), Eritrea (5%) and Iraq (3%) were among the five countries from which most minors arrived in Sweden. Most were 13–17-year-old boys (86%), and boys accounted for 92 percent of all unaccompanied children. One worrisome fact was that, besides older children, 312 children under the age of six arrived in the country without a guardian. (Migrationsverket 2015a.)

In mid-November 2015, Sweden, Denmark and Germany began to enforce border checks (European Commission 2015b), after which the number of asylum seekers arriving in Sweden decreased significantly. In 2016–2018, a total of 4,479 children without a guardian arrived in Sweden. Most of them were between 13 and 17 years of age. The majority of the children arrived from Afghanistan, but an increasing number came from Morocco. (Migrationsverket 2016, 2017 & 2018.) At present, unaccompanied asylum seekers who are children or young persons are regarded as one large risk group whose vulnerability can be easily exploited by offenders.

In spring 2018, the County Administrative Board of Stockholm published a report on risk factors and groups related to human trafficking in Sweden. The report (Länsstyrelsen 2018, 17) identified five groups of children who are in a vulnerable position in Sweden:

- *Children who have arrived without a guardian and who disappear from reception centres*
- *Children living in the street*
- *Children who have accompanied an adult, such as an asylum seeker*
- *Children from other EU countries*
- *Children in family homes, married children or children who do work similar to that of a domestic worker*

The boundaries between these groups are blurred, and a child's situation can combine many different vulnerability factors. For example, girls from other EU countries have been coerced into both begging and prostitution. Young people who temporarily live in

the street or have no identification papers and no permanent residence, such as those who have received a negative decision on their asylum application, have been tempted into acting as drug couriers, forced into prostitution, or forced to work for undeclared wages at pizza restaurants, for instance. They can also be lured into violent radicalism. (Ibid., 29.)

The most recent statistics on children dates back to 2017, when 56 suspected child victims of trafficking were identified in Sweden, half of them being girls and the other half boys. The most common form of exploitation was forced begging. Girls, in particular, had been coerced into begging or had been sexually exploited, whereas boys had been coerced into criminal activity or forced labour. (NMT 2017.)

## 2.4.2 Norway

A study on trafficking in children was conducted in Norway in 2015 (Tyldum, Lidén, Skilbrei, From Dalseng, Takvam Kindt 2015), and a follow-up study in 2016 (Tyldum 2016). According to the original study, 52 underage victims of human trafficking were identified in Norway from the beginning of 2012 to June 2015. Of them, 37 had been exploited in Norway and 15 somewhere else. Most had been exploited in prostitution, with the second largest group coerced into criminal activity. Three of the identified victims were exploited at work, and one had been forced to marry. Most of the identified victims came from sub-Saharan Africa, the majority of them being girls coerced into prostitution. The second largest group of children came from Eastern and Central Europe, and of these both girls and boys had been coerced into criminal activity. In addition to the children actually identified as victims, 87 children presumed having become victims of human trafficking were identified in Norway in 2012–2015 (June). Almost two thirds of the actually identified trafficking victims were girls. Boys accounted for two-thirds of the children who were only perceived to be victims of human trafficking. This is linked to the fact that, in Norway, people exploited in prostitution are more likely to be defined as victims of human trafficking. (Tyldum et al. 2015.)

There were three key groups among the victims: 1) girls who had come from sub-Saharan Africa and were exploited in prostitution, 2) boys who had arrived from the Middle East and North Africa and were coerced into criminal activity, and 3) girls and boys who had come from Eastern Europe and were coerced into prostitution or criminal activity. The group of girls from sub-Saharan Africa included girls brought to Europe by criminal organisations, and girls who had left their country of origin independently but were exploited during the journey in order to pay for their trip. Boys from the Middle East and North Africa were forced to sell drugs, and most of them had done this specifically in Norway. However, the cases were not investigated in Norway and the victims were not actually identified as victims of human trafficking. Many boys had a difficult family situation in the home country and had left for Europe at an early age. Several of them had drifted around Europe for years, and many had a difficult substance abuse problem. Children from Eastern Europe had been exploited in begging, but some of them were also forced to commit various frauds and to steal. (Tyldum et al. 2015.)



Very few children exploited at work have been identified in Norway. The victims included one child exploited in paving work, two children exploited in cleaning, and two exploited as domestic workers. Norway has also identified several children forced into marriage; however, with one exception, these cases have not been recorded as human trafficking because forced marriage is not included in the definition of “human trafficking” in Norway. Children identified as trafficking victims lived in 37 municipalities around Norway. Most were identified in the Oslo (40%) and Bergen (15%) regions, but almost all other victims were identified in small municipalities. This was, in fact, the first contact the police and child welfare services had with trafficking victims in many municipalities. (Tyldum et al. 2015.)

In her follow-up report, Tyldum (2016) examined the fate of children residing in Norway without a permanent right of residence who are suspected of being victims of human trafficking. In 2012, a specific section was added to the Norwegian Child Welfare Act (Chapter 4, section 29), which allows a child to be placed in a child welfare institution without the child’s or guardian’s consent in a possible case of human trafficking. However, the follow-up study shows that awareness of this section is inadequate, and many children are deprived of the help they would be entitled to. Identification of children as possible human trafficking victims is especially insufficient in cases where children without permanent right of residence are suspected of complicity in fraud, theft, robbery, pandering or sale of drugs. Such cases rarely proceed to investigation and, instead of being taken into care, children are often handed over to an adult who claims to be the child’s relative. The end result is that the possible trafficking case is not resolved; instead, children leave the country and possibly move to another country where exploitation continues. The study also raised the issue of girls with an asylum seeker’s background who live at reception centres or child welfare institutions, who are suspected of being sexually exploited in Norway, but who are not identified as possible victims of human trafficking. Some suspected cases of forced marriages also emerged, as did suspicion of human trafficking in Roma children, but the authorities were unable to intervene in these. For the authorities, the resolution of human trafficking cases involving children was often difficult, time-consuming and costly. This also affected how such cases proceeded to investigation and how victims were assisted: cases could be dismissed because of lack of competence but also due to limited resources. (Tyldum 2016.)

## 3. MATERIAL AND METHODS

### 3.1 Research questions

Trafficking in children is a challenging research subject because there is hardly any information available about the phenomenon. The information is fragmented and largely based on experiences of individual experts. The purpose of this report was to survey the existing information and the experiences and views of various professionals concerning trafficking in human beings or the exploitation associated with it. The objective was to fill in the gaps in such information and to establish an overall picture of the current situation in Finland.

The report aims to determine whether trafficking in children takes place in Finland and what this phenomenon is all about. It also looks at exploitation related to or indicative of human trafficking, as well as risk and vulnerability factors that may expose children to human trafficking.

The report answers the following research questions:

- 1. What types or forms of trafficking in children are there in Finland?*
- 2. What types of cases have authorities, organisations and other parties become aware of?*
- 3. How have they acted in the cases referred to them?*
- 4. How can trafficking in children be identified and prevented in Finland?*

This report cannot produce an overall assessment of the number of all children affected by trafficking in Finland. Instead, it describes the different forms of trafficking in children identified in Finland.

### 3.2 Material and method

This report is the first of its kind in Finland, and it aims to illustrate the key dimensions of the phenomenon as comprehensively as possible. However, for reasons of resources and schedules, we have tried to keep the report concise, so its focus is on understanding and describing the nature of the phenomenon. Due to the challenging nature of the phenomenon studied and the sensitivity of the target group, it was decided to collect information only from professionals who work with children and young people. For reasons related to research ethics, no children who have become victims of human trafficking were interviewed. In order to reach the widest possible range of

professionals, we utilised “mixed methods” in this report. The material includes both quantitative and qualitative information obtained from an online survey and semi-structured interviews with experts. We have also used statistics of the Assistance system for victims of human trafficking concerning child victims of human trafficking, and case descriptions of the forms of human trafficking experienced by children. Case descriptions were used to describe the experiences of children who have been referred to the assistance system. Quantitative information was supplemented with statistics compiled by the police, the Central Union for Child Welfare, and the Finnish Immigration Service. Furthermore, sentences imposed for human trafficking in minors and young people who have recently come of age were used to supplement the overall picture of the phenomenon.

### 3.2.1 Survey for experts

To gather information from the most comprehensive set of experts, an online survey was conducted using the Webropol query tool. The online survey charted the experiences and insights of experts working with children and adolescents about child exploitation cases they had encountered, and the risk and vulnerability factors affecting the risk of children and adolescents falling victim to human trafficking. Besides multiple-choice questions, respondents were able to expand their views in open-ended answers. Many respondents used this opportunity, and the survey also produced plenty of text material. The respondents answered questions about their work, for instance, how often they encountered children and/or young persons who were victims of various forms of exploitation related to human trafficking, where such exploitation took place, who the perpetrator was, and how the case was handled.

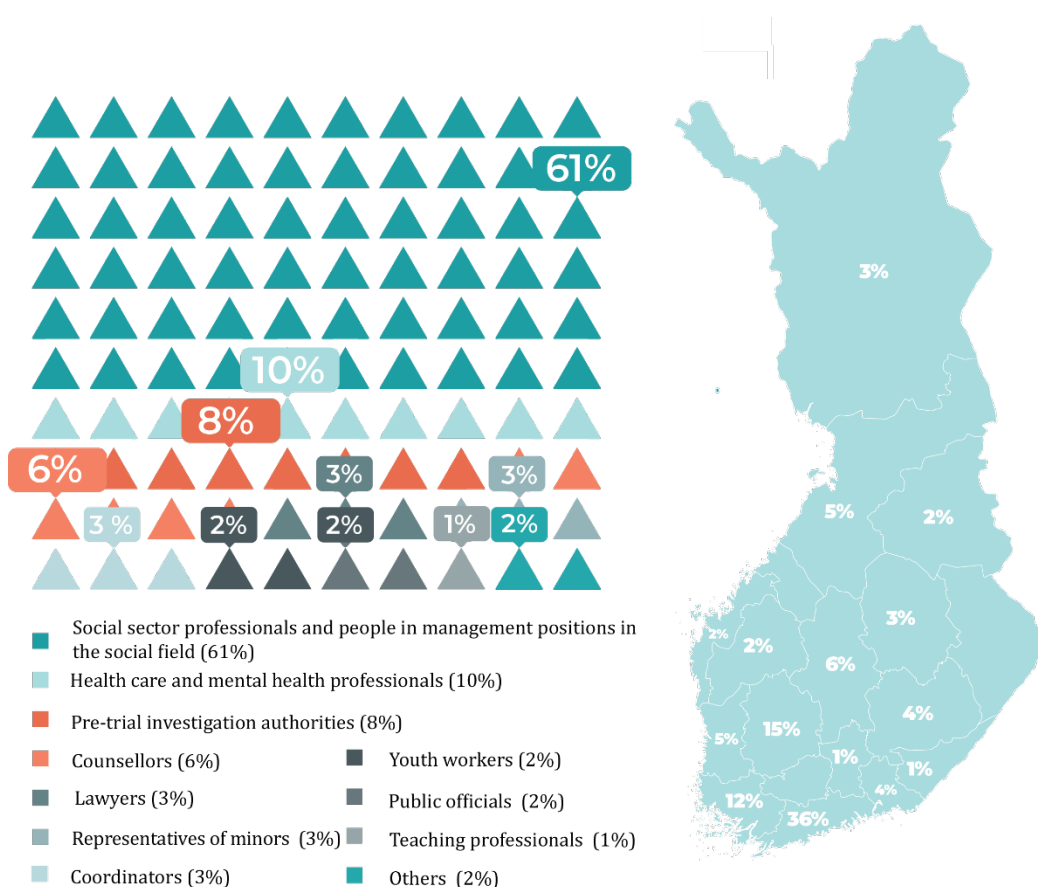
The online survey was implemented with purposive sampling (Battaglia 2008), directed at key practical actors (such as employees at reception centres for minors, municipal child welfare workers, employees in non-governmental organisations, representatives of unaccompanied children). In purposive sampling, the research group is selected on the basis of discretion, aimed at establishing the most comprehensive group of experts with knowledge of the research subject (*ibid.*, 523–524). This is a non-probability sample, i.e. the objective was not to choose a statistically representative sample, instead the sampling was made on subjective grounds for the purpose of obtaining information relevant to the analysis (*ibid.*). The survey was open for answers from 28 August to 10 October 2018. The survey was sent to 312 people via the Assistance system for victims of human trafficking and, in a slightly staggered form, through the Talentia Union of Professional Social Workers, to 1,600 social workers and counsellors, only a fraction of whom provided answers. The survey received a total of 117 responses.

More than half of the respondents (53%) were social sector professionals or worked in management positions in the social field (8%) at municipalities, the government, or various organisations. The remaining respondents were a wide range of people who work to prevent trafficking in children and encounter child victims in their work, such as health care and mental health professionals (10%), pre-trial investigation authorities

(8%), counsellors (6%), lawyers (3%), representatives of minors (3%), coordinators (3%), youth workers (2%), public officials (2%), education professionals (1%). and others (2%). The respondents worked in, e.g. child welfare services (13%), family group homes (10%), non-governmental organisations (10%), reception centres (9%), pre-trial investigation authorities (9%), schools (8%), reformatory homes (6%), municipal immigration services (5%), group homes (4%), health care (4%), support living units (3%), and youth services (3%).

The survey received answers from 15 different provinces around Finland. Most respondents were from Uusimaa, Pirkanmaa or southwest Finland.

### Respondents of the survey (N=117) and their geographic distribution, %



The results of the survey, both quantitative and qualitative, are utilised in the analysis in chapters 5 to 7. Direct quotations from open-ended answers to the survey are used, separated from interview quotations by marking them specifically (survey).

The survey carried out for the purposes of this report is not statistically representative, because the project's schedule and objectives did not allow this. One should also remember that the survey results reported reflect the views and understanding of the subject by 117 experts who responded to the survey. The answers therefore do not reflect on the prevalence of this phenomenon in Finland more widely.

### 3.2.2 Expert interviews

The expert interviews were conducted in September-October 2018. The method used was a semi-structured interview. In a semi-structured interview, the interview progresses according to certain themes, but the exact questions have not been pre-determined. The interview is semi-structured and proceeds freely, by discussion, in accordance with the themes. (Hirsjärvi & Hurme 2006.) The starting point for an expert interview is that the person is interviewed for the information they are assumed to have. The choice of interviewees is based on their expertise on the subject covered by the survey. (Alastalo & Åkerman 2010, 373 – 373)

The aim was to interview experts who work with children and young people and who have concrete information about trafficking in children and related exploitation, which has taken place or was identified in Finland. In terms of describing the phenomenon, it was important that the interviewees represented, as comprehensively as possible, the different sectors involved with child victims of human trafficking, or with vulnerable children and young people who may be at risk of becoming trafficking victims. It was also essential to interview people who investigate human trafficking offences, such as pre-trial investigation authorities.

The interviewees were selected on the basis of their human-trafficking expertise and also by means of the online survey. The survey charted the respondents' willingness to participate in the interview, which proved to be a useful way of finding knowledgeable experts. For scheduling and resource reasons, it was only possible to conduct a small number of interviews, so the aim was to select the interviewees in the most focused way possible, on the basis of their expertise.

A total of 15 interviews, with 16 experts participating, were conducted for the report. The interviewees were social workers who work with children and adolescents (N=6), representatives of non-governmental organisations that assist victims of human trafficking (N=5), and representatives from the police (N=1), the Finnish Border Guard (N=1), the prosecution service (N=1), and authorities in the immigration administration (N=2). The geographic coverage of the interviewees was narrower than in the survey, but the interviewees for the report came from the five largest cities in Finland.

The interviews were conducted as semi-structured individual interviews, with the exception of one interview that was attended by two experts. Most interviews were carried out on the premises of HEUNI or at the interviewee's workplace. Also, two interviews were conducted by telephone. The interviewees were sent an informational

document on the report beforehand, and the report project was presented to them verbally before the beginning of the interview. The interviews were recorded with the interviewee's permission, with three refusing to be recorded. The interviews lasted from one hour to two hours.

For the interviews, a semi-structured interview outline was prepared and used, where applicable. In addition, interviewees were asked questions related to their specific expertise that were not included in the interview outline. The interview outline consisted of three parts, which were 1) the clients, forms and risks of trafficking in human beings, 2) identification and assistance concerning victims, and 3) prevention.

The interviewees' anonymity was protected in such a way that the report does not reveal their name, workplace or the municipality in which they work. Analysis chapters 5–7 use direct quotations from interviews. The quotations have been modified by removing names and references to locations. Also, the language in some quotations has been slightly simplified, but without altering the contents of the quotation.

The interviewees were divided into five different groups and were not numbered, so that it would be impossible to identify any interviewee by combining quotations. The groups are: 1) social workers (six experts), 2) employees at organisations assisting victims (five experts), 3) pre-trial investigation authorities, including prosecutors (three experts), and 4) experts on immigration administration (two experts).

Weaknesses of the interview material are that some of the interviewees worked with adults and were only able to describe the phenomenon from the perspective of adult victims of trafficking. Also, some of the interviews stayed at a more general level, with no information of verified child victims. Although the interviewees represented different sectors and regions, the material is relatively limited in quantitative terms. The interviews adequately highlighted the forms of trafficking in children and young persons in Finland, but a larger group of interviewees could have shed light on a larger number of individual cases from different parts of the country.

### 3.2.3 Statistics on trafficking in children and young persons

The survey utilised statistical data collected from various sources. The key source of information is details on clients of the Assistance system for victims of human trafficking. The Assistance system provided information on 0–21-year-old victims of trafficking proposed and admitted to the Assistance system in 2006–2018. Furthermore, the Finnish Immigration Service provided information on the number of unaccompanied children, children who have disappeared from reception centres, and on negative asylum decisions concerning them. Statistics Finland provided information about child victims of human trafficking offences.

### 3.2.4 Sentences imposed for trafficking in children and young persons

The report also includes publicly available judgments issued by courts of different instances, imposed for trafficking offences against minors and young people who have recently come of age. According to information collected for this report, four<sup>11</sup> sentences have been passed in Finland for trafficking of a minor and two for trafficking of a young adult<sup>12</sup>. However, the age of the young adults is not entirely certain, since the details of the judgments are withheld, and the ages of the injured parties are not shown in the public summaries. All the victims in these cases were girls. In five cases, the perpetrator was a member of the majority population, and in one case the offender had a foreign background. In this report, it was not possible to study the grounds for said judgments or the underlying reasons for the offences more deeply, nor judgments for crimes similar to human trafficking, such as pandering or sexual abuse of a child. The analysis focused more on the survey and interview materials.

The judgments are described in separate boxes in the analysis chapters, in the context of the forms of human trafficking. Below, the judgments are listed in their order of appearance:

1. A university lecturer forced a 14-year-old girl into prostitution (R 16/2999, 2016)
2. Forcing a 16-year-old girl from Romania into prostitution (R 12/2045; R 13/1107, 2014)
3. Forcing an 18-year-old girl into debt bondage and prostitution (R 08/1069, 2008)
4. Sexual exploitation of an underage girl in a modelling agency case (Supreme Court KKO: 2015:89)
5. A 19-year-old girl kept in captivity was forced to give birth to four children (Supreme Court KKO: 2017:60)
6. An 18-year-old girl coerced her 17-year-old friend into committing crimes and prostitution (Supreme Court KKO: 2014:80)

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<sup>11</sup> R 16/2999, R 12/2045 and R 13/1107, Supreme Court KKO:2015:89, Supreme Court KKO:2014:80

<sup>12</sup> R 08/1069, Supreme Court KKO:2017:60

## 4. PREVALENCE OF TRAFFICKING IN CHILDREN IN FINLAND

It is difficult to give precise figures on the prevalence of trafficking in children in Finland, because trafficking in human beings is a hidden crime and there are many challenges in identifying victims, which affects the number of victims that are officially identified. Due to challenges in identification, the exploitation experienced by children and crimes against children can proceed in the criminal justice system under a provision other than human trafficking, or they may never become known to the authorities in the first place. The data from the Assistance system for victims of human trafficking consist of officially identified trafficking victims, and probably only indicate a fraction of all the children and adolescents whose exploitation may constitute trafficking in human beings. In addition to the figures of the Assistance system, we present other statistics and figures on potential victims, children and young people who have disappeared from the authorities, escaped from their place of accommodation and, due to their vulnerable state, are prone to become victims of exploitation related to human trafficking.

### 4.1 Statistics of the Assistance system for victims of human trafficking

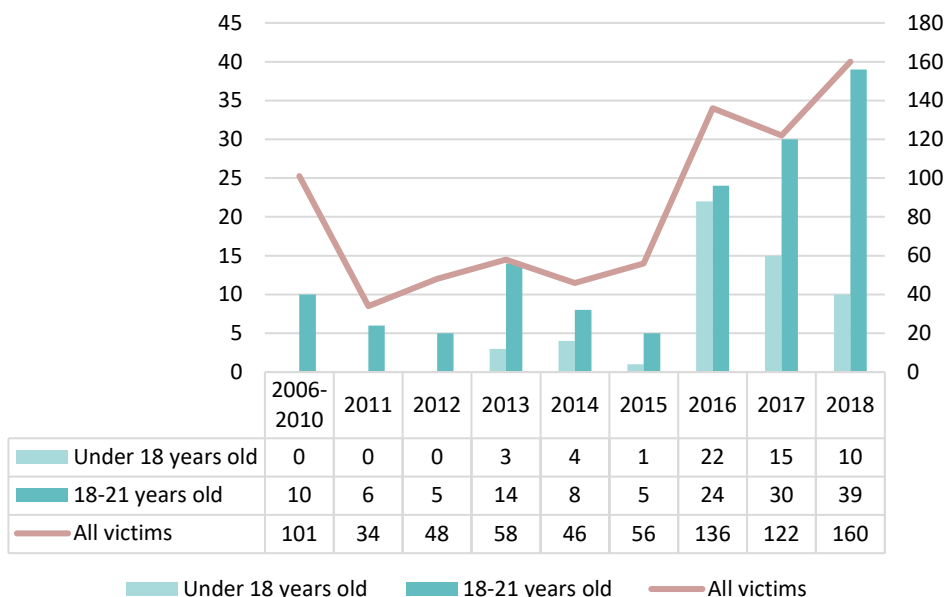
In 2006–2018, a total of 66<sup>13</sup> children under the age of 18, and 179 adolescents aged 18–21 were proposed for admission to the Assistance system for victims of human trafficking. Of those proposed, 55 minors and 141 youth aged 18–21 were ultimately admitted to the assistance system. These children and young persons constitute a fourth of all clients helped by the assistance system, totalling to 760 persons. Many of the adolescents had reached the age of 18 when they were proposed for the assistance system but had become a victim of human trafficking while they were still a minor or had recently come of age. Therefore 18–21-year-olds account for a large proportion of the victims.

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<sup>13</sup> Of the 66 children proposed for the system, 11 cases did not ultimately involve human trafficking but rather other violence against a child or the threat of forced marriage in the home country, which either did not take place or was not classified as human trafficking.



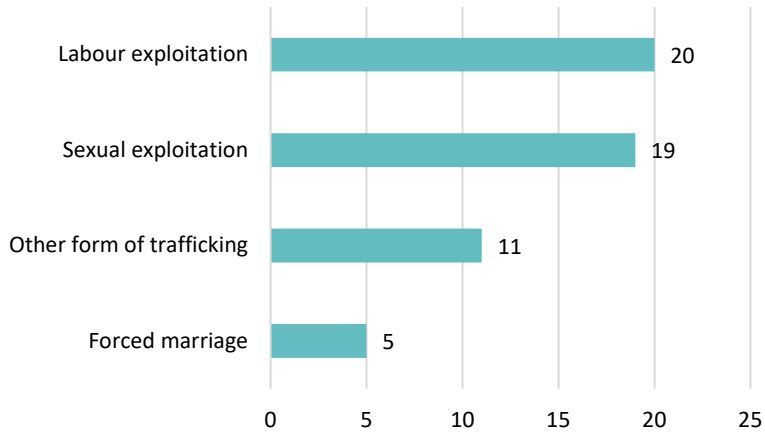
**Victims admitted to the Assistance system for victims of human trafficking in 2006–2018, N=760**



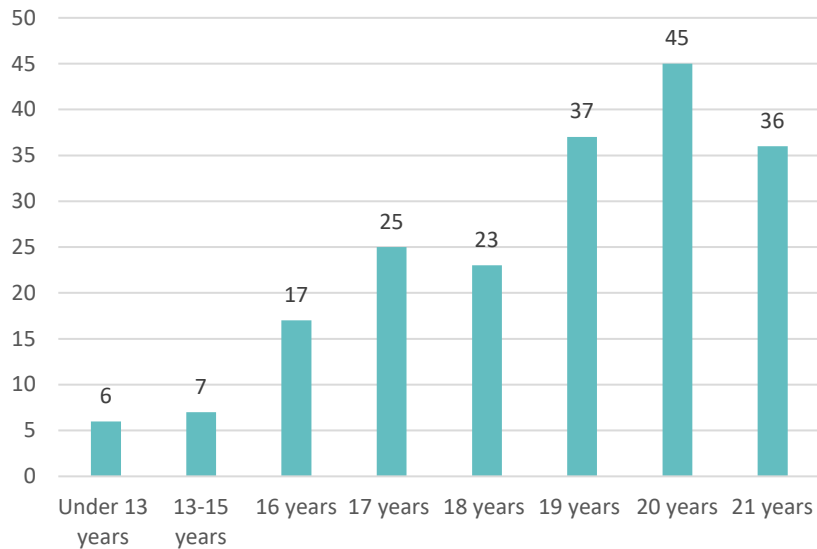
*The diagram contains two scales. The left-hand scale shows how many victims there are in different age categories in different years, and the right-hand scale indicates the total number of victims in different years.*

Children admitted to the assistance system had become victims of several different forms of exploitation, most commonly labour or sexual exploitation, or forced marriage. Often the various forms of human trafficking were linked to one another and the exploitation took many forms.

**Forms of exploitation experienced by children admitted to the Assistance system for victims of human trafficking in 2006–2018, N=55**



**The number of children and young persons, according to age, upon admission to the Assistance system for victims of human trafficking in 2006–2018, N=196**

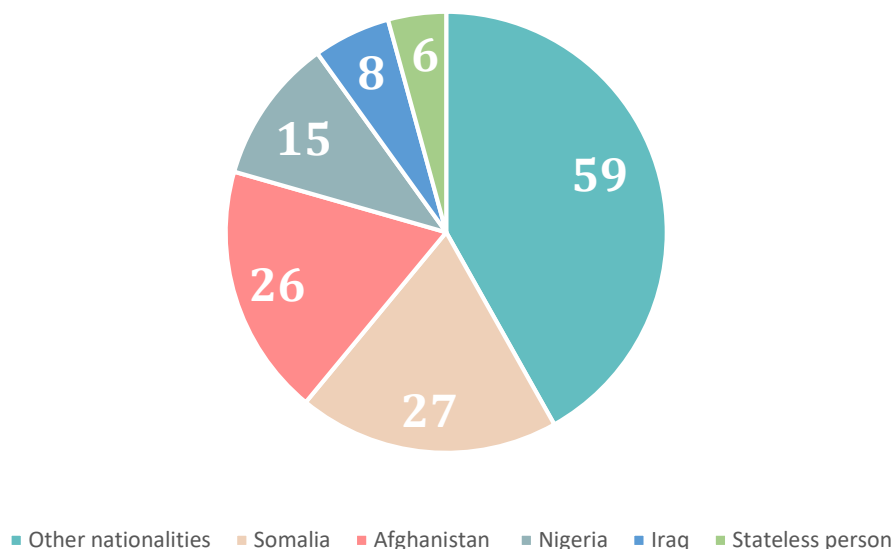


The average age of children proposed to the assistance system was approximately 15 years, and most were between the ages of 15 and 17. Of all the clients, 32 were boys and 23 were girls. Of these children, 47 were admitted to the assistance system in 2016–2018. The increase in the number of clients was affected by the growth in migration in Finland and Europe in 2015. The children represented 20 different nationalities, while some children did not have any nationality at all. Most of the children came from

Afghanistan (15), Somalia (13), Iraq (fewer than 5) and Nigeria (fewer than 5). No Finnish citizens under the age of 18 were referred to the assistance system. (Assistance system for victims of human trafficking 2018.)

Many of the adult clients proposed for the assistance system became a victim of human trafficking while they were still minors or had recently come of age. Of the total of 179 proposals, 141 young persons were admitted to the assistance system. Of these adolescents, 78 are women and 63 are men. The highest number of young persons have been referred to the assistance system from Somalia, Afghanistan, Nigeria and Iraq. All in all, the victims represent 32 different nationalities. They also include Finnish citizens (fewer than 5).

**The most common nationalities of 18–21-year-old young persons admitted to the Assistance system for victims of human trafficking in 2006–2018, N=141<sup>14</sup>**



Most of the 18–21-year-old youth are victims of labour (66) or sexual (64) exploitation, some victimised in Finland also. Some young people have also been forced into marriage (10), a few of them in Finland. Some of the adolescents who became a victim of sexual exploitation and were forced to marry in Finland were under the legal age upon victimisation. Also, some youth aged 18 to 21 were forced to become a child soldier (6) as a minor, but they were referred to the assistance system as an adult. Many of the young people admitted to the assistance system have become victims of several different forms of exploitation, and have experienced sexual, physical and mental violence.

<sup>14</sup> There are a total of 141 victims, with 32 different nationalities.

Children of adult victims have also been referred to the Assistance system for victims of human trafficking. Children of trafficking victims are admitted to the assistance system if the child needs help because the parents have become victims. Often such children have been forced to witness the exploitation of their parents. Due to their experiences, parents do not always have the possibility or ability to look after their child, and if the child's development or safety is at risk, the assistance system will submit a child welfare report on the child. At the end of 2018 the assistance system hosted 102 children of adult victims. All these children were born to foreign nationals, most to Nigerian women who have become victims of human trafficking.

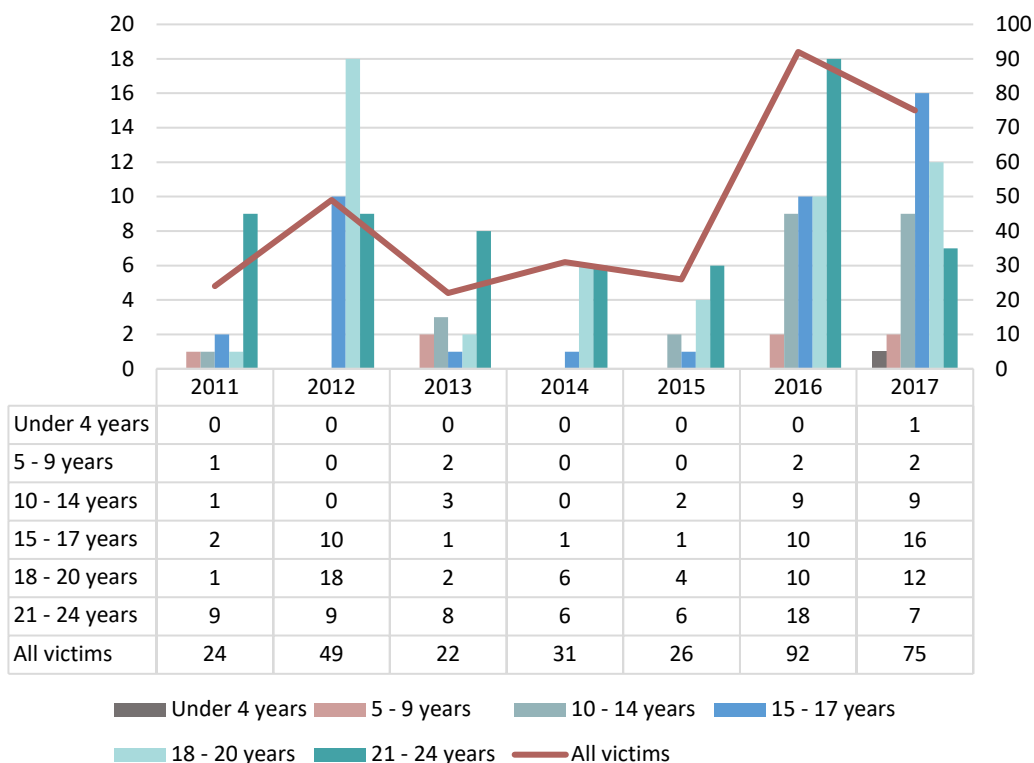
We discuss the exploitation of children and young persons admitted to the Assistance system for victims of human trafficking in detail and within the context of the various forms of human trafficking in analysis chapter 5.

## 4.2 Victims of trafficking offences reported to the police

Other statistics on trafficking in children is incomplete, as crime data on the various stages of the judicial system (police, prosecutor, courts) are not recorded by age. Thus, it is not possible to obtain a total number of offences reported to the authorities or pre-trial investigations on trafficking in children. Similarly, cases that have been referred to the prosecutor and actual judgments are not available in a centralised manner. (Statistics Finland 2019.) Therefore, it is impossible to monitor the development and progression of the number of trafficking offences against minors in the legal system, which would be necessary to establish an overall picture of the phenomenon, and to make the exploitation of children visible and to prevent it.

However, it is possible to examine statistics on the number of victims of trafficking and aggravated trafficking in human beings, recorded by the police, by age (SVT 2018a). The figures do not represent the full scale of the phenomenon, because the methods used by the police to record statistical and crime data are not uniform (Kainulainen 2015). When reports on offences are recorded in the system, all victims or the ages of the victims are not necessarily registered with the same precision everywhere in Finland (Rantala, Smolek, Leppälä & Jokinen 2008, 37, 59). For some offences, the police specify the injured party and the actual victim, so the figures represent victims of human trafficking offences recorded in the system by the police on the basis of reports submitted to the police. It is clear that due to the nature of the hidden crime of trafficking in human beings, only a fraction of human trafficking becomes known to the police. Therefore, these figures are probably not representative of the real magnitude of the phenomenon. The diagram below shows the development of the total number of victims of human trafficking and the proportion of child victims between 2011 and 2017. The number of victims of trafficking increased in 2016 and 2017, which does not necessarily mean an increase in human trafficking, but rather an improvement in the identification of victims of human trafficking. The number of victims also grew due to the increase in the number of asylum seekers in 2015–2016.

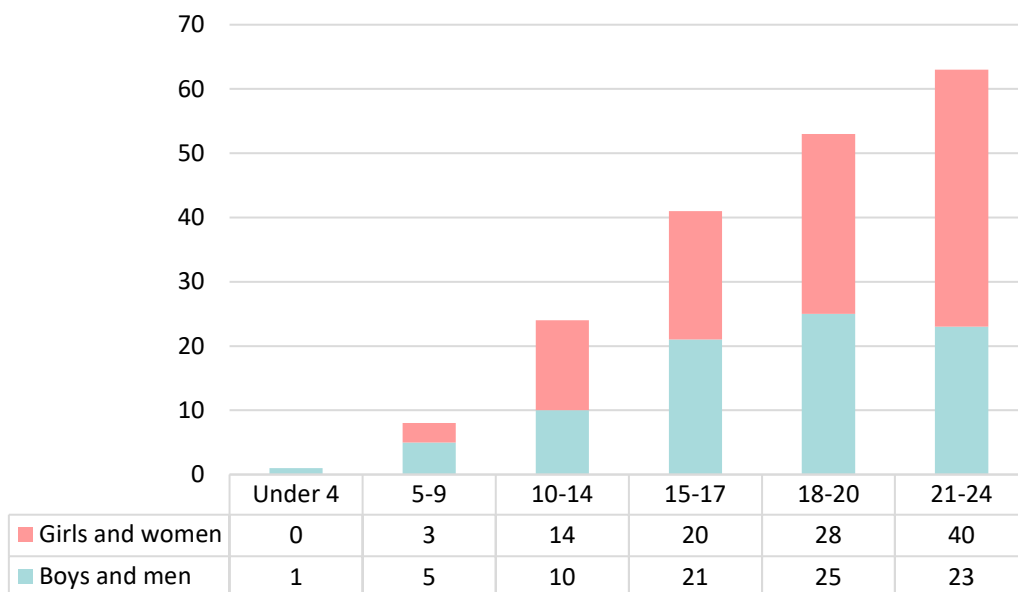
## Victims of trafficking and aggravated trafficking in human beings recorded by the police in 2011–2017, N=319



The diagram contains two scales. The left-hand scale shows how many victims are in different age categories in different years, and the right-hand scale indicates the total number of victims in different years.

The figures recorded by the police show that 23 percent of the victims of trafficking and aggravated trafficking in human beings 2011 – 2017 were under the age of 18; if persons between the ages of 18 to 20 are added to this, a total of 39 percent of all victims of human trafficking offences were children or young people. Child victims are highlighted in aggravated human trafficking offences, as 36 percent of the victims were under 18 years old, and as many as two thirds (68%) of all victims were young people under 20 years of age. Thus, children and young persons make up the majority of the victims of aggravated trafficking in human beings. This is probably due to the definition in the Criminal Code according to which, when an offence is committed against a child and the offence is aggravated also when assessed as a whole, it is punishable as aggravated trafficking in human beings.

**Victims of trafficking and aggravated trafficking in human beings recorded by the police according to gender, 2011–2017, N=190**



Reports of offences on human trafficking submitted to and recorded by the police show that the proportion of girls and boys under 18 years of age, who are victims of human trafficking, seem to be distributed relatively evenly (SVT 2018a). Women outnumber men proportionally when looking at people who are 18 years of age and older. Statistics suggests that more child victims of human trafficking have been reported to the police than to the Assistance system. We do not know the reason for this. A review of data compiled by the Assistance system and the police shows that most child victims of human trafficking are boys, whereas adult victims are most often women. It is likely that the police statistics reflect the increased immigration in 2015–2016, which accentuates the number of unaccompanied underage boys as victims of human trafficking. In the case of adults, it is likely that the higher number of female victims indicates the proportion of sexually exploited victims who arrived from West Africa. However, interpreting the statistics is challenging. The figures should be examined in more detail in the future, including how cases reported to the police proceed in the system, how many pre-trial investigations are discontinued, and how many victims reported to the police are referred to the Assistance system. On the basis of a study conducted in Sweden, a significant proportion of human trafficking investigations concerning children do not lead to prosecution, because the cases cannot be investigated (Länsstyrelsen Stockholm 2017).

This report focuses on human trafficking offences, and it was not possible to examine other crimes against children in greater detail. For example, approximately one thousand<sup>15</sup> cases of sexual abuse and aggravated sexual abuse of a child are reported to the authorities every year (SVT 2019), i.e. many times more compared to human trafficking offences. If these offences were examined more closely, some may show signs of human trafficking. Statistics on purchases of sex from young people is essential for describing exploitation related to human trafficking. As this report reveals, young people face attempted purchases of sex in their daily lives and are sexually abused by adults. Such abuse can also take on features similar to human trafficking.

The paragraph below describes statistical data on offences titled “purchase of sexual services from a young person” in 2014–2017 (SVT 2018b, 2018c). The figures illustrate how infrequently attempted purchases of sex from young people aged 16–17 years are reported to the authorities and/or referred to the prosecutor, and how few cases ultimately lead to a conviction. According to the 2013 School Health Promotion survey (THL 2013), 10% of young people enrolled in vocational schools had been offered money, goods or intoxicants in exchange for sex. Correspondingly, 5% of adolescents in upper secondary schools and 6% of comprehensive school pupils had experienced similar attempts to purchase sex. (Ibid.)

#### **Purchase of sexual services from a young person 2014–2017, N**

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Offences reported to the authorities	26	42	19	7
Offences reported to a prosecutor	17	37	26	12
Judgments	-	1	2	8

It is likely that these figures only present the tip of the iceberg of all attempted purchases of sex encountered by young people. The same applies to young people who have reached maturity, since only six cases of abuse of victims of sexual trade aged between 18 and 20 years led to a conviction. One judgment was passed in 2015 and five judgments were imposed in 2017. All the victims in these cases were girls. (SVT 2018d.)

### 4.3 Victims of human trafficking outside official statistics

Trafficking in human beings is a hidden crime. There is a high probability that official statistics only shows a small proportion of all those potential child exploitation cases

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<sup>15</sup> In 2017, a total of 1,107 cases of sexual abuse of a child or aggravated sexual abuse of a child were reported to the authorities. The corresponding figures are 1,187 for 2016; 1,169 for 2015; and 1,327 for 2014. (SVT 2019.)

which could, in principle, be defined as trafficking in human beings. It is therefore important to examine other sources as well. Organisations that assist human trafficking victims, such as MONIKA – Multicultural Women’s Association, Finland; the Finnish Refugee Advice Centre; Pro-tukipiste; and Victim Support Finland have, since the beginning of 2018, begun to collect statistical data on possible trafficking victims they have identified among their clients. In 2018, the organisations identified a total of 71 human trafficking victims, two of whom were underage. The organisations have an important role in identifying and assisting victims. Victims are often excluded from official statistics, as only some victims (35%) want to report their experiences to the police or seek help from the Assistance system for victims of human trafficking (40%), due to fear of the consequences or mistrust related to public authorities, for instance. Decisions to seek official assistance are also affected by disbelief that the victim’s safety can be guaranteed; in some cases, the person wishes to forget what has happened instead of reporting it further. (Neliapila 2019.)

#### 4.4 “Runaways” and unaccompanied minor asylum seekers

In a study of potential victims of trafficking in human beings, it is important to consider factors or circumstances that expose children and adolescents to trafficking and the risk of becoming exploited. In this report, an unstable family situation and/or the absence of a family was one of the most important factors that influenced victimisation. Young people who have been taken into care and are absent from the place of substitute care without permission, and unaccompanied children who have disappeared in the middle of the asylum process, for example, may be subjected to circumstances in which they are exploited during their disappearance or while they are running away.

The Central Union for Child Welfare has prepared a report (2011) on young people who have been absent from substitute care without permission, referred to as “runaways”. An “absence without permission” is a situation in which a child or a young person who has been taken into care has left the place of substitute care without permission or failed to return there after a home leave, for instance. The report by the Central Union for Child Welfare indicates that of all young people living in institutions (1,251), almost 15% had been absent during the six months prior to the survey. Of those who had left repeatedly without permission, 93 were girls and 91 were boys, so a total of 184 children had repeatedly left their place of substitute care. During an unauthorised absence, a child is potentially in danger and there is high risk of becoming subjected to exploitation. (Ibid., 5, 18, 32.)

Institutions were also asked about their views on events that occur when young people run away, and they reported use of alcohol and drugs, among other things. It was noteworthy that children were found to have committed criminal acts and exchanged sex for money or intoxicants while running away. Children had also been pressured into sexual intercourse, and they had been assaulted and raped. (Ibid., 33.) This report raises



concerns of how young people who live in foster care and leave it without permission have become victims of sexual exploitation and violence and pressured into criminal activity. Some cases have involved intoxicants. Often, experiences of exploitation and mistreatment accumulate and expose young people to additional exploitation. Young persons who are on the run are prone to different forms of exploitation and blackmail, which can lead to situations similar to trafficking in human beings.

Also, some children disappear in the middle of an asylum process. In such cases, the children have left their place of accommodation without notifying the authorities. Some can be reached and found in another EU country, but some remain missing from the authorities (European Commission 2015, 11; Europol 2018, 20). In particular, children who have disappeared from the authorities and who lack safety nets are in a vulnerable state and are thus an easy target for exploiters. Europol has estimated that as many as 10,000 unaccompanied children have gone missing from reception centres in Europe (European Parliament 2017).

In Finland, the Finnish Immigration Service collects information about children and adolescents who go missing during the asylum process. In 2014–2018, a total of 3,808 children arrived in Finland without a guardian (Finnish Immigration Service 2018a). Due to the large increase in migration to Europe in 2015, ten times more minors arrived in Finland compared to previous years.

### **Number of unaccompanied minors in 2014–2018**

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Unaccompanied minors	192	3,010	365	171	70

(Source: Finnish Immigration Service 2018a.)

Some of these children left Finland in the middle of the asylum process without notifying the authorities. The Finnish Immigration Service has established that between 2014 and 2018, 126 minor asylum seekers disappeared during the asylum process (Finnish Immigration Service 2016, 2017, 2018b & 2019).

### **Minors who disappeared in 2014–2017**

	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Children who disappeared	6	21	57	32	10

(Source: Finnish Immigration Service 2016, 2017, 2018b & 2019.)

These figures illustrate the number of people deemed as minors by the Finnish Immigration Service who went missing. Individuals who had reached legal age at the time of disappearance or were found to be adults by means of age determination, for example, have been deducted from the figures. Most of the missing children are boys. According to the Finnish Immigration Service, only four of the missing children are girls (2014–2016, there is no data on 2017 or 2018). Most young people disappeared during the asylum process, before the asylum interview. Some children were reached and found in another EU country, for instance, but some have completely disappeared from the authorities. In 2014–2018, a total of 73 children remained missing from the authorities for good. (Finnish Immigration Service 2016, 2017, 2018b & 2019.)

The Finnish Immigration Service states that there are many reasons why children disappear. They are perhaps dissatisfied with the conditions in Finland and wish to continue their journey elsewhere or return to another EU country where they have previously resided. Children may also have relatives in another EU country, or they have already applied for asylum in another EU country. According to the Finnish Immigration Service, one key reason for disappearing is fear of the Dublin decision and of being sent to another EU country. (Finnish Immigration Service 2016.) The Finnish Immigration Service states that many disappearances also involve suspicion that the young person is, in fact, an adult. It is possible that they were about to undergo the determination of age but went missing before the examination was carried out. According to the Finnish Immigration Service, some cases of disappearance may have been affected by a negative asylum decision or fear of receiving one. In general, fear and uncertainty of the future in Finland was seen as a contributing factor to disappearances. (Finnish Immigration Service 2017.) According to Missing Children Europe, an organisation that assists children who go missing in Europe, in particular young people 16–17 years of age consider leaving the country because they are afraid of what will happen to them in the asylum process when they come of age (Infomigrants 2018).

In Sweden, the mobility of young people and the phenomenon of unaccompanied children and young people leaving or disappearing from the accommodation designated for them are better known than in Finland. Between January 2014 and October 2017, a total of 1,736 children and young persons disappeared in Sweden, and 1,456 of them remained missing from the authorities (Länsstyrelsen 2016a). The disappearance of children and young people involves concern that they become victims of crimes such as exploitation or trafficking in human beings (ibid.). Often it seems that the young people decide to leave by themselves, but there are indications that another person has influenced the disappearance of some young persons (Finnish Immigration Service 2017).

Also, unaccompanied children who turn 18 during the asylum process may face a number of challenges in the transition to adulthood, after having moved to a reception centre for adults or to their own home from a reception centres for minors, or after becoming paperless. In particular, young people who have received a negative decision on their asylum application and who are potentially paperless are in a vulnerable state, and risk being lured into various criminal activities and becoming exploited (see, e.g. Ollus &

Jokinen 2013). For one reason or another, not all young people want to take advantage of the voluntary return programme<sup>16</sup> in order to go back to their home country, or it is impossible for them to do so for various reasons. For children and young people who are victims of trafficking, a return is not recommended due to risks related to it, such as the risk of revictimisation (European Commission 2016).

Young people who have turned 18 and have received a negative asylum decision are entitled to reception services until they leave the country, but for a maximum period of 30 days (Ministry of Social Affairs and Health 2017). Contrary to adults, children's right to reception services does not end even if they do not leave the country voluntarily or cannot be removed from the country by the authorities. After 30 days, they are entitled to urgent social services that cover emergency accommodation, food and any other acute aid. (Ibid.) In practice, all minors who receive a negative decision appeal the decision, which means that their reception services will continue throughout the process (Finnish Immigration Service 2019). Most of those who have arrived in Finland as a child come of age during the process (ibid.).

At the beginning of 2018, Finland had an estimated 2,000–4,000 paperless persons in 42 municipalities (Jauhiainen & Gadd 2018). There is no precise information on the number of paperless children and young people residing in Finland. Most municipalities provide paperless people with health care services, two out of three offer housing services and four out of five municipalities provide other social welfare services (ibid.). However, it is possible that some paperless adolescents do not seek municipal social welfare services and, instead, live with friends or in the street, out of reach of the authorities, thereby increasing their risk of becoming victims of exploitation. In this report, it was not possible to profoundly survey the situation of children who originally arrived in the country without a guardian, who have received a negative decision and have turned 18 years of age, but it is clear that they are in a vulnerable state, especially if they remain in the country without documentation.

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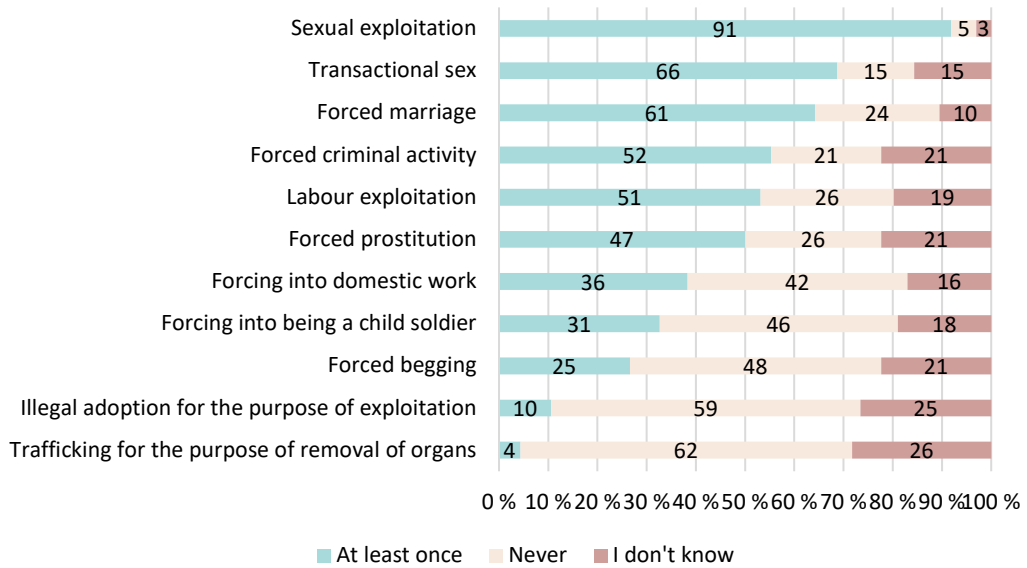
<sup>16</sup> A "voluntary return" means that people return to their home country voluntarily. This includes those who have received a negative asylum decision and have withdrawn their application for asylum, or are victims of trafficking in human beings without a municipality of residence in Finland, or have received temporary protection or whose status for international protection in Finland has been cancelled or withdrawn and who have received a deportation decision. Voluntary returns are coordinated by the Finnish Immigration Service and the reception centre responsible for the returnee. (Migri: <https://migri.fi/paluu-kotimaahan>; IOM [https://iom.fi/sites/default/files/Updated%20leaflets/AVRR%20Leaflet%20Suomeksi\\_Updated2018.pdf](https://iom.fi/sites/default/files/Updated%20leaflets/AVRR%20Leaflet%20Suomeksi_Updated2018.pdf).)

## 5. THE DIFFERENT FORMS OF TRAFFICKING AND EXPLOITATION

Children and young people have encountered many kinds of exploitation related to human trafficking in Finland, abroad in the child's home country and/or country of origin, and in transit countries. This chapter focuses on the forms of human trafficking and exploitation related to children and young people, according to the place of offence. First, we discuss exploitation that has taken place in Finland, followed by exploitation that has occurred in foreign countries, both in the children's home country or country of origin and en route. This chapter utilises material from the survey for professionals, interviews, details provided by the Assistance system for victims of human trafficking, and judgments imposed for trafficking in human beings.

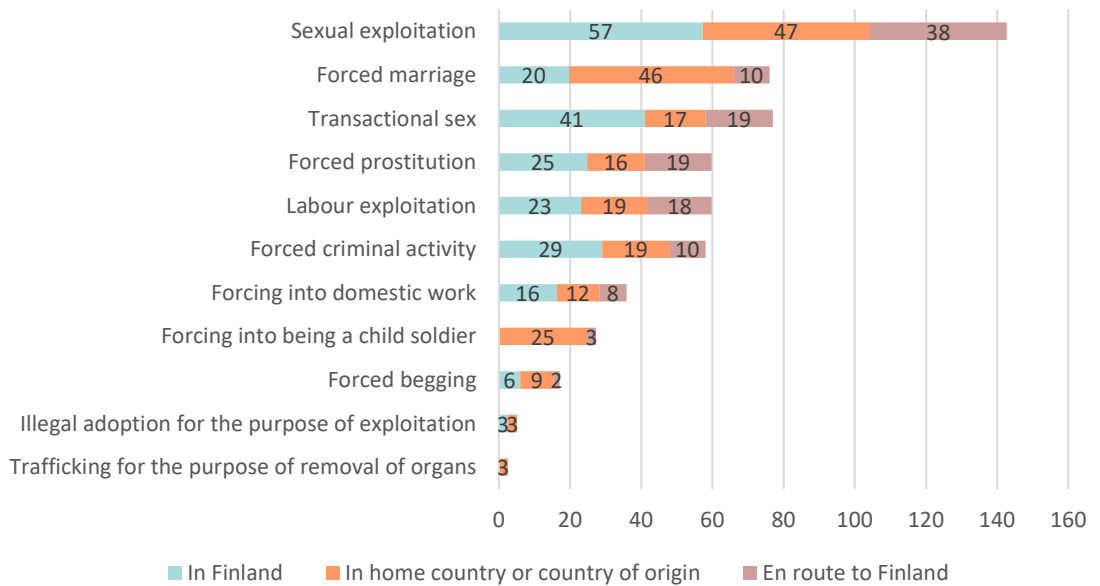
The survey conducted for this report examined whether the experts had, in their work, encountered children or young people who had become victims of various forms of human trafficking or exploitation related to trafficking. Almost all the experts who responded to the survey had met with child victims of sexual exploitation at least once. Although sexual exploitation was the most commonly identified form of trafficking, experts had also encountered children victimised by many other types of exploitation. More than half of the respondents had observed forced marriage or criminal activity, and labour exploitation. The experts had also identified many cases of forced prostitution. Almost half of the respondents had never observed forcing into becoming a domestic worker, child soldier or forced begging. The less common forms of trafficking in human beings, illegal adoption and organ trafficking, were also among the least frequently observed forms of trafficking in this report.

**How many of the respondents have encountered children and young people who have become trafficking victims at least once, never, or are unable to say whether they have encountered them<sup>17</sup>, % (N=117)**



**The forms of trafficking in children identified by experts, according to the place of offence, % (N=117)**

<sup>17</sup> In the diagram, the response option “at least once” combines the response options “sometimes”, “now and then”, “often” and “rarely” to the question.



The diagram above shows the victims and forms of human trafficking or related exploitation, encountered or identified by professionals in their work, according to the place of offence, and the proportion in which the experts estimate that the various forms of exploitation have occurred in Finland and abroad, in the child’s home country/country of origin or transit country.<sup>18</sup> The figure should not be seen as an indicator of prevalence; instead, it illustrates the respondents’ experiences of whether they have encountered children and/or young people who, according to their assessment, are victims of human trafficking or related exploitation. According to the respondents, sexual exploitation was the most common form of exploitation in all various venues. Exploitation that occurred in Finland and was identified by experts was most commonly sexual exploitation, purchase of sex or exchange of sex for remuneration, and forced criminal activity. Sexual exploitation and forced marriages were the most common forms of exploitation experienced by children and young people in their home country or country of origin. The responses highlighted the whole spectrum of sexual exploitation en route to Finland, from less serious forms of abuse to forced prostitution, and labour exploitation.

<sup>18</sup> In their responses to the survey, respondents were not asked to focus on only one case, so the answers may include multiple cases that occurred in different locations or one case where exploitation took place in one location or several locations.

## 5.1 Exploitation that occurred in Finland

### 5.1.1 Trafficking related to sexual exploitation

In this report, sexual exploitation was clearly the most identifiable form of exploitation related to human trafficking. As many as two-thirds of the professionals who work with children and adolescents and who responded to the survey had, in their work, encountered children and young people who were victims of sexual exploitation. Approximately one-fifth of the respondents frequently met, in their work, children and young people who had been sexually exploited. When asked where the exploitation had occurred, 57 percent of the respondents reported that the exploitation had taken place in Finland. In relation to other forms and scenes of exploitation, the respondents answered that the sexual exploitation had most often occurred in Finland. According to the professionals, children were most commonly exploited by a person they knew, such as the victim's boyfriend or girlfriend, a friend, a family member or another relative.

Trafficking related to sexual exploitation in Finland has also been identified among victims assisted by the Assistance system for victims of human trafficking. However, fewer than five minors who were victims of human trafficking related to sexual exploitation or attempted exploitation in Finland have been referred to the assistance system. In the majority of these cases, the pre-trial investigation authorities opened the investigation with the title of "trafficking in human beings". In Finland, sexual exploitation is most commonly manifested as forcing underage victims into prostitution in large cities. These victims have been foreign nationals who arrived in Finland with their exploiter.

No children of the majority population have been referred to the Assistance system for victims of human trafficking, though convictions for trafficking of underage members of the majority population have been imposed in Finland. A partial reason for this is that some victims exploited as a child are not referred to the Assistance system until they have come of age. It is also likely that municipal child welfare services are not sufficiently aware of human trafficking and are unable to refer possible child victims of trafficking to the Assistance system. It may also be that the Assistance system is not deemed to have an additional role to play in assisting underage Finnish victims, as the municipality is responsible for providing basic services in such a situation. In addition to minors, 64 victims of sexual exploitation who were 18 to 21 years of age at the time have been proposed for the Assistance system for victims of human trafficking. Almost all of them were foreign nationals. (Assistance system for victims of human trafficking 2018.)

Next, we present different forms of sexual exploitation related to human trafficking that are revealed in the report: forced prostitution, "transactional sex", and other sexual exploitation related to human trafficking experienced by children and young persons.

## *Forced prostitution*

Forced prostitution was quite well-identified as a form of human trafficking in this study. A fifth of the respondents of the survey had encountered, in their work, children or young people who had either been forced or in the assessment of the respondents, been forced into prostitution. A fourth of the respondents assessed that the exploitation had occurred in Finland. The offender was most often the victim's boyfriend or girlfriend or some other person known to the victim. The report revealed several cases where girls who were underage or had recently come of age had been coerced into prostitution. There are cases where the victim belonged to the majority population as well as cases in which the victim had a foreign background.



### **Sentence 1. Forcing a 14-year-old into prostitution**

In a widely publicised case, a middle-aged Finnish man who worked as a lecturer at the University of Eastern Finland met a 14-year-old girl who was having trouble at home on an Internet discussion forum. The man lured the girl into living with him, making her dependent on him in many ways. The man sexually abused the girl repeatedly, also by using violence, for several years and forced her into prostitution. The girl was exploited in eight different cities all over Finland. According to the victim, she had hundreds of clients. In 2016 the man was sentenced in the District Court to nine years of imprisonment for, e.g. aggravated trafficking in human beings and aggravated abuse of a child. The Court of Appeal increased the sentence to eleven years in 2017, adding rape and other offences to the list of charges. (R 16/2999; Helsingin Sanomat 2016; YLE 2017.)

It is estimated that the girl had been sexually exploited by 400–600 people. However, the court's judgment put very little emphasis on how serious and systematic the crime against the child and the violation of sexual self-determination was. The National Rapporteur on Trafficking in Human Beings has raised the point that sexual exploitation of the child by the men who purchased sex was hardly mentioned at all in the judgment. The National Rapporteur on Trafficking in Human Beings wondered how hundreds of people can sexually exploit a child but only one of them faces criminal liability, whilst the others escape scot-free. (Non-Discrimination Ombudsman, 2016a.)

The interviews revealed several cases where mostly girls had been forced into prostitution. In one case, a parent who was a member of the majority population sold a daughter to men who sexually exploited the victim for money. The girl was under 16 years of age at the time of the incidents. According to the interviewees, exploitation took place several times and the entire process lasted for years. The parent sought company



at various contact services on the Web and met men the parent did not know from before, also offering the daughter to these men. The parent did not protect the daughter in any way and received financial gain from the exploitation. Sexual exploitation occurred, e.g. at parties organised by the parent, on weekends at the homes of the men who sought company, and during holidays abroad with the victim. There is little information about trafficking in or within families because, by definition, human trafficking is associated more with organised crime. This report has revealed that the people exploiting children, both of the majority population or the ones with foreign background can, very well, be the victim's own family members. Sexual exploitation within a family can also fulfil the definitional elements of trafficking in human beings. Similarly, a child may become a victim of trafficking when the perpetrator is a relative, an acquaintance or a person from the same community, precisely because the offender knows the victim and has the victim's trust.



### **Sentence 2. Forcing a 16-year-old girl from Romania into prostitution**

In 2012, a Finnish court passed a judgment in a case where a Romanian male lured a 16-year-old girl from the same village in Romania to travel via Norway to Finland, by promising the girl work as a waitress at a bar. The girl believed that she would come to Finland to work and receive part of the money for herself. After her arrival in Finland, the girl was forced into prostitution by using violence, among other things. The victim was also forced to surrender all the money she earned. She received clients for 6–12 hours almost every day. When the victim stated that she wanted to stop working as a prostitute, she was forced to stay in Finland by use of blackmail and the threat of violence. The perpetrator received a sentence of 9 years and 4 months for aggravated trafficking in human beings and aggravated sexual abuse. (R 12/4990.)

The report revealed suspicion of forced prostitution of two unaccompanied girls who had arrived from West Africa. The girls were 16 and 18 years old. The younger girl had been orphaned in her home country, and she and her siblings had made a living by begging. When she was around 15 years old, she was hired as a trainee at a hair salon in her home country, where she was persuaded to leave for Europe in hope of better earnings. Before departure, the girl was taken to the local witch-doctor and hypnotized into swearing an oath whereby she promised to pay EUR 60,000 for the trip to Europe. There is plenty of research about trafficking of women and girls who have come from West Africa, especially Nigeria (see, e.g. Non-Discrimination Ombudsman 2016b, 3–4; Dutch Rapporteur 2009, 359–360). Use of voodoo/juju rituals for blackmailing women and girls is a common practice. By reference to the ritual, women are threatened that they or their relatives will die or become seriously ill if they do not do what is required of them. (Ibid.)

According to social workers interviewed for the report, the girls were promised work as a hairdresser or domestic worker in Europe: instead, they were forced into prostitution after arriving in Europe. One of the girls was raped after refusing to sell sex. Both were forced into prostitution through blackmail and repeated references to the oath in case they refused. Eventually they were brought to Finland. The social workers interviewed strongly suspected that exploitation of the girls continued in Finland. Sometimes one of the girls went away on her own during the day and somehow obtained enticing lingerie as well as money; according to the interviewees, this suggested that the exploitation further continued in Finland. The cases of both girls were reported to the police, and it was proposed that they would be admitted to the Assistance system for victims of human trafficking. According to recent information, the number of underage Nigerian victims of human trafficking has been increasing (see, e.g. EIGE 2018, 53; EASO 2015, 15). According to Europol, Finland is one of the countries where victims of human trafficking from Nigeria, in particular, are brought and forced into prostitution (Europol 2018, 12).



### **Nigerian human trafficking – Nnenne’s story**

Nnenne arrived in Finland to sell sex for the first time when she was 17 years old. She had arrived in Europe approximately 1.5 years earlier, when a woman named Joy promised her a job as a hairdresser. Nnenne had met Joy in Nigeria, on the street in Benin City, where she was selling fruit. The woman seemed friendly and promised to help Nnenne and her poor family. Joy arranged the plane tickets and travel documents. Nnenne knew they had cost something, but the woman told Nnenne not to worry about the price of the trip. The girl would pay back the tickets gradually, with her work in Europe.

However, after Nnenne arrived in Italy, Joy’s behaviour changed. She told Nnenne that a hairdresser’s work would not be available, so she should sell sex instead. Nnenne was terrified of the situation and refused. Joy managed to subjugate the girl into selling sex by threatening her and her family, and by blackmailing her with the debt of EUR 40,000 incurred from the trip.

Nnenne received several clients every day. At one point, Joy prohibited her from using contraception because there would be more money for unprotected sex. Joy also transported Nnenne from Italy to Finland to sell sex. During her first visit that lasted for three months, Nnenne sold sex to 3–4 men a day in an apartment rented by Joy. All the money went to Joy. As a result of unprotected sex, Nnenne became pregnant several times, but the woman forced her to have an abortion with drugs.

When Nnenne was brought to Finland for the third time, they were stopped at border inspection because Nnenne’s residence permit for the Schengen area had expired. During the immigration interview Nnenne told the border guards what had happened to her. The

Finnish Border Guard initiated an investigation of the case and referred her to the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking 2019)

The interviewees also described a girl from East Africa who had arrived without a guardian, and who they suspected continued to be sexually exploited in Finland. The girl had been orphaned due to unrest in her home country, and an acquaintance of her mother's offered to help the girl and sent her to Finland. Losing one's family and becoming an orphan is a feature of many trafficking victims (see, e.g. EASO 2015, 15). According to the interviewees, the girl was kept in Finland in an apartment where there were other girls, and the interviewees suspected that the case could be indicative of human trafficking. The girl in question was extremely traumatised by her experience and was unable to speak about it for a long time, but she has been rehabilitated after years of therapy. The interviewed social workers stressed that ultimately they did not know all the details of the case nor all the things that had been done to the girl. Eventually, however, the girl had been released, and the exploitation apparently could not continue in Finland. She was admitted to the Assistance system for victims of human trafficking, but the case did not proceed to the police because the girl was too afraid to be involved in a criminal process. She wanted to forget her experience and was not willing to talk about it.

### *Transactional sex or sexual exploitation*

Both the open-ended responses to the survey and the interviews revealed many cases of sexual exploitation of both girls and boys, where an adult bribes a child or gives a child a gift in exchange for a sexual act. Of the experts who responded to the survey, 39 percent said they had encountered children or young people who had been sexually exploited this way. The offender was most often either a person known to the victim or a total stranger. According to the professionals, the person behind such exploitation could be the victim's boyfriend or girlfriend or a friend of the child (see also Viuhko 2017). This kind of child abuse is also referred to as "transactional sex". The term suggests that a child or young person is offered remuneration for sex. Such remuneration can be practically anything, such as money, alcohol, cigarettes, a place to stay overnight, or a car ride. The respondents to the survey described it as a "transaction" between an adult and a child, with the adult offering designer clothes or jewellery for sex. Transactional sex can involve different situations that share a sexual nature and an element of a barter deal (Vuorelainen 2012, 5). A young person may also have varying motives to engage in transactional sex and can be the active initiator in the deal (ibid.).

The interviews revealed that, despite their agency and role, young people could end up in situations where they were unable to anticipate or control the course of events. A young person may think it is an intimate relationship and does not understand that s/he is in fact a victim of exploitation. One interviewee questioned the idea of a young person

as an active party who takes the initiative in the matter, because it removes the exploiter's role in and responsibility for exploitation.



*"It's understandable that young people may also be active themselves in the situation, or something can feel like flattery, or it may be the only way to win approval; for example, appearance or sex is the only thing for which they receive any positive attention. Or a young person is seeking their own boundaries. I don't see that, under any circumstances, it is the young person's responsibility to hold on to the boundaries." (Organisational worker)*

In practice, these situations involve the purchase of sex from a child, which is always a crime, even if it is portrayed as an exchange for remuneration and the young person consents to sex. Especially when it comes to sale of sex by minors, the young person is made responsible for what happens, even though any adult who exploits a young person's vulnerability should always bear the responsibility for it. Purchasing sexual services from 16–17-year-olds is a crime in the same way as sexual exploitation of a person under 16 years of age. According to a couple of interviewees, we should talk of (commercial) sexual exploitation instead of transactional sex.

Purchases of sex and sexual exploitation constantly take new forms. One recent topic that has emerged is "sugar dating" which means dating or being in a relationship for money. It is often a situation where an older man pays a young person for sex or other sexual acts. Even such cases involve the purchase and sale of sex and, with regard to minors, a crime: purchase of sexual services from a young person<sup>19</sup>. A study conducted by the MOT and A-studio TV shows of the Finnish Broadcasting Company YLE (2018) revealed that even minors have been involved in sugar dating. The police are investigating the suspected rape of a 17-year-old girl that is related to sugar dating (ibid.).

The interviewees also considered when such exploitation turns into human trafficking or which cases of such exploitation could be classified as trafficking in human beings. They raised concerns of how poorly children and young people who are members of the majority population are identified as trafficking victims in the first place. Adolescents who consume intoxicants came up as one group in this context. The addiction of young people can be exploited so that they are forced to sell sex or to exchange sex for intoxicants.

Trafficking in human beings always requires the purpose of exploitation, which is evident in these cases. However, if exploitation does not involve a third party, the authorities do not necessarily see the situation as human trafficking. A young person does not necessarily understand that the exploiter's goal is to solicit the youngster into

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<sup>19</sup> Purchasing sex from 16–17-year-olds is criminalised as the purchase of sexual services from a young person, whereas cases involving children under the age of 16 constitute sexual abuse.

sexual intercourse by giving gifts. Exploitation is based on misuse of a trustworthy relationship, and it has often required a lengthy build-up of trust. Therefore, such cases are systematic and purpose-oriented exploitation of a child/young person. If an individual has been victimised by commercial sexual exploitation as a young person, it can also affect the person's choices as an adult, vulnerability and risk of becoming a victim again (see European Commission 2015). Sexual exploitation may lead to situations where victims subject themselves to new situations of exploitation. The victim can try to cope with traumatising memories this way, although such actions may worsen the symptoms of trauma instead. Such action should be seen as part of the victim's survival thinking and an effort by the victim's mind to manage the traumatic experience. (Ombudsman for Minorities 2014, 102.)

However, young people themselves do not necessarily feel that they have been exploited. According to one social worker who was interviewed, it is a case of self-protection because admitting exploitation can be difficult for a young person. Some young people have an impaired sense of self-esteem that is taken advantage of by exploiters.



*“Really many of my girls who are substance abusers think that they have not been exploited or forced into anything by anyone, but they are still completely confused about these things. The reason is that adult males for whom they are the 50th teenage girl have no such sense of self-esteem. Also, for many people, it is an extreme means of protection, that if you recognised what happened to me, then perhaps it wasn't my own choice after all. [...] that you have to protect your own psyche with it.” (Social worker)*

One of the groups that emerged in the material was “runaways”, young people taken into care and placed outside the home who leave their place of residence without permission (see Lehtonen & Télen 2013). Young people who run away are in a highly vulnerable state. They cannot cope alone for long without money. Such young people have to resort to help from outsiders and avoid official assistance in fear of being caught. Young people often know a place where to stay, as word goes around of different places or people who accommodate young runaways. Young people may be asked or demanded payment for a place to stay, and in such situations they are vulnerable to sexual exploitation and violence. There is also a fairly recent judgment for the rape of young people (Iltalehti 2018) that involved girls aged 14 and 15 who had run away from a reformatory school and stayed overnight with a man they knew, who got the younger girl drunk and raped them both. This report also reveals that young people have been forced to pay for accommodation or food with sex.

The interviewees emphasised that if a situation involves a substance abuse problem, young people may stay with persons who use intoxicants and are in danger of being exploited due to their substance dependency. Any young person who is addicted to intoxicants is especially vulnerable and prone to exploitation, because intoxicants are expensive and young people may be forced into sex to pay off their drug debts. In the

survey, many respondents described how young people who have been taken into care are exploited and forced into sex, and possibly also forced into prostitution, when they are on the run. Besides substance abusers, mentally ill or slightly disabled girls are especially vulnerable to exploitation. Young people are dependent on exploiters who offer them a place to stay and, due to their age, state of fear and possible intoxication, are in a vulnerable position.

Even if the situation doesn't involve intoxicants, the young person may be asked to pay for accommodation. This can create a debt relationship under which a young person may be intimidated into committing (even criminal) acts the young person is not ready or otherwise willing to do. Forcing into criminal activity is known to have occurred in contexts like this, such as when a young person has been forced to steal items or to sell/supply narcotics (see 5.1.4 forced criminal activity).



### **Sentence 3. Forcing an 18-year-old girl into debt bondage and prostitution**

Five people, three men and two women, were convicted of trafficking in human beings when they coerced an 18-year-old girl into debt bondage and prostitution as a means for her to pay off her “snitching debts”. The events began when the 18-year-old reported that a girl who had run away from a children’s home was staying with her acquaintances. The parties knew each other from the same drug circles. This was regarded as snitching, and the girl had to pay EUR 6,000 to make up for it. To pay the debt, the girl took some payday loans in her name, bought goods on credit and emptied her bank account. The perpetrators also forced the girl into prostitution. The victim was humiliated and assaulted, and she was held in captivity in the perpetrators’ residence and the cellar of the house. The sentences ranged from more than two years to five-and-a-half years. (R 08/1069; MTV Uutiset 2008.)

## *Sexual exploitation and social media*

Human trafficking can take the form of other kinds of sexual exploitation besides forced prostitution or sexual exploitation for money. One trafficking case that has attracted perhaps the most media attention in Finland portrayed a combination of many different forms of sexual exploitation and violence.



### **Sentence 4. The modelling agency case**

A middle-aged man from eastern Finland recruited young women to work as models. The man told the girls that he was an influential

player in the modelling world, though actually he recruited the women to provide erotic services. He took nude pictures of the applicants during job interviews. The man later used the pictures to blackmail the women, referring to the employment contract to convince them to perform in striptease shows and private events. Some of the victims were minors. One of the victims was an 18-year-old girl at an upper secondary school, an ethnic Finn, who had hoped to become a model. She had sought work from the man's company through the employment agency's official employment service pages. The man subjected her to mental manipulation and sexual exploitation and violence that gradually became increasingly brutal, blackmailing her with pictures taken during the job interview, for instance. The exploitation caused the girl extremely severe psychological injuries. (Supreme Court KKO:2015:89; Koskenoja 2016a.)

The modelling agency case was first heard at the District Court and the Court of Appeal. In total, there were 25 injured parties in the case, and the District Court passed a sentence for trafficking in human beings concerning three of them. The perpetrator was sentenced to more than 12 years of imprisonment for his offences. One of the victims of the trafficking sentence was a minor (16 years old) and two were adults. Two injured parties and the defendant appealed the decision to the Supreme Court. One of them was a minor. In the minor's case, a sentence for trafficking in human beings was passed by the District Court. With regard to the adult injured party, on the other hand, the defendant was acquitted of the charge for trafficking in human beings by the Supreme Court. The National Rapporteur on Trafficking in Human Beings has criticised the Supreme Court decision for not hearing the victim herself at all; instead, the decision was made on the basis of earlier documentation, without taking account of the victim's severe traumatisation caused by human trafficking (Supreme Court KKO:2015:89; Koskenoja 2016a).

The report revealed that children and young people are confronted with a variety of sexual harassment, advances and violence and the threat of these, both face-to-face and online. In recent years, the Internet and social media, in particular, have become a new forum for different forms of exploitation (see, e.g. Save the Children 2018).



*“Children have experienced sexual proposals and harassment; underage girls have received sexually explicit messages/pictures from adult men and men have asked girls for revealing pictures online; adults have sent pictures of their sexual organs or written sexually explicit stories; children have been forced to distribute revealing*



*pictures of themselves by threatening them, and the pictures have then been distributed to others.” (Survey)*

Children and young people are approached online and in social media for sexual purposes. They may be asked to send pictures where they are scantily dressed or naked, which can be used to blackmail the child into providing more pictures or engaging in sexual acts with the exploiter. (See, e.g. Europol 2017.)



*“Social media instant messaging services are used as a tool for exploitation by requesting or sending pictures or videos, and by sending messages.” (Survey)*

*“Children have been contacted on the Internet and persuaded to come to a specified location where they have been sexually exploited.” (Survey)*

*“Underage customers have been solicited to place nude pictures of themselves in social media, such as Snapchat or Teen Chat. Or to get undressed on channels of the aforementioned social media, while adults watch or masturbate during a video connection.” (Survey)*

In some cases, such acts do not stay online, instead adults manage to groom or blackmail a young person to meet them in person, and the child may be forced to have sex or is raped. In the Criminal Code, sexual exploitation of children for the purpose of human trafficking also covers acts such as the use of a child in the production of pornography or in pornographic performances. The Internet acts as a conduit for trafficking in children that transmits pictures and videos of children who are subjected to sexual violence (Interpol 2018, 14). Such footage is often distributed in the open network, but more serious material is more often disseminated in the anonymous Darknet (European Financial Coalition 2015, 24).

### 5.1.2 Labour exploitation

Numerous cases of human trafficking and exploitation in the restaurant sector, in particular, have been discovered in Finland in recent years. Many cases have involved a situation where the employee and employer are from the same ethnic group and often also related to each other, and where exploitation has been both systematic and intentional (see Jokinen et al. 2014, 78–84). Previous studies have not paid attention to the age of the employees, however it has not emerged that the victims were minors. Labour exploitation of children has not been identified, or it has been thought that it does not occur in Finland (Sams & Sorjanen 2015, 5).



One-fourth of the professionals who responded to the survey conducted for this report had encountered children or young people who were victims or suspected to be victims of labour exploitation. In almost one-fourth (23%) of the cases, the respondents evaluated that the exploitation had taken place in Finland. One-tenth had also met children or young people who had been forced into being a domestic worker or to do an unreasonable amount of household work. In the respondents' assessment, some of the domestic worker cases had occurred in Finland. According to the professionals, in most cases of labour exploitation the offender was someone the victim knew or a person from the family or extended family, and in some cases, a total stranger. The Assistance system for victims of human trafficking has not received a single child who is a member of the majority population who has been exploited at work. Some of the young people aged 18 to 21 referred to the assistance system had been exploited in Finland, but none of them was a member of the majority population. (Assistance system for victims of human trafficking 2018.)

The material in this report revealed two types of situations indicative of labour exploitation. On the other hand, there is exploitation in the restaurant sector, especially of young people who have come to Finland as asylum seekers. On the other hand, some children or young people have been exploited in household chores. Among them are children and members of the majority population who have emigrated to Finland from other countries. The material did not include any examples of exploitation akin to human trafficking of children or adolescents in the majority population in working life. Both the interviews and the survey material raised the issue of unaccompanied children who had arrived in Finland as asylum seekers, who work for undeclared wages at pizza restaurants, for instance, to send money to their family. A young person may have started working as an unpaid trainee and has then moved on to an actual employment relationship (e.g. Jokinen & Ollus 2014, 69).



*"You take a young person for 'practical training' for months without pay, although the actual work is very simple." (Survey)*

In some cases a proper employment contract has been signed, in some cases there is no actual contract of employment. The material included examples where wages are not paid as agreed: either no wages are paid at all or the wages paid are remarkably low. Some cases have been referred to the police for investigation, but the material did not indicate how they have progressed. One interviewee said that in one case the police did not investigate the work ordered or the lack of an employment contract, although this had been reported to the police. Moreover, the case was not reported to the Assistance system for victims of human trafficking, because the case social worker had not thought about the matter, instead relying on the police referring the case if necessary. Young people themselves are often reluctant to tell social workers or others about their undeclared work, because it can affect their other income (such as the reception allowance). Consequently, labour exploitation of children and young people who are

asylum seekers may be more common than thought, because some cases remain in the dark.

Another form of exploitation that emerges from the material is work done at home. The material included an example of housework where a young woman had come to Finland as an *au pair* but was subjected to violence in the work environment and was left without any pay. On the other hand, the material also included girls who were forced to look after their younger siblings and do housework that was unreasonable considering their age. Although such a case is not necessarily exploitation classified as human trafficking, it is still doubtful whether obliging a child to do much of the family's housework and look after younger children is in the child's best interest. Furthermore, the Convention on the Rights of the Child also obliges the States Parties to protect children from performing any work that is likely to be hazardous to their education (Article 32:1).

### 5.1.3 Forced marriage and exploitation in marriage

Involuntary marriages and actual forced marriages are complicated and individual situations. In the survey, one-fourth of the respondents had encountered in their work children or young people who had been forced or who they suspected had been forced to marry. In one-fifth of the cases, the forced marriage had occurred in Finland. In most cases, the professionals suspected that the child's family members or close relatives were the perpetrators. Five children who have been forced to marry or threatened with it have been referred to the Assistance system for victims of human trafficking. All these marriages were entered into while still abroad, before the child arrived in Finland. The victims were girls, and the marriages also involved sexual exploitation and other violence. The marriages were often arranged by family members or close relatives. Ten of the 18–21-year-old young people had been forced to marry, some in Finland. (Assistance system for victims of human trafficking 2018.)

According to the data used in this study, three types of forced marriage have emerged in Finland. The first group includes young people with immigrant backgrounds living in Finland, mostly girls, who are sent to the home country to be married to a local, often older man. The second group comprises couples with foreign backgrounds (often asylum seekers) who have been married elsewhere and who have come to Finland, and exploitation in the marriage then takes place in Finland. In these cases the husband is usually older than his underage wife. The third group is men with foreign backgrounds living in Finland who find an underage spouse from their home country and are married in the home country and/or in Finland.<sup>20</sup>

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<sup>20</sup> An investigation report on forced marriages commissioned by the Ministry of Justice highlights two of the same groups as in this report: forced marriages contracted between foreigners in a foreign country, and the marrying-off of girls with immigrant backgrounds to a man living abroad (Toivonen 2017). Toivonen also refers to a marriage between a Finnish man living in Finland and a foreign woman who initially marry by mutual consent, but exploitation subsequently takes places in the marriage. These types of cases did not emerge in this study.

The material reveals cases of young women who have grown up (and were possibly born) in Finland who have been involuntarily married as a result of control exercised by the family or extended family. According to a pre-trial investigation officer interviewed for the report, there are girls in Finland who are subjected to intense supervision in their community: girls are accompanied to school and back, and they live under the family's control, up to the extent that such cases can involve at least partial deprivation of personal liberty. An atmosphere of fear based on community control and supervision means that the girls' environment becomes narrower.



*"There is no genuine freedom to leave, or you cannot move around. Then, of course, when you're at school, you could leave it in principle. But if you have an atmosphere of fear, you do not dare to leave. [...] The ones I have heard about have been teenagers. Cases of younger people surely do not emerge, as such, because they do not rebel against it yet. There is such intense community supervision around you that you are, actually, under a lot of control." (Pre-trial investigation officer)*

Such control seems to be directed especially at girls with foreign backgrounds who come from religious families. According to the interviewee, girls have also been excluded from the family when they have not behaved according to the rules of the family; for instance, they have begun to date someone or have disobeyed their parents' will. According to the interviewed expert, controlling these girls is related to their role as ones who maintain the family's honour, and if the family fears that the girl may lose her chastity, the girl may be subjected to violence or forced to marry. (See Hansen, Sams, Jäppinen & Latvala 2016; Lidman 2015.) The interviewed pre-trial investigation officer emphasised that situations like this are very difficult for the child. Telling the authorities about it may lead to the child being abandoned by their own family.



*"Even a child knows that if you don't live according to their [the family's] rules, it may well happen that you no longer exist for anyone. Do you choose the authorities and life somewhere without your family, or do you somehow try to cope there in the midst of the family, abandoning some of your own ideas?" (Pre-trial investigation officer)*

The material included an example of a case where a girl from East Africa living in Finland was raped in Finland. As a result of what happened, the girl's family wanted to quickly marry her off, in her home country, to an older man chosen by relatives, so the honour of the girl and the family would be restored. However, Finnish social services urgently took the girl into care, so the forced marriage did not take place. In another case, a 15-year-old girl with an immigrant background living in Finland dated a boy who her family thought was "wrong" for her, so the family threatened the girl with violence. Social services took the girl into care. The father of the family told social services that the girl was disgracing her family and should therefore be married. The father subsequently changed his story and promised not to do anything to his child. Due to the father's

reassurances, the authorities returned to the girl home, but two weeks later her family sent her to their home country in the Middle East.

Some cases have also emerged where young people, sent abroad to be married, have stated in their application for family reunification that they do not want their spouse to come to Finland because they have been forced to marry. The material showed that marrying off one's daughter can also be a way to obtain a residence permit to Finland for relatives living abroad. In such a case, the family may pay off their debt by selling the daughter for marriage (see ICMPD 2015).

In the case of another group, experts interviewed for the report listed examples of girls who, at a young age, had been forced to marry an older man in the home country or country of origin. The girls may have tried to go back and live with the parents, but the parents have returned their daughter to her husband. Once the woman has arrived in Finland, she has then tried to get out of the forced marriage.



*"Girls I have encountered who came to Finland as a minor are in a 'forced marriage', they were married at a refugee camp or in the country of origin. Some have been pregnant. All of these young people I met had been divorced after living in Finland for a while; they said they were married under force or duress. In such cases, sex was always involuntary." (Survey)*



#### **Forced marriage in Syria – Nayla's story**

Nayla was only 13 years old when her parents began to plan for a marriage between her and a much older man. For Nayla, the idea of marriage sounded awful and the man chosen by her parents seemed scary. However, the parents had decided that she should marry regardless of whether she wanted to or not, because it was a case of her and the family's honour.

In the same year, Nayla married the man selected by her parents. Her husband raped her on the wedding night. That experience left Nayla with deep scars. From the day of the wedding, the husband forced Nayla to have sex with him almost every day. The man felt that the family's joint home was now the wife's responsibility and should take care of it. Indeed, Nayla did most of the housework. If the husband was not satisfied with her work or the food she had cooked, the man assaulted her. The violence deepened further when Nayla did not become pregnant for her husband during the first year.

At the age of sixteen, Nayla gave birth to a daughter. The husband was disappointed with this and accused Nayla of the fact that he had not

received a son. The husband was indifferent towards the child. When Nayla was 17 years old, the situation in the family's home country became so bad that the family decided to flee their home country. The family ended up in a reception centre in Finland. The husband continued to assault Nayla at the reception centre. When the staff at the centre observed this, they intervened and filed a child welfare report. When Nayla told her social worker of her situation, she was also offered help from the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking)

A pre-trial investigation officer interviewed for this study described a girl who came from the Middle East and whose parents had married her off, in Turkey, to a man who came from the same community but was more influential. The couple left for Europe, and during the trip that lasted several months, the man pimped the girl in order to pay the smugglers. The couple arrived in Finland and applied for asylum, and during the asylum process it became clear that the girl was a minor. At first, the girl was afraid to talk about the exploitation she had experienced, because the man said he would harm the girl's family living in the country of origin if she told anyone about it. The matter was eventually revealed, and the girl was moved to another location in Finland, beyond the man's reach. Although the case was investigated as human trafficking, it did not proceed to court because the safety of the girl's family in her home country could not be guaranteed and she refused to testify in court.



### **Possible forced marriage in Finland – Isatou's story**

Isatou had lived with a man next door in her native Ghana as long as she could remember. Isatou had never met her father, and her mother left with a new man when Isatou was a young girl. The neighbour was nice to Isatou and she enjoyed living with him, though she had to do a lot of work at home for her food and accommodation.

The neighbour was often visited by a friend of his, a man named Jabril. Jabril was always friendly to Isatou and interested in what she was doing. When Isatou turned 16 years old, the neighbour and Jabril began to discuss her future. The men said that Isatou should quickly find herself a husband who could take care of her. Jabril told the neighbour that he could go look for a husband for Isatou. She objected to the idea, because she had had a good life with her neighbour. However, the neighbour accepted his friend's proposal.

A few months later Jabril returned and told the neighbour and Isatou that he had found a prospective husband for the girl. The prospective husband was living in Finland where Jabril often visited. He said that Isatou could travel with him to Finland, where he would introduce

Isatou to the prospective husband. Isatou was horrified by the idea, but eventually the neighbour convinced her that going with Jabril would be in Isatou's best interest.

The man brought Isatou to Finland and put her up in his own apartment. He promised Isatou that she would meet her husband-to-be soon. Until she was taken to her prospective husband, she could live in Jabril's apartment if she paid for it. However, Isatou did not have any money. Eventually she had to pay for her accommodation with sex. Jabril raped the girl a few times. One night, Isatou decided to run away from the apartment. Outside, she asked for help from people who called the police to the scene. Isatou was taken to the police station, and the police contacted the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking 2019)

In recent years, several married underage girls have been identified among couples who have arrived in the country as asylum seekers. The challenge is that a girl may have false identity papers that do not indicate her correct age, so the wife can be much younger than 18 years old. Girls may also be pressured into acting older than they are, so that the authorities do not necessarily pay attention to the matter (EIGE 2018, 51). The interviews revealed that in many cases underage wives have been allowed to live with their husbands if they have been officially married. This was the case especially in 2015 and 2016, when thousands of asylum seekers arrived in Finland in a short period of time, and the structures did not enable reception of such a large number of people. The interviews also highlighted the problem that girls cannot be protected from possible domestic violence in a marriage. For this reason, some cities have adopted a policy according to which minors are no longer allowed to live with an adult spouse; instead, they are accommodated in reception centres intended for minors during the reception and integration phase.

For the third group, the material included examples of cases where a man of immigrant origin living in Finland wanted a young wife from his former home country, because he had not been willing to marry a woman who had grown up in Finland. In one case, a man found a 13-year-old girl as his wife from the Middle East, managing to bring her to Finland and have the marriage registered because the girl came to the country with a false identity, pretending to be 18 years old. The girl gave birth to a child in Finland when she was fourteen, but her young age went undetected at the maternity clinic. Ultimately the girl told the authorities of her experience, and a report of an offence was filed in the case. The case was investigated as human trafficking and deprivation of personal liberty, but the criminal matter is pending because the husband left the country.

A few years ago, a case was revealed in Finland where a young Finnish woman was held in captivity for several years by a man and his daughter. During this time, she gave birth to four of his children. It was remarkable that the exploitation continued for several years

and the authorities did not pay any attention to the woman's situation. The case involved some features of forced marriage, and eventually a sentence for trafficking in human beings was passed in the case.



#### **Sentence 4. A 19-year-old girl kept in captivity was forced to give birth to four children**

In 2017, a sentence was passed in Finland for trafficking in human beings in a case where a father and his adult daughter kept a girl in captivity from 2010 to 2014. When the course of events began, the victim was a 17-year-old girl who was not at the level of her peers due to a developmental delay. The victim first met the daughter online. The daughter and her father lured the victim into spending the summer with them. The victim moved in with the perpetrators. Gradually the man turned violent towards the victim. The perpetrators threatened and controlled her, and she was not allowed to move around independently or to be in contact with her relatives. She did not have identity papers, a phone nor a bank account of her own. The girl tried to escape several times, but the man assaulted her after each attempt. The victim was also forced to have sexual intercourse with the man, resulting in the birth of four children. When the girl visited the maternity clinic and went to give birth, she had to pose as another person at the man's orders, so the Population Information System recorded inaccurate information about the children's mother. The captivity ended when an employee at the maternity clinic observed that something was wrong with the family and a child welfare report was filed on the family. (Supreme Court KKO:2017:60; MTV Uutiset 2015.)

### 5.1.4 Forced criminal activity and forced begging

This study shows that minors have been forced to commit crimes in Finland. Of the professionals who responded to the survey, 25 percent evaluated that they had in their work encountered children or young people who had been forced or who they suspected had been forced to commit crimes. In almost one-third of the cases, the respondents assessed that the exploitation had taken place in Finland. According to the professionals, the exploiter was most often an acquaintance or a person the child knew otherwise. Boyfriends or girlfriends and other adolescents were also suspected of having forced children into criminal activity. Furthermore, approximately one-tenth of the professionals who responded to the survey said that they had met children who were forced to beg, and some said this had occurred in Finland. The professionals suspected that the victim's family, another relative or a person otherwise known to the victim was behind some of these cases. Fewer than five children forced into criminal activity have been referred to the Assistance system for victims of human trafficking, and all these

cases had occurred in a foreign country. Such coercion mostly involved stealing, but it also included physical or sexual violence. The person who forced the child was a parent or a person who had the child in their possession. Some children ended up in such a situation after losing their family or due to substance addiction. (Assistance system for victims of human trafficking 2018.)

In this study, forced criminal activity was associated with, e.g. the aforementioned runaways who flee their place of accommodation and are subjected to various demands and pressure to pay for a place to stay and live during their leave without permission; this may then lead them to commit crimes. Exploiters intimidate a young person into continuing with such activity by threatening to tell the authorities what the youngster has done. The vicious circle is complete, and the young person is forced to commit more crimes through blackmail and intimidation. The data for this study reveals that minors have been forced as accomplices to, e.g. carry out narcotics offences, to steal products from stores and even from summer homes. One of the interviewed social workers described a typical situation where a young person who is dependent on intoxicants runs away from an institution and is vulnerable to exploitation because of drug addiction.



*“Teenagers who have a multitude of problems and trouble settling down, who have never had any rules or daily rhythm, and who have a severe drug addiction and drug debts, and all kinds of things like this, they go on the run very easily, they escape from the institution. When you are a minor and running away from the police, social services and so on, you don’t have many options left.” (Social worker)*

One interviewee said that forced criminal activity involves young people who are guilty of petty crimes and minor violations. The interviewee described two young people who were members of the majority population: one was 17 and the other about 20 years old, and they were forced to pay an imaginary debt on the basis of a fabricated debt relationship. Under the threat of violence, these young people were persuaded to acquire money and do things they did not want to do. Their families were threatened as well. In one case a young person ended up in a similar situation when tempted by a friend, and in another case the perpetrator was an adult, a middle-aged man. According to the interviewee, young people may at first be easily convinced that difficult situations can be overcome, and later the youngsters end up in situations where they are pressured, threatened with violence or even assaulted. The interviewed organisational worker also described a boy who was around 20 years old and who needed money for intoxicants. He was promised that he would receive drugs free of charge if he did some favours. The young man wanted to get out of the situation and had to evade the perpetrators, because he feared he would get into trouble if he informed on them.

According to the information obtained in this report, forcing into criminal activity was more directed at children and young people in the majority population, but those with foreign backgrounds had also been forced to commit crimes in Finland. Some



interviewees described unaccompanied boys from Eastern Europe who were in a spiral of crime (cf. (Norway, Tyldum et al. 2015). The boys were out and about by day, left in the morning with a backpack and came back in the evening to wash up and sleep. Reports of offences arrived from outside the province where the group home was situated, so the boys presumably committed crimes in a wide area, and the interviewed social workers felt they were powerless to intervene in the boys' activities.



*"There was one boy who had stolen some bolt nuts; of course you start to think that these bolt nuts are used for something, why would a young boy go and steal bolt nuts." (Social worker)*

Social workers suspected that the boys' activities were organised and that they did not operate alone, because the items stolen by them were not ones one could imagine being in their own use, such as razorblades, deodorant or clothes; instead they were, for example, bolt nuts. One of the boys was also moved to a different city, but the spiral of crime continued there too.

Another case also involved a criminal organisation from Eastern Europe, but they stole jewellery to the value of approximately EUR 200,000 all over Finland. The organisation also included a 15-year-old girl. She had a child who was taken care of in a foreign country. The victim had turned 15 just before the offence, so she had recently become criminally liable for her actions. After the trial in Finland, the girl was returned to the other EU country where the child was taken care of, and the other accomplices were detained. The case was not investigated as human trafficking in the form of forced criminal activity, but as aggravated theft. According to the Dutch National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children (National Rapporteur 2016, 83), it is problematic that the authorities do not recognise forced criminal activity as a form of human trafficking nor children forced into crime as victims of an offence. When children are criminally liable due to their age, they are treated as criminals and they do not receive the assistance and protection to which they are entitled to as victims of human trafficking. (Ibid.) This was also the case in the aforementioned sentence, which stated that the act was committed by common agreement and that everyone was jointly and severally liable for the offence. The main perpetrators were sent to prison for more than two years, and the underage girl received a conditional sentence of imprisonment for a few months. Although the case proceeded under another criminal provision, one can consider whether it could be classified as human trafficking. The girl could not read or write, and she had no idea whatsoever where she was and where Finland is situated. The criminal investigation revealed many indications that she was in a highly subordinate position in relation to the men in the organisation, who were much older than her.

This study brought up another case where it was suspected that a girl from Eastern Europe, who was about 18 years old and had a severe substance addition, was forced to commit thefts in Finland. In this case, too, the criminal provision of theft as applied. The

girl was admitted to the assistance system and thus received help. However, she returned to her home country which in effect terminated the criminal investigation. Representatives of the authorities feel that forced criminal activity is a difficult and unfamiliar matter, and recognising it as trafficking in human beings is a challenge.



*“This is a highly unrecognisable matter and a difficult, unfamiliar matter for everyone, and people don’t understand all the things that can be human trafficking, such as forced criminal activity. I mean, really few people probably know of a matter like this. It happens an awful lot with our teenagers, they are forced to steal things from stores and forced [to commit other crimes].” (Social worker)*

Often different forms of human trafficking become mixed with one another, and a child or young person can be forced into criminal activity and also be sexually exploited or coerced into prostitution. Especially young people with multiple problems, including those struggling with substance abuse problems, are in danger of being exploited in many different ways, both forced into crime and sexually exploited. (See Peyroux 2015.)



#### **Sentence 5. An 18-year-old girl forced her 17-year-old friend into committing crimes and prostitution**

An 18-year-old girl used threats to pander her 17-year-old friend. The perpetrator threatened the victim with a criminal gang and demanded her to, e.g. clean her apartment, go to the grocery store for her, and earn money for the gang. The perpetrator threatened to harm the victim’s family if she did not do what was demanded of her. The intimidation gradually became more serious. The perpetrator demanded money from the victim to buy a microcar, suggesting to the victim that she should sell herself to earn money. The victim agreed because she was afraid that something would be done to her family. Adverts of the victim were placed on text TV and the Web, offering sex. The 17-year-old had at least several dozen encounters with people who purchased sex, during which she was sexually exploited. The activities accumulated around EUR 10,000 in financial benefit that ended up in the perpetrator’s possession. She was convicted of aggravated trafficking in human beings in the District Court. The Court of Appeal reduced the sentence to aggravated pandering. The case was referred to the Supreme Court because the perpetrator demanded that the charges be waived completely or that they be reduced to pandering. The prosecutor demanded that the sentence be returned to aggravated trafficking in human beings. The Supreme Court convicted the 18-year-old girl to 2 years and 6 months of

unconditional imprisonment for aggravated trafficking in human beings. (Supreme Court KKO 2014:80.)

Forced begging can also constitute forced criminal activity. Finnish authorities have not learned of any case in which a child has been forced to beg, which may mean that the awareness of the phenomenon is lacking in Finland. The phenomenon is better identified elsewhere in Europe, and children have been forced to beg in many EU countries (Europol 2018, 30–31). Such cases involve children who have been exploited by their families, relatives or other guardians and forced to beg and commit different property offences. In some cases, boys and girls were also sexually exploited and their identity details were used in social benefit frauds. The age of the victims ranged from a few months to 17 years. Cases have been reported from Sweden, Norway and Denmark, for instance. (Ibid.) In 2015–2016, the Swedish police compiled statistics on 24 cases where a person under the age of eighteen had been forced to beg (Polisen 2017, 124). In the most recent victim statistics from 2017, forced begging was the most common form of trafficking in children in Sweden – a total of 19 children had been forced to beg, 14 of them were girls. (NMT 2017.) Also, a court in Sweden has issued one sentence (Sverige television 2018) in which parents were convicted of trafficking in human beings for having forced their 15-year-old daughter to beg. Identification of children and young people coerced into begging and criminal activity, and intervening in the phenomenon, can be difficult because children and the adults who are with them move from one country to another (Europol 2018). Deeper investigation of such cases may therefore require that the child is placed in substitute care for the duration of the process, so the child does not go missing from the authorities (Tyldum 2016).

### 5.1.5 Other forms of human trafficking

The study revealed some references to other forms of human trafficking that have occurred in Finland. Very few respondents to the survey had encountered children who were or who they suspected were victims of illegal adoption. A total of 10 percent answered that they had met, at least once, children who were suspected victims of illegal adoption. Forced adoption constitutes human trafficking if a child is exploited after the illegal adoption or as a consequence of it. In most cases, an illegal adoption is arranged by a family that wants to have a child. The open-ended answers to the survey revealed two indications of suspected illegal adoption. In the first case, a child was brought to Finland with a visa from a foreign country. The child's biological parents abroad had given their consent to the adoption and the transportation of the child to Finland. The other case involved using inaccurate information to record a new-born child in the Population Information System. From 2006 to 2018, fewer than five suspected cases of illegal adoption were referred to the Assistance system for victims of human trafficking. In these cases, the child was brought to Finland illegally, with the tourist visa of an adoptive parent, relative or presumed parent, bypassing the official adoption processes. The child was not asked for consent concerning the adoption. The adopted children were under 12 years of age. Notifications of illegal adoption were submitted to the assistance

system either through child welfare services or the police. (Assistance system for victims of human trafficking 2018.) None of the cases revealed had indications of exploitation after the illegal adoption.

This report does not include a single indication of human trafficking for the purpose of removal of organs in Finland with regard to children. In Sweden, on the other hand, three cases were reported to the police in 2016–2017 where persons under 18 years of age were suspected as victims of human trafficking for the purpose of removal of organs (Polisen 2017, 124).

All children identified in Finland as being forced to fight in wars had been victims of human trafficking abroad, meaning they were child soldiers in their home country or country of origin. However, the report showed that recruitment of boys as foreign combatants has occurred in Finland. According to the Dutch National Rapporteur on Human Trafficking, recruitment of foreign combatants bears many similarities with the recruitment of trafficking victims, such as false promises, deception, pressure and manipulation (National Rapporteur 2016, 61). One interviewed social worker described attempts to recruit boys as foreign combatants, taking place at shopping centres in Finland. According to her, unaccompanied minors are especially vulnerable to different kinds of temptation, particularly if they are promised an income.



*“It was really common that people would come ask and try to persuade them, it was pretty commonplace. And how easy it is for a young person who has no identity and who is socially excluded. [...] And money, that your family receives a certain sum of money when you go.” (Social worker)*

According to one pre-trial investigation officer interviewed, several young people have left Finland for areas of conflict, but the authorities have not learned of actual coercion. According to the Ministry of the Interior (2017, 19), Finnish authorities have identified 80 people who have left as foreign combatants, and they include adults, underage adolescents and children. The number of those leaving has been decreasing, but women and children account for a higher proportion of people who leave and reside in an area of conflict (ibid.). More attention has recently been paid to links between the recruitment of foreign combatants, departure to conflict areas and human trafficking (National Rapporteur 2016; UNODC 2018b).

## 5.2 Exploitation abroad

In this chapter we discuss trafficking in children abroad, in the home country, country of origin and transit countries, and the exploitation associated with it.

## 5.2.1 Sexual exploitation abroad, in the home country or country of origin

There are children and young people with a foreign background in Finland who were sexually exploited in their home country or country of origin, or en route before their arrival in Finland. According to this study, most cases involve unaccompanied children and young people, but they also include children who have come with their families. Nearly half of the professionals who responded to the survey reported that children and young people they had encountered, who had experienced sexual exploitation, were victimised in their home country or country of origin. The victims included both girls and boys. A total of 16 children, all foreign nationals, who were victims of human trafficking related to sexual exploitation have been referred to the Assistance system for victims of human trafficking (2018). Most of them were victimised abroad. Most victims were girls, but some were boys. (Assistance system for victims of human trafficking 2018.)

In the cases revealed in this study, sexual exploitation was very diverse, and often the perpetrator was a family member, relative or acquaintance. Also, children who have lost their parents, are homeless and have no protection from their family, are vulnerable to exploitation by outside “benefactors” and other exploiters, recruiters and criminal organisations.

The interviewees described one girl who had been coerced into prostitution in her home country, as well as girls kept as sex slaves of soldiers. The girls came to Finland without a guardian after they had managed to escape from their captors. The girl who had been kept as a sex slave was pregnant and in a poor psychological state when she arrived in Finland. The girl was severely traumatised, and the interviewed social worker said that she had a long way to go before she would be rehabilitated. The girl was not proposed for inclusion in the assistance system due to her poor state. A girl who had escaped from a brothel in her home country, on the other hand, was able to move on in her life despite her experiences, received a residence permit and a home municipality in Finland and has been rehabilitated to some extent. The interviewees felt that there is no threat of continued exploitation in her case.

According to interviewees and respondents to the survey, some boys who have arrived from Afghanistan and Iran, in particular, have been sexually exploited according to the *bacha bazi* tradition. A report by the Swedish Migration Agency (2015) states that *bacha bazi* involves an old Afghan tradition of sexual exploitation of boys that originated in the 1970s but was banned during the Taliban era. As the Taliban rule crumbled, the phenomenon spread to a wider area, and it has been recognised as a nationwide problem. Poverty, weaknesses in the rule of law, corruption and lack of child welfare structures expose boys to exploitation. Boys from poor families, typically 10–18 years old, end up working as, e.g. domestic workers or bodyguards for men of wealth or high social status who sexually exploit them (AIRC 2002, 3). Some families sell their boys for money to *bacha bazis*, i.e. men who practice this tradition. Some boys may be kidnapped and assaulted (Migrationsverket 2015b, 3–5). In *bacha bazi*, boys are dressed in women’s

clothing and forced to dance at parties organised by men. Dancer boys often perform at wedding parties, for instance, especially in northern Afghanistan. Eventually, such dancing often leads to sexual abuse and rape. (AIHCR 2002, 56; Migrationsverket 2015b, 3–5.)



### **The story of dancer boy Rayi (Bacha bazi)**

Rayi lived with his parents and siblings in a small village in northern Afghanistan. The family was poor, and they were also members of an ethnic minority. The village was headed by a man named Azzat who had visited Rayi's home several times. During his visits, Azzat turned his attention to Rayi, without exception, and asked the boy to join him. The requests turned into demands when the family refused.

When Rayi turned 16 years old, Azzat once again visited the family and reiterated his demand. When the family again refused the man's request, Azzat said he would kill the whole family if Rayi did not leave with him. Azzat bolstered his threat by arranging an assault of the father of the family. Eventually the situation became so bad that the parents had no choice but to let the boy go with Azzat.

Rayi was taken from his home to a building that had several rooms. In one of the rooms, there were several men who watched as the boy, dressed in a scarf, danced. Very soon also Rayi was told to wear women's clothing and a scarf so he could entertain men by dancing. The very first time the dance ended with Rayi being forced to take drugs. Since Rayi had no experience in using drugs, he fell into an unconscious state after which he was raped by several men. Rayi had no chance of getting out of the residence which was guarded by men hired by Azzat.

After Rayi had performed as a dancer and had been sexually exploited for several months, he was presented with an opportunity to escape the house. Azzat had organised a party in the house that was attended by the guards, who became intoxicated. While escaping from the house, Rayi decided to leave Afghanistan. He was ashamed of what had happened to him and he feared for his life. Also, his sexual identity had been shattered by the exploitation.

By using smugglers and working in several countries, Rayi finally ended up in Finland, where he applied for asylum. However, he did not tell anyone about the exploitation he had experienced because he was enormously ashamed of his situation. Rayi did not mention the matter during his asylum interview. After Rayi had received a negative asylum decision, it became clear to him that he would have to return to Afghanistan. Rayi tried to kill himself because of this. After his suicide attempt, Rayi described his experiences to a social

worker at the reception centre who referred him to the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking 2019)

Sexual violence experienced by children in their home country or country of origin exists in diverse forms. Some children have been exploited in their home country, some in a transit country where they have resided before managing to make enough money to continue the trip. The survey material revealed a case in which a child had been blackmailed and exploited by a male relative for financial aid for the trip.



*“A great many people have described how they were sexually exploited by an uncle or another relative, for example. Some also said they had been raped by different criminal groups, such as the Taliban. Some had to act as a drug courier for an uncle and also provide sexual services. Some lived as street children, earning overnight accommodation and food by providing sexual services.” (Survey)*

According to the professionals, children belonging to minorities are at an even greater risk of being exploited because of their minority status. Furthermore, conflicts and humanitarian crises exacerbate the situation of children and expose children to sexual violence. (See, e.g. UNODC 2018b; ICMPD 2015; IOM 2015.)

## 5.2.2 Sexual exploitation abroad in transit countries

This study revealed that children who have arrived in Finland from elsewhere have experienced sexual exploitation and violence in transit countries and en route to Europe. Of cases described by respondents to the survey, more than one-third had occurred on the way to Europe. The respondents described that smugglers had forced children to have sex in exchange for transportation or kept children in captivity, demand sex as payment for the rest of the trip. Children could be sexually abused repeatedly, and some smugglers assaulted them as an example to others they smuggled of what happens if they cannot afford to pay for the next leg of the trip. Some smugglers had received payment in the form of a child, whom they sexually exploited (see also ICMPD 2018). Some parents were extorted for money, threatening to hurt or rape the children if the parents do not pay, but some children were ultimately raped anyway. Some children had been forced into prostitution, and at national borders sex was demanded from children so they could cross the border. Such cases also involve a phenomenon known as “survival sex”<sup>21</sup> where

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<sup>21</sup> The term “survival sex” refers to situations in which refugees are forced to sell sex in order to survive the journey (such as pay for food and lodging, or to pay smugglers for the trip). In some cases, survival sex can be human trafficking – such as in situations where offenders force people to sell sex. (Brunovskis & Surtees 2017, 12–13)

a person must have sex in order to survive and pay for the trip, for example to be able to cross a border as a refugee (ICMPD 2018).

Professionals who responded to the survey reported that most children and young people with foreign backgrounds who are affected by exploitation come from areas of conflict where sexual deprivation and violence are widespread. Children become exploited in war, during flight, and at refugee camps. Some children are drugged and exploited by soldiers. One young man had to sell himself at a Libyan refugee camp to earn a living. The latest international reports describe similar exploitation (see UNODC 2018b; IOM 2015).

### 5.2.3 Labour exploitation abroad/in transit countries

The report revealed that forcing children to work in transit countries is very common. According to the respondents, more than one-third of the children they identified as victims of labour exploitation had become victimised either on their way to Finland or in their home country or country of origin. Some children were extorted into working in a transit country before they were allowed to continue the journey. Other children were kept in captivity until ransom was paid for them. This seems to be a common practice especially in Libya, where asylum seekers are taken hostage, and if they cannot pay money to be set free, they end up in forced labour (Koskenoja 2018, 37).



#### **Forced labour in Libya – Ebo’s story**

Ebo, who is from Somalia, lost his parents at a young age. Ebo lived with his elderly grandmother and was unable to go to school. One day Ebo met a man in Mogadishu who told him about Europe. The man said that he could easily find a job in Europe. After he got a job, Ebo could support his grandmother who lived in Somalia. Ultimately, it was an easy decision to make for Ebo, as he had heard that many other people had left for Europe.

Ebo paid the man approximately EUR 1,500 for his trip. He collected the money from his grandmother and relatives. After the man had received the money, he said that the departure to Europe would take place the following night. The journey would last about four days, and there would be other young people on the trip.

On the third night after departure, they set up camp at a shanty town in the Libyan desert. There had been hardly any stops during the journey, so the break was necessary. In the middle of the night, Ebo woke up to the fact that their group was surrounded by armed men. The man who transported them had disappeared, and the armed men forced Ebo and the other young people to join them.



The armed men demanded a ransom of EUR 3,000 for Ebo. However, Ebo did not have such a large amount of money. Nor did he have the opportunity to contact his relatives in his home country. Therefore, Ebo was beaten so that he could not walk properly for several days. Eventually Ebo had to pay for his liberty by doing heavy construction work for several months. Workdays lasted for up to 16 hours, work was done in constant sunlight, any illness led to a punishment, and the food and water Ebo received was both scarce and contaminated.

After months of work, Ebo was taken to the Libyan coast where his fellow countrymen collected money for him so he could travel to Europe. However, the boat carrying Ebo broke down before the coast of Italy and several people onboard drowned. Ebo was among those rescued by a Coast Guard boat that took him to Italy. In Italy, Ebo was taken from the reception centre and forced to work in the field without pay. After about three months of work, Ebo escaped from his employer and managed to come to Finland with the help from his compatriots. In Finland, he told his story at an asylum interview of the Finnish Immigration Service and was referred to the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking 2019)

In a case described in the survey, parents forced their children to work in a transit country, and the children were also sexually exploited during work. Nevertheless, the parents forced the children to continue working. In another case, a father coerced his son into work and the mother and daughter into prostitution. The survey also brought up a case in which a mother's spouse had forced children to work as domestic workers, and one of the children was also sexually exploited at work. When children leave their home country, they often earn a living for their family by working. Wages are small and often remain unpaid.

In the Assistance system for victims of human trafficking, labour exploitation has been the most common form of trafficking in children. The assistance system has admitted 21 child victims of labour exploitation, all of them boys. The boys have been victimised either in their home country/country of origin or in a transit country en route to Europe, usually in North Africa, southern Europe or in countries in the Middle East. Libya and Turkey were the most typical countries, partly because they are along the route of immigrant children travelling to Europe. In one case, a child was forced to work in Sweden. Of young people 18 to 21 years of age, 66 had been exploited at work, some of them in Finland. (Assistance system for victims of human trafficking 2018.) Labour exploitation of children often involves violence or the threat of violence, taking control of a person and indebtedness (see also ICMPD 2018). Many of the clients proposed for inclusion in the assistance system have been forced to work at factories, in construction, at restaurants, in the cleaning sector or at hotels, or they have had to take care of animals (Assistance system for victims of human trafficking 2018).



### **Labour exploitation in the Middle East – Zain’s story**

Fourteen-year-old Zain escaped the horrors of the war in his native Syria to Turkey with his mother. His mother told him that it would be better for them to leave the country as soon as possible. After arriving in Turkey, Zain and his mother tried to find a place where they could stay on a temporary basis. However, Zain’s mother soon fell ill after their arrival in Turkey and died one night of a sudden illness. The mother’s death left the boy with nothing: he had no residence permit in Turkey and no money. As a result, Zain began looking for work in Istanbul.

Zain eventually found a job at a restaurant. The owner of the restaurant said that Zain could live in the back room of the restaurant in exchange for work. However, lodging and the food provided to Zain at the restaurant would be withheld from his wages.

Zain worked for 12–14 hours a day. If he made mistakes, the owner immediately punished him by either beating him or by threatening to throw him out. When Zain wanted to stop work after three months, the owner threatened to tell the police that he was in the country illegally. Zain was terrified at the thought of returning to his home country where he had no one after his mother’s death.

Zain continued to work for two years until he managed to collect enough money to continue his journey to Germany or Sweden. Once he had the money, he fled the restaurant while the owner was asleep. However, a smuggler did not take Zain to Germany but to Finland where he applied for asylum. The Finnish Immigration Service referred Zain to the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking 2019)

## 5.2.4 Other forms of exploitation abroad/in transit countries

This study revealed some cases where children or young people had been forced into criminal activity abroad or in transit countries. Authorities in Sweden have identified numerous children and adolescents from Morocco whose exploitation began at an early age in the home country. Young people have been forced to smuggle drugs to Europe. They live in the street in Sweden, and most of them have applied for asylum but it has been refused. According to the organisation, some of the children and young people have also visited Finland and moved around in different European countries. (Habibi 2018.)



### **Forced criminal activity – Ali’s story**

Ali was only seven years old when his parents died, and none of his relatives wanted to have him live with them. Eventually Ali ended up in the street in Rabat where Hassam found him. It was relatively easy for Hassam to tempt Ali to join him because the boy was hungry. In exchange for food, Hassam taught Ali how to commit crimes. Ali, who was small in stature and fast, was good at stealing money and various items.

After a few years, Hassam and Ali left for Europe where they could earn more money by committing crime. Before departure, Hassam had introduced Ali to drugs and also begun to sexually abuse him. Hassam and Ali toured Europe for 3–4 years, mostly in Southern and Western Europe. Hassam continued to sexually exploit Ali and force him to commit thefts throughout these years. When Ali managed to steal money or items, Hassam took them from Ali and kept the proceeds from the items for himself. At times, Ali also had to beg for money in the street. Hassam took this money for himself too. Ali was caught for theft several times in different countries. As a result, he was usually assaulted by Hassam. Sometimes even police officers beat Ali when they apprehended him.

Hassam drank quite a lot. One evening, when Hassam was sleeping off his state of intoxication, Ali decided to steal money from him and run away. In the street, Ali came across a smuggler and asked him to take Ali out of the country. The smuggler brought Ali to Finland and urged him to seek asylum. Fearing that he would be punished for the crimes he had committed, Ali did not talk about his experiences during the asylum interview. These matters were gradually exposed at a group home that filed a report to child welfare services, and Ali was referred to the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking 2019)

Very few respondents to the survey had encountered a child who was a victim of illegal adoption. The few suspected illegal adoption cases, which had come to the attention of professionals, had occurred abroad. The open-ended answers to the survey included one reference to organ trafficking. In that case, the parents had suspected that the child had died in the hospital due to organ trafficking. Globally, few cases have been reported involving human trafficking for the purpose of removal of organs.<sup>22</sup>

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<sup>22</sup> In 2013, five doctors in Kosovo were convicted of trafficking in human beings and organised crime after they had performed 24 illegal renal transplantations. The victims came from Israel, Turkey, Russia, Ukraine, Moldova, Kazakhstan and Belarus. (de Jong 2017.)

The report brought to light coercion into becoming a child soldier that occurred in the home country and/or country of origin of a child or young person. One in ten respondents to the survey had encountered, in their work, children or young people who had been forced or suspected of being forced into becoming child soldiers, but the acts had occurred abroad. Respondents had become aware of such coercion occurring in Afghanistan and the Middle East, especially in Syria. (See UNODC 2018b, 16.) The respondents were unable to name the offender, so the perpetrator usually remained unknown. In Sweden, five cases of forcing children into being a soldier were identified in 2015–2017 (Polisen 2017, 124).



### **Forced to fight in war in Syria – the story of Abas**

Abas had to flee his native Afghanistan with his family when he was 16 years old. The family, like many other Afghan families, fled to Iran where they resided illegally. The family worked illegally in the country in order to earn money for food. Abas worked long days at a cement factory.

One day the Iranian authorities apprehended the boy as he was returning to the family's place of accommodation from the factory. The authorities found out that Abas and his family were staying in the country illegally and offered him two options. Abas could either go and fight with Iranian troops in the war in Syria, or he and his family would be deported back to Afghanistan. If he went to the frontline, he and his family would be granted residence permits in Iran.

Faced with these options, Abas chose to go and fight in Syria. Before heading for the front, he received some 20 days of training from his recruiters who taught him how to use a gun and to protect himself. The training was tough, and Abas was frequently beaten during it. After training, he was on the frontline for a couple of months. The experience was highly traumatising for him: several men in his platoon died in the war, and he came close to losing his life on numerous occasions.

After reaching Iran, he received a residence permit for himself and his family. As a result of the war, Abas suffered from insomnia and sustained panic attacks. A few months after his experience on the frontline, the recruiters contacted him again and demanded him to join the war again. However, due to his experiences, Abas decided to flee to Finland where he described the things that had happened to him during the asylum interview. For this reason, he was proposed for inclusion in the Assistance system for victims of human trafficking.

(Source: Assistance system for victims of human trafficking 2019)

## 6. RISK AND VULNERABILITY FACTORS IN HUMAN TRAFFICKING

The way children and young people become victims of human trafficking or exploitation related to it can be approached through various risk and vulnerability factors. Different risk factors and vulnerabilities may affect children's likelihood of being exploited or trafficked. A single factor does not necessarily expose a child to exploitation but, as risk factors accumulate, it becomes more likely. (European Commission 2015a, 7–8.) Often, many different factors have a simultaneous effect. In this chapter, we examine risk and vulnerability factors that professionals who responded to the survey deem the most important in making children and young people vulnerable to human trafficking or creating opportunities for it (see the information graph). The factors are divided into four sections, in accordance with a report prepared by the European Commission (2015a): individual factors, family-related factors, socioeconomic factors, and structural factors.

### 6.1 Risk and vulnerability factors at the individual level

The two most important factors increasing the risk at the individual level identified by the European Commission – a history of abuse and a vulnerable emotional state – were also reflected in the responses to the survey (2015a, 56). Two-thirds (66%) of the professionals regarded prior physical, psychological and/or sexual abuse or violence as the most important individual risk factor, which can also be seen as a basis for emotional vulnerability.



*“The core experience of sexually exploited young people seems to be a lack of love, intimacy and acceptance, and the feeling that no one understands them: loneliness.” (Survey)*

According to the Commission's report, these factors are often linked to a problematic and/or unstable family situation, which can also be exacerbated by economic uncertainty. Similarly, social exclusion and marginalisation (being left outside society) were seen to be associated with poverty and the lack of alternatives, which affects children's emotional state and risky behaviour. (Ibid., 56) Nearly half (49%) of the professionals found that the insufficient awareness of children and young people of various risks and dangers was the second most important risk factor. The third most important factor (33%) was risky behaviour, which can be conduct that originates from a child's history of abuse, but also a lack of awareness of potential risks and dangers.



*“Aspects accentuated with Finnish young people who have experienced sexual violence include inadequate sexual education, difficulty in understanding what sexual exploitation and sexual violence are, insufficient information about their own sexual rights and on securing their own boundaries, and how to act in a dangerous situation.”  
(Survey)*

When a history of abuse, insufficient awareness of risks, and risky behaviour converge, a position that makes a person vulnerable to exploitation is created (European Commission 2015a, 29). This was evident in the case of unaccompanied children and young people, in particular. The Commission mentions (ibid., 28) that a history of abuse is especially common for unaccompanied migrant children and also girls who have become victims of trafficking for sexual purposes. Coping alone, without a family and close support network, is challenging; it is understandable that young people who are alone in a new country need acceptance, and exploiters take advantage of this.



*“When you have such a strong need for acceptance, and having someone see you and care for you, and this is very strong in the case of such young people. The risk is that there is a good guy who cares: there have been such indications, when all this has remained kind of vague.”  
(Social worker)*

The aforementioned predisposing position may expose young people to a variety of symptoms and lower their threshold to taking risks and accepting vague offers and temptation that they face during their spare time, such as in the street. One interviewee said that unaccompanied young people have been observed to appear as a vulnerable group in the street. Young people have described that people come to them and directly offer drugs, such as cannabis, in the street. The interviewee describes young people as vulnerable, especially since many of them have poor mental health and are unable to accept assistance offered by social services.

One-third of the survey respondents (32%) also regarded a child’s developmental or physical disability, emotional and/or cognitive disorder and substance abuse problem or dependence as factors creating vulnerability. Drug use is not recognised as a risk factor or as a symptom of a possible history of violence. Children who have been previously exploited by family members, for instance, also have difficulty recognising that they are victims of exploitation and violence (European Commission, 2015, 56). The majority of children who are victims of human trafficking are victims of some kind of abuse or exploitation, which has caused traumatisation and other psychosocial symptoms (ibid., 28). Unprocessed traumas may steer children to relationships that involve exploitation. Children and young people who have experienced abuse and violence are in a very

vulnerable position, which is why it is very important to process violent experiences and possible traumas in order to prevent exploitation.

## 6.2 Risk and vulnerability factors at the family level

According to the European Commission's (2015a) report, risk and vulnerability factors related to the family are the most important factors that explain trafficking in children. A stable family situation and a good, trust-based relationship, which includes a healthy level of parental monitoring, were found to create the best protection for the child against exploitation. (Ibid., 56.) In the survey carried out for this report, the most important individual family-level factor was an unstable family situation, with almost half the respondents (49%) agreeing on this. The survey also highlighted inadequate parenting and parents' own problems in the background of exploitation.

The family's poor socioeconomic status and poverty (47%) were deemed nearly as important. One-third (35%) of the respondents also regarded a problematic relationship with parents, homelessness or having ran away from home as important factors. Residing in a country without a guardian was also seen as an important risk-increasing factor (30%).

The interviews also brought up the vulnerable position of children and young people who have arrived in Finland without a guardian or a family. Even having a family in the home country or country of origin does not make the situation easier: instead, it creates specific challenges. A child may be constantly worried about their family, but family members can also pressure the child to send them money or help them come to Finland. Thus the family's primary purpose has been to send the child to a safe place, but the child may still be subject to expectations to help the family financially, for instance. Young people may be forced to succeed in earning money one way or the other, which can make them vulnerable to exploitation.

Although the family's economic situation can influence on the creation of risk, the European Commission's (2015A) report does not give it great weight in relation to its protective effect, since many children who have been trafficked have come from fairly stable circumstances. Instead, the breakdown of the family was deemed as an important risk factor, especially in situations where the child runs away from home, is left in the care of other people, or ends up in an orphanage or becomes homeless. In such cases, the children were not sufficiently aware of the risks and blindly trusted people they did not know. They were easy targets for exploitation due to the lack of role models and poor economic status. Besides family breakdowns, families that were otherwise problematic or unstable were also strongly related to children's risk of become exploited, as the child's parent was often behind the exploitation. (Ibid., 56.) The role of the family or family member as the exploiter was also indicated in the material for this report. Offenders can also take advantage of a family's lack of financial means when the parents sell their children to criminals (Europol 2018, 8; EIGE 2018, 53). In general, the exploiter

is often a person who is close to the child and can manage to create a relationship of trust and dependency with the child, enabling exploitation.



*“In a way, every dependent child, a pupil in relation to the teacher, a child in relation to his/her mother or father, who is in a specially dependent relationship, if the adult wants to do evil, a person in a close relationship, a female instructor at a club, a day care counsellor, a godfather, grandfather, anyone who has a trust-based relationship is able to influence the child for a long time, in a way anyone can do things like that to a child if they want to.” (Social worker)*

### 6.3 Socioeconomic risk and vulnerability factors

In the European Commission’s report (2015A, 57), the socioeconomic factors of social exclusion and marginalisation, especially when paired with lack of employment opportunities and material deprivation, were seen to constitute a significant risk factor. In this study, half of respondents (50%) regarded social exclusion as the most important socioeconomic risk factor. Marginalised children are easier targets for exploiters, and they may also be excluded from services. The lack of low-threshold services and the digitalisation of public authorities (online booking, telephone service) instead of face-to-face contacts were seen to undermine the possibilities for coming across socially excluded people and for bringing hidden crimes to light.

In the Commission’s report, prior sexual and labour exploitation and acceptance of these within the community were also seen as increasing the risk (ibid.). Nearly half of the respondents to the survey (47%) found that the occurrence and acceptance of sexual exploitation, child labour and begging in the community increases children’s risk of being exploited. The resources of child welfare services and family work were regarded as the third most important (30%) factor by the respondents. This was also brought up in the open-ended responses to the survey. Inadequate resources in both child welfare services and pre-trial investigations were deemed to undermine the identification and investigation of sexual offences against children.



*“Very often it is a question of attitudes - whether a child’s apparent social exclusion is taken seriously, whether we have the genuine desire and means to help, whether we dare to intervene, whether the municipality has the resources and people to look after and meet with children.” (Survey)*

In addition, low incomes and limited opportunities in a marginalised community explain children’s increased risk of becoming exploited more than their nationality. Possibilities



of children and young people for education and peer support at school and their access to social welfare and health care services were seen as protective factors. (Ibid., 57.) One-fourth of the respondents to the survey (26%) regarded the lack of peer groups and support and the fact that a child has no access to support services as important risk factors.

## 6.4 Structural risk and vulnerability factors

Acceptance of violence against women, young people and children in society was the most important structural factor that increases a child's vulnerability, according to professionals (74%). In the Commission's report (2015A), structural risk and resilience factors are seen to influence the attitudes and atmosphere in families, in the community and in society. An atmosphere that finds abuse, exploitation and sexualised behaviour in general acceptable places children in a vulnerable position where they are prone to exploitation.

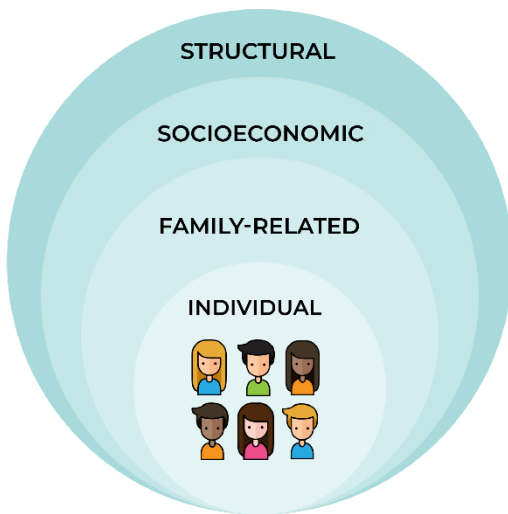
More than half of the respondents to the survey (58%) found that the invisibility of victims in society and a general lack of information about the forms of exploitation increases children's vulnerability to exploitation. If the authorities do not have enough information about the different forms of exploitation, they do not necessarily identify child victims or provide them with special services to which victims of human trafficking are entitled.

Almost one-third of respondents (30%) included humanitarian crises and their consequences for families and children among the vulnerability factors. Children's risk of being exploited were also influenced by the consequences of wars and conflicts on the resilience of families, parents' own unpleasant experiences and traumas, and challenges in adapting to a new culture.

The Commission's report (2015a) finds that efficient child and social welfare services, together with the determining policies and legislation, protect children from exploitation. According to the report, a mechanism for the notification and monitoring of trafficking in children should be organised at the national level, as well as provide information and training to professionals who work with children. (Ibid., 57.) According to this study, underdeveloped/fragmented practices (26%) and the lack of specific support structures for children (24%) leave children unprotected, which makes it easier to take advantage of the vulnerability of children.

A single factor does not necessarily expose children to exploitation; instead, behind the vulnerability of an individual victim is a combination of different factors. We should be aware of the various risk factors and vulnerabilities so we can allocate preventive measures correctly. However, it is equally important to remember that though certain factors make children vulnerable to exploitation, ultimately human trafficking is about offences committed by exploiters, and not about children being vulnerable. (Brunovskis & Surtees 2017.)

**The five most common risk and vulnerability factors according to the various levels**



**STRUCTURAL**

- Violence against women, young people and children is accepted in cultural terms
- Invisibility of victims in society and a general lack of information about the forms of exploitation
- Humanitarian crises
- Underdeveloped/fragmented practices
- Lack of specific support structures for children

**SOCIOECONOMIC**

- Social exclusion
- Occurrence and acceptance of sexual abuse, child labour and begging in the community
- Inadequate resources in child welfare services and family work
- Lack of peer groups and support
- No access to support services

**FAMILY-RELATED**

- Unstable family situation
- Poor socioeconomic status, poverty
- Problems in the relationship with the parents
- Homelessness, or child has run away from home
- In the country without a guardian

**INDIVIDUAL**

- History of physical, psychological and/or sexual abuse or violence
- Insufficient awareness of risks or dangers
- Risky behaviour
- Developmental or physical disability, emotional and/or cognitive disorder
- Substance abuse problem or addiction

## 7. IDENTIFICATION OF EXPLOITATION, AND THE CONSEQUENCES OF HUMAN TRAFFICKING

### 7.1 Challenges in the identification of human trafficking

Identifying victims of human trafficking is challenging for a variety of reasons. First of all, the nature of trafficking in human beings is such that the perpetrators do not want other people to draw attention to the exploitation. Secondly, public authorities and other actors are not sufficiently familiar with the phenomenon to be able to pay attention to the indicators of human trafficking. Many authorities and actors may encounter victims, but they do not necessarily think of the possibility of trafficking in human beings. Thirdly, the victims themselves do not necessarily perceive themselves as victims of trafficking, or even any crime at all, so they do not seek assistance. Similarly, other people do not see them as victims, precisely due to the nature of human trafficking. Fourthly, public authorities and other parties have limited resources for outreach work, for example, making it difficult to reach and identify hidden victims. (Clawson & Dutch 2008.) In the sections below, we discuss these challenges with identification on the basis of the material collected for the report.

The use of power is in the very nature of human trafficking. This is especially significant in the case of children who have become victims of trafficking. Adults who exploit children abuse their power and, in doing so, can also mislead the authorities. This study revealed stories where exploitation has not been identified, because public authorities and other people who have encountered a child have trusted an adult's account of how the child is doing well in every respect. In one case a father assured social services that he was not using violence against his daughter, so social services believed the father's account and returned the daughter, who had been taken into care, to the family. It was suspected that she had subsequently become a victim of a forced marriage abroad.

This study makes it evident that the identification of victims of trafficking in social welfare and health care, as in other services that support victims, may be inadequate. The survey revealed that health care services, in particular, need support with identifying trafficking victims. The survey material indicates that many victims go through health care services but a large portion of them remain unidentified. People who responded to the survey said that the challenge is especially in identifying trafficking of children that takes place in Finland. Consequently, health care services have failed to identify potential victims of human trafficking among the clients. The need for training has emerged in previous studies (Koskenoja et al. 2018, 102) and the IOM, for example, developed (2018a, 2018b) guidelines for identifying victims in health care and for referring them to appropriate services.

Interviewees who work with children said that in their work they meet children who present a variety of symptoms. Some children have had sleeping problems, nightmares, anxiety, and may have behaved aggressively (see also Koskenoja 2018, 113). Behind such symptoms may lie experiences of exploitation; the interviewees said that a child's symptoms are a way to recognise that something unpleasant has happened.



*“How much of it is something that is not even revealed but only seen as vague symptoms? A child does not learn at school [...], learning is not proceeding at all like it should, very slowly, and the child has no desire at any point to start processing [the exploitation] in any therapy.”  
(Social worker)*

One should react to a child's poor health and symptoms, because children or young people are not always able to talk about exploitation they have experienced. Sexual exploitation, in particular, is extremely traumatising and can cause great shame (Hossain, Zimmerman, Abas, Light & Watts 2010), and talking about it requires the creation of a trust-based relationship between the child and the professional. One interviewee said that when she brings up possible exploitation with the child for the first time, she tells the child that she knows how children may be treated and what kinds of exploitation they may experience. She tries to create a connection with the child without laying any blame on the child for what has happened. Often, one can infer from a child's reaction that something unpleasant has occurred.

It may have taken years of work before children and young people have been able to talk about their experiences. According to the respondents to the survey, exploitation may have been described by a child or young person themselves, but this has required both the building of trust and time. Many of those who have been exploited as a child do not seek help until they have come of age.

Information about exploitation may also have come through other official contacts, such as the police, child welfare services, the school or a health care centre. In many cases, situations may have been unclear and they have been dealt with by several employees before someone reacts to the child's situation. According to the experts interviewed, victims may blame themselves for what has happened. Shame may also completely prevent them from talking about the experience, which makes it difficult to help them.



*“I have frankly asked or talked about it, but there is such enormous shame associated with it. I have a clear suspicion of some cases that there probably has been some sexual exploitation, but it is such a taboo that they absolutely refuse to talk about or admit it. The symptoms they have are so drastic that I strongly suspect there is something like that in the background.” (Social worker)*

In some cases young people, in particular, do not see themselves as victims, and they do not feel that they need help or believe that any conversation would help (see Koskenoja et al. 2018, 113). Young people may also object to follow-up measures, because they do not necessarily want more contacts with officials and treatment personnel. In such a case, a young person's first contact, an individual employee, may be left alone in the situation and be the only person to whom the young person agrees to talk about their experiences. The study revealed that even if features of human trafficking could be recognised in a young person's experiences, it may be impossible to refer the young person to treatment. Young people can be too traumatised and unable or unwilling to deal with the events.



*"If you yourself have such a severe block, would any Assistance system for victims of human trafficking help at the point if you just mentally pretend like nothing ever happened?" (Social worker)*

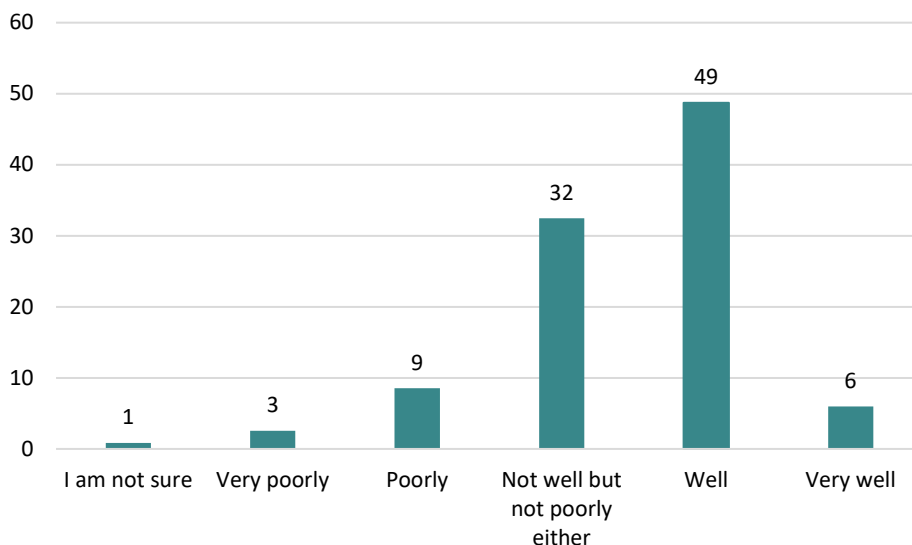
Identification of human trafficking requires active reactions from public authorities and other parties. Investigating possible exploitation is the responsibility of professionals, and it should be examined whenever such suspicion arises (see Secretariat of the Council of the Baltic Sea States 2015). On the basis of the Child Welfare Act (417/2007), professionals have a duty to file a child welfare report (Section 25) if, in the course of their work, they discover that there is a child for whom it is necessary to investigate the need for child welfare on account of the child's need for care, circumstances endangering the child's development, or the child's behaviour. They also have a duty to notify the police when they have cause to suspect a sexual offence or a crime against the life and health of a child, such as trafficking in human beings. Identification of trafficking in children requires outreach work, active reactions and urgent intervention (see, e.g. Blomgren, Karjalainen, Karjalainen, Kivipelto, Saikkonen & Saikku 2016).



*"The more serious the matter, the less likely it is that it is reported to the authorities. Much more should be invested in investigation that exposes such matters." (Survey)*

This report strengthens the perception that the lack of awareness among the authorities and other actors is an impediment to the identification of trafficking victims. The report examined the awareness of experts who work with children and young people of trafficking in children as a phenomenon, and the need for information associated with it. However, nearly half of the experts who responded to the survey said that they identify exploitation related to trafficking in children fairly well. It must be remembered that the survey was directed at people who have worked with trafficking victims, so the respondents were probably more aware of human trafficking than other people. One-third of the respondents were uncertain of their own competence. In this sense, there is room for improvement among the experts in this sector, too.

### How well do professionals identify exploitation or human trafficking concerning children? % (N=117)



## 7.2 Trauma and rehabilitation

Children who are victims of human trafficking can be extremely traumatised (see, e.g. European Commission 2015a). Exploitation and violence always leave their mark on the subject (Zimmerman 2013). In addition to physical injuries, psychological symptoms among children are commonplace and can also be manifested as physical and psychosomatic symptoms. The interviewees emphasised that being subjected to exploitation is traumatising, and even very slight mistreatment, not to mention violation of physical or sexual integrity, very often leads to trauma. (See *ibid.*) Children can be traumatised for a variety of reasons. For example, children and young people who have arrived in Europe without a guardian may have experienced many difficult events on their way to Finland, as well as different forms of exploitation in their home country/country of origin (Alanko, Marttinen & Mustonen 2011, 13 – 14).



*“Somebody told me that they do not all have a trauma background, after all. I completely disagree with that. For some people, it is something really serious that has been done to them or to their family, something they have seen or witnessed. For others, it is just the insecure circumstances. Some people in their home country may not have had such big problems, but the exposure to something horrific happened on*

*the way, or simply walking for days on end as a child, getting poor food and being afraid, moving from one place to the next in the dark. I figure they are all such things that everyone has a trauma of some sort.”*  
(Social worker)

Sexual violence, in particular, causes traumatisation and great shame (Hossain et al. 2010). According to one interviewee, exploitation can have serious consequences that may lead to suicide attempts. It is important that young people have psychological support when they start dealing with things. In such cases, it should be determined whether the perpetrator is still a threat to the young person and whether the exploitation involves violence, the threat of violence or more organised activities. Children and young people can be protected from exploitation only if the authorities are aware of the risks they face (Secretariat of the Council of the Baltic Sea States 2010, 24–25). In other words, they should be given a risk assessment (ibid.).

According to the interviewees, some children and young people may have really intense symptoms and the traumatisation makes them unable to describe or put into words what they have experienced. In such a case, other means should be found to support the child. Efficient co-operation with health care, and mental health care in particular, is important for helping children and young people in acute situations. (See also Koskenoja et al. 2018, 112–113.) Recovery and rehabilitation from exploitation is a time-consuming process that can often last for many years. For children and adolescents who have been exploited on numerous occasions or for several years, it can be a life-long process. (See *ibid.*, 142.)

An additional challenge to rehabilitation is the uncertain status of residence in the country. Children and young people who are in the asylum or residence permit process understandably experience stress and concern from the long process that is difficult to comprehend. (Koskenoja et al. 2018, 162–163.) Uncertainty and waiting place a burden on rehabilitation and make it more difficult. No matter how well a young person has coped and progressed with integration, the person may face a negative asylum/residence permit decision, which causes despair and uncertainty about the future (see ICMPD 2018). One interviewee found it unreasonable that young people are required to be perfect, meaning that despite their difficult experiences and mental health problems, they should integrate into society and move ahead in life. Young people are under pressure to do well if, for instance, the family waiting in the home country/country of origin expects the adolescent to send money to them. Meanwhile, the young person feels pressured to ensure their future in Finland. This contradiction can cause problems from the perspective of rehabilitation and recovery from trauma.



*“So the desperation that frames everything; that all this will just be repeated, although the person has done nothing wrong at any point. Instead s/he has progressed at a record rate all the way to occupational studies. Admittedly, it has been a little difficult for me to explain why*

*you should return to the country where you have no one, a place where you lived in early childhood.” (Social worker)*

According to the interviewees, it is also important to verbalise the exploitation suffered by a child in terms of preparation for different official processes, such as an asylum interview, because the events may be relevant with regard to the asylum process. It may, however, require a great deal of support work, such as extended therapeutic work, before a child is able to describe their experiences. Entries recorded by a social worker often have an essential role in an official evaluation of what a child has told the worker about their experience. If children do not receive the support they need and a confidential relationship with the authorities has not been created, there is a risk that the exploitation may remain hidden and the children do not obtain the protection to which they are entitled. (See ICMPD 2018.)

### 7.3 Referral to services

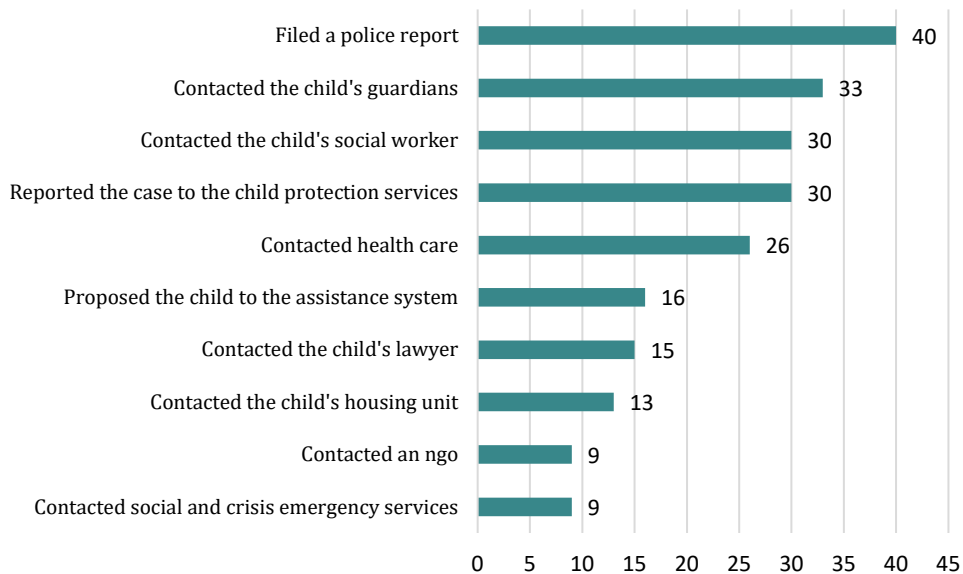
The respondents to the survey and the experts interviewed for this study described many different measures they had taken to help a child or young person they suspected to be a victim of human trafficking. Often providing assistance requires cross-sectoral cooperation between various authorities. Efforts had been made to offer the young people comprehensive support, guidance and advice. Such support included, for example, coping with trauma, talking about the experiences, and arrangement of security measures. Some young people were guided to therapy while others were provided with a support person from Victim Support Finland. Help with consultation was sought from the assistance system, and the pre-trial investigation process of the police was supported by collecting material on the children’s cases.

#### **How professionals act in cases of exploitation, % (N=117)<sup>23</sup>**

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<sup>23</sup> The respondents were able to choose from many different options.





Most commonly the professionals reported their suspicion of exploitation to the police. A child welfare report was filed in one out of three cases. In 16 percent of the cases, a proposal was submitted for admitting the child to the assistance system. In accordance with the Reception Act, all victims or suspected victims of trafficking in human beings can be proposed for inclusion in the Assistance system for victims of human trafficking. Some uncertainty could be observed in the identification of children as trafficking victims and in their referral to official assistance. Professionals who work with children and young people helped and supported the children, but they did not always see the need to propose a child for the assistance system.

Assistance of trafficking victims in municipalities has been studied before, in 2018 (Koskenoja et al. 2018). At that time, municipalities were found to have insufficient awareness of human trafficking and the municipality's obligations to provide special services to trafficking victims. Municipal social workers had seen victims of human trafficking as the same kinds of clients as all other clients of social services, and they were not provided special services. In fact, employees at municipal social welfare and health care services were not always aware of trafficking victims' special status as recipients of services, or that victims can be provided with other special services besides general social services. (Ibid., 194.)

A high number of open-ended answers were received to the question of how the respondent had acted in a case involving exploitation; these indicate that the professionals found it problematic if the exploitation occurred abroad or if the young person had already turned 18. This raises concerns about whether such exploitation is

necessarily tackled with the seriousness it deserves and whether the young person receives help.



*“Nothing, because there is nothing you can do anymore about things that happened in the home country or country of origin. Some have already received therapy anyway.”*

*“The young people were already adults, so I did not report it to any place. I provided information about different support services and offered to help clarify matters and seek assistance.” (Survey)*

This study shows how difficult it is for children and young people to talk about exploitation and for professionals to identify exploitation as human trafficking. Even if a case is reported to the police, the criminal process does not necessarily move ahead if the exploitation occurred in a foreign country, for instance, and if the authorities cannot determine where the offence took place and who the offender is. It is important to take the child into account at various phases of the criminal process and ensure a child-friendly consultation, aiming to prevent the re-traumatisation of the child when the offence is being investigated (see Secretariat of the Council of the Baltic Sea States 2015). Sweden has developed an identification and referral system for trafficking victims (National Referral Mechanism) that takes account of the different stages of assisting child victims from the child’s perspective (Länsstyrelsen 2016b). Other Nordic countries have adopted the Barnahus model, i.e. a building for managing children’s affairs where the authorities come to the child and multi-sectoral cooperation between the authorities (judicial, social and health authorities) is implemented in child-friendly premises that also provide other services for children and their families. In such child-friendly spaces, children are seen as rights holders, and the duty of official cooperation is to ensure that children receive the assistance and support they need. (THL 2018.)

Based on this report, many children and young people who have become victims of human trafficking arrived in Finland as an asylum seeker, without a guardian. Assisting and accommodating them is the responsibility of immigration authorities. Unaccompanied children are accommodated in reception centres for minor asylum seekers (group homes and supported housing units).<sup>24</sup> Unaccompanied minors’ need for child welfare services is not automatically assessed, and the workers have no right to use restrictive measures under the Child Welfare Act (Chapter 11). While staying in a group home, children and young people are free to move within certain curfew times, but it is impossible to restrict their comings and goings if they do not abide by the rules of the

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<sup>24</sup> UNICEF has criticised the fact that unaccompanied children are the responsibility of immigration authorities, instead of child welfare authorities. At present, unaccompanied children are seen through their status, primarily as asylum seekers and not as children. UNICEF proposes that children should be placed at the responsibility of authorities who work on the basis of the rights of the child, i.e. child welfare services. (UNICEF 2018a,74; UNICEF 2018b.)

group home. One interviewee suspected that a child who is a trafficking victim upon arrival in Finland may easily be subjected to it in the future.



*“What is also difficult for us that we do not have any restrictive measures, because we are not a child welfare institution. If they [children] want to move around, even though they are minors, then we are responsible for them, but they are still free to move around. That is the tricky part in it.” (Social worker)*

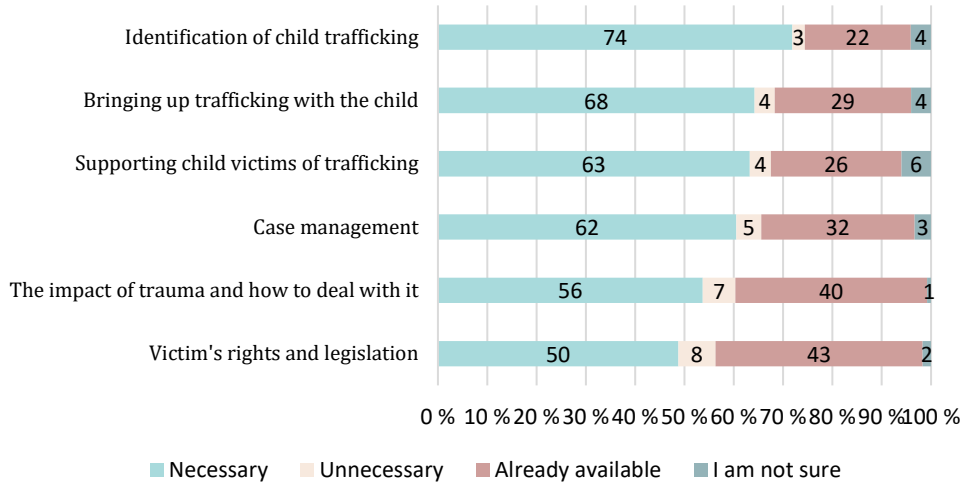
The premise is that any underage asylum seekers who are found to be in need of child welfare services are entitled to services under the Child Welfare Act, and the municipality is responsible for providing these (Ministry of Social Affairs and Health 2016). In such cases, the municipal child welfare authority works in collaboration with social workers employed at the reception centre. The municipality is also entitled to charge the cost of the child welfare services to the Finnish Immigration Service, i.e. in practice the reception centre that is responsible for the child (ibid.). The interviewees said that they always file a child welfare report in suspected cases of human trafficking, but the competence of child welfare services on intervention in exploitation appeared to vary from one municipality to the next (see also Koskenoja 2018). Such competence seemed to be at a good level in some municipalities, with social workers at reception centres engaging in close cooperation with their municipality's child welfare services. A social worker at a reception centre can file a child welfare report if a child is in need of specific support or protection. At other municipalities, the competence of child welfare services was criticised, and it was claimed that they do not recognise the seriousness of these children's situation, even if multiple child welfare reports on a matter are submitted.

The interviews showed that reception centres for minors have no means of protecting children from trafficking in human beings or similar exploitation, because they cannot restrict contacts arising from a dependency relationship or prevent children from going to the exploiters. In this respect, respondents referred for instance to forced prostitution and victims of forced/child marriages. Child welfare services can urgently place or take into care children who cannot be protected otherwise, and restrictive measures can be used to protect them (cf. the situation in Norway, see Tyldum 2016). Situations like these are challenging in many ways: while children must be protected from exploitation, they must also have the right to be heard and their right of self-determination must be respected. This is why understanding the characteristics and dynamics of human trafficking is important, so it can be assessed when a child's best interests require restrictive measures.

One of the objectives of this study was to survey various experts' need for different kinds of information and tools related to support for child victims of human trafficking. The report shows that experts need information especially on the identification of child victims, but also on helping children, such as bringing up the topic of human trafficking and related exploitation, and referral of children to various services. Experts also need

to obtain more information about the effects of trauma and how to process them with child victims. They could also use more information about the rights of child victims, legislation and its application.

**What information do experts need in support of their work? % (N = 117)**



## 8. CONCLUSIONS AND RECOMMENDATIONS

This report was implemented as cooperation between the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) and the Assistance system for victims of human trafficking. The goal was to determine whether trafficking in children occurs in Finland and what forms of trafficking children may have been subjected to in Finland. In addition to trafficking in human beings, the report examines exploitation that is related to or indicative of it, as well as risk and vulnerability factors that make people vulnerable to exploitation. The subjects of this report were minors and young persons between 18 and 21 years of age. This report takes into account both the cases of exploitation that have occurred in Finland and those that have been identified in Finland, therefore covering all exploitation of children and young persons, be they members of the majority population or with a foreign background, asylum seekers included. The children had experienced exploitation in Finland, in a child's home country or country of origin, or while the child was en route to Finland.

The study examines the various forms of trafficking in children and young persons, but it is unable to account for the total number of child victims. In light of the statistics, however, it is clear that there are several such victims. Because cases of human trafficking do not always come to the attention of the authorities, it is likely that there are several times more child victims than are shown in official figures. Instead of measuring prevalence, the report aims to look at the kinds of cases that had been reported to the authorities, organisations and other actors, and what action was taken in those cases. The report also intends to outline how to improve identification and prevention of trafficking in children in Finland.

In this chapter we will present the results obtained from the analysis of the material in a consolidated manner, draw conclusions and issue recommendations.

### 8.1 Victims of trafficking in children and young persons in Finland

Between 2006 and 2018, 55 children under the age of 18 and 141 young persons (18–21-year-olds) were provided with help by the Assistance system for victims of human trafficking. The report shows that trafficking in children and comparable exploitation are an extensive phenomenon and that its actual magnitude is difficult to estimate. It is clear that a fairly large share of potential cases is not identified as human trafficking and that such victims are not referred to the Assistance system for victims of human trafficking. On the basis of this report, it appears that the exploitation of children and young people is not always seen through the framework of trafficking in human beings. One example

of this is the fact the Assistance system for victims of human trafficking has not received a single child who is a member of the majority population and a suspected trafficking victim. Still, courts of law in Finland have issued several convictions for trafficking in children. It seems that individuals who are members of the majority population and who have been exploited as a child have only been referred to the Assistance system for victims of human trafficking after becoming an adult.

According to this study, human trafficking related to sexual exploitation is the best-identified form of trafficking in children and related exploitation, and most victims seem to be girls. For instance, all the sentences imposed for trafficking in children and young persons in Finland thus far have involved sexual exploitation of girls. Sexual exploitation has been identified in Finland among both children and adolescents from the majority population and those who have come to Finland from other countries. Not all identified exploitation fulfils the definitional elements of human trafficking, but it is difficult to make a clear distinction between the different forms of exploitation. The report highlights three forms of sexual exploitation that takes place in Finland: forced prostitution, commercial sexual exploitation of a child, and sexual exploitation that occurs via the Internet. In all categories, most of the victims were girls.

Sexual exploitation of boys is probably not identified as well as that of girls. However, the study also reveals sexual exploitation of boys. For example, unaccompanied boys from Afghanistan have been sexually exploited in their home country in the bacha bazi tradition, as “dancer boys”, which has led them to seek refuge in Europe.

The study also shows that being subjected to a purchase or attempted purchase of sex is fairly common among children and young people. Purchasing sex from a minor is always a crime. This is not changed by the fact that the exploiter gains a young person’s trust by giving them gifts in exchange for sex, or whether the young person appears to consent to the act. Purchasers of sex take advantage of a young person’s vulnerability, young age and lack of experience in life. Besides the vulnerability of children and adolescents, attention should also be paid to exploiters. Often young people do not know that such a case involves a crime. The consequences of exploitation may only come to the surface later on, when the young person understands that he or she has been exploited.

According to the results of the survey, forced criminal activity was a fairly common form of exploitation. Most victims were young people from the majority population who had been placed outside the home and who had run away from an institution or a place of residence. The group also included young people with a substance addiction who had previously committed petty offences and who were vulnerable to pressure. Such youngsters had been forced to commit narcotics offences and steal, for instance. On the other hand, children seeking asylum had also been forced into criminal activity on their way to Finland. The material also includes a few mentions of children with a foreign background who had been forced to commit crimes in Finland. These cases had obvious features of human trafficking, but the offences were investigated under other titles. The report indicates that the connection of forced criminal activity with human trafficking is not identified to a sufficient extent. This raises the concern that children and young

people are charged and punished for acts they have been forced to commit as a direct consequence of human trafficking. According to the principle of non-punishment, children and young people should not be punished for acts they have committed due to them being victims of trafficking in human beings.

The material contains only a few examples of cases where children who have arrived from other countries have been forced to beg in Finland. This is a surprise, considering that in Sweden forced begging is the most commonly identified form of trafficking in children (NMT 2017). It may be that the phenomenon is smaller in Finland than in Sweden, the phenomenon is not identified in Finland, or the threshold for defining such children's situation specifically as human trafficking with regard to begging is higher in Finland than in Sweden.

Finland also has some forced marriages concerning children. Such cases may involve a girl sent from Finland to her parents' home country to be married off to an older man, or a man who lives here and who finds an underage wife in a foreign country. Some cases of children who have been forced to marry before arriving in Finland have been identified among asylum seekers. Tackling and preventing forced marriages in Finland requires better knowledge and understanding of the phenomenon. Seeing child marriages in the context of forced marriages and human trafficking could improve the identification of victims and develop the practices for helping them.

Some cases have emerged where children and young people, especially those who have arrived as asylum seekers, have been exploited in employment in Finland, such as by having them work as underpaid workers and for undeclared wages. In addition, many children who have come here as asylum seekers have experienced serious exploitation either in the home country or in a transit country. Children have been sexually exploited en route, forced to do heavy work or fight in a war.

It is important to pay attention to all kinds of inappropriate treatment of children. Exploitation can be thought to constitute a sort of continuum, which begins with lesser forms and acts of exploitation and then gradually proceeds to more serious acts and to trafficking in human beings (Andrees 2008; Jokinen et al. 2014). Such exploitation includes many different acts; it can start as writing of messages with sexual undertones online and continue as solicitation of a child for sexual acts. It can also involve making initiative to buy sex, leading to coercion of a child into sex and to the rape of a child. It is essential to realise that different acts can damage a child in equal ways, even if they are at different levels of criminal severity.

Since exploitation, in general, is difficult to identify, making a distinction between the different degrees and forms of exploitation is sometimes difficult. On the basis of sentences imposed in Finland, it appears that, in particular, serious sexual exploitation of a child for commercial purposes, meaning forced prostitution and long-lasting sexual violence against a child, seem to fulfil the definitional elements of trafficking in human beings. Still, even lesser exploitation can constitute human trafficking. Any consent given by the child for the situation or exploitation is irrelevant in the making of a criminal

assessment. In the case of trafficking in children, use of the means in trafficking (such as deception or pressure) is not required for fulfilling the definitional elements of the offence; instead, the act (such as recruitment, accommodation or taking control of a person) and the purpose of exploitation (such as forced prostitution) are sufficient. Even an attempt at human trafficking is enough to fulfil the definitional elements of a crime. The report pointed out that courts of law have treated sexual exploitation of children as pandering offences though, in the case of minors, human trafficking provisions take precedence over pandering provisions, and even though consent and means of human trafficking are not required in cases involving children. It is worth considering whether a child can be a victim of a pandering offence or whether such cases should constitute human trafficking instead.

In Finland, relatively few child victims have been identified in comparison with the other Nordic countries. This is partly due to the fact that more minor asylum seekers have arrived in the other Nordic countries without a guardian. In part, it probably has to do with the fact that Sweden, for example, has clearer guidelines than Finland for identifying, encountering and helping child victims of human trafficking (see Länsstyrelsen 2016b). Authorities' attitudes towards child victims of trafficking have an influence on how children and young people describe what they have experienced and how a child's account is defined, i.e. whether it is seen as human trafficking or as something else. A study conducted in England shows that the authorities were suspicious of children's accounts of human trafficking, and some even blamed the children themselves for the exploitation they had experienced (Gearon 2018). This "culture of disbelief" also involves the fact that an official who comes face to face with a child may find it difficult to believe the extent of the violence and exploitation suffered by the child (Pearce et al. 2009).

This study shows the great variety in how municipalities and authorities are familiar with human trafficking as a phenomenon, and with trafficking of children in particular. Often it is left to the personal contribution of a few individuals interested in the subject. The same observation was also made in the survey on the functioning of legislation on assistance to trafficking victims, which showed that awareness of human trafficking varies widely from one municipality to another (Koskenoja et al. 2018, 199). Based on the survey, it can be stated that Finnish authorities' awareness of human trafficking must be increased further, although tools and training have been developed in recent years for improving the identification of trafficking victims.<sup>25</sup> In the future, authorities and other actors who encounter children must take the existence of human trafficking into account and include it in their models of operating and thinking.

What is needed besides increasing awareness, is a low threshold for intervening in situations that give indications of possible trafficking in human beings. The study also shows that certain children are more vulnerable to human trafficking than others. For

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<sup>25</sup> See, e.g. the Assistance system for victims of human trafficking: ([http://www.ihmiskauppa.fi/ihmiskauppa/ihmiskaupan\\_vastainen\\_tyo\\_suomessa/hankkete](http://www.ihmiskauppa.fi/ihmiskauppa/ihmiskaupan_vastainen_tyo_suomessa/hankkete)) and IOM 2019 (<https://www.iom.fi/en/avaa-ovi-avulle>).



instance, a history of abuse or violence, a breakdown of the family, and social exclusion can increase a child's risk of falling victim to different crimes, human trafficking included (European Commission 2015a). In addition to vulnerability, it is equally important or even more important to pay attention to groups and individuals who exploit the vulnerability of children. It is not enough to consider only what factors increase or decrease a child's risk of exploitation. Attention must also be paid to exploiters and offenders. Exploitation would not occur without someone who takes advantage of a child (Brunovskis & Surtees 2017). However, this report does not take a detailed look at perpetrators: instead, the main focus is on the experiences of the victims.

In accordance with the Convention on the Rights of the Child, Finland is obliged to combat trafficking of children and to protect children from all exploitation and to ensure that the best interests of the child shall be a primary consideration. With regard to victims of human trafficking, an assessment of the best interests of the child can be given different emphasis depending on who is making the assessment, and the child's best interests may therefore appear different from the perspective of immigration authorities or child welfare services, for instance (UNICEF 2011). However, children must always be treated primarily as children, not through their immigration status, for example. The best interests of the child also mean that children are allowed to influence their own affairs and present their own views. Permanent solutions that guarantee the child's opportunity to recover from their experience and to continue their lives safely should be found for children who are victims of human trafficking. (See Secretariat of the Council of the Baltic Sea States 2015.)

The material in this report was limited. The information contained in it did not provide a possibility to estimate the total number of children who have fallen victim to human trafficking in Finland, or how many are at risk of becoming trafficking victims. However, it is clear that a larger sample and more systematic collection of data would reveal many more child victims of human trafficking in Finland. Although trafficking in children may seem like a small phenomenon in terms of numbers, it is a fundamental violation of human rights. The crime is especially serious because the victims are children. This is why the fight against trafficking in human beings requires considerably more resources, structures, and strategic courses of action.

## 8.2 Recommendations

### STRATEGY

- At present, Finland does not have a valid action plan or a coordinator to combat the trafficking of human beings. **The Government anti-trafficking coordination structure under the auspices of the Ministry of the Interior must be made operational, and a Coordinator must be appointed for the position. Finland also needs an action plan that is updated every year and pays special attention to children and young persons (18 to 21 years of age) who have fallen victim to human trafficking.** The action plan should be drafted in cooperation with different

administrative branches, but the responsibility for coordination lies with the Anti-Trafficking Coordinator. The plan must include clear objectives, designated responsible parties, a schedule, funding and monitoring.

- **The anti-trafficking coordination structure of the Ministry of the Interior must complete the national identification and referral system for trafficking victims (NRM), which must describe the referral to services of children and young people who are victims of human trafficking, as well as the kind of assistance children and young people are entitled to.**
- **Trafficking in children must be taken into account in the upcoming national strategies and development programmes involving children.**
- Young persons who have come of age (18 to 21 years of age) and fallen victim to human trafficking or related exploitation may need specific support and assistance. Being an adult does not eliminate a victim's past experiences or need for support. **Services for supporting the adulthood of 18–21-year-old trafficking victims must be guaranteed and they must be developed further.**

#### **SOCIAL SERVICES, THE ASSISTANCE SYSTEM, AND DEVELOPMENT OF SUPPORT MEASURES**

- Provisions on assistance for trafficking victims are laid down in the Reception Act under the administrative sector of the Ministry of the Interior, whereas social welfare actors who provide practical help to victims in municipalities primarily apply the Social Welfare Act in their work. Employees at municipal social services are not very familiar with the Reception Act and cannot apply it to victims of human trafficking to a sufficient extent. **To improve the position of trafficking victims, including children and young people, as recipients of social welfare services, a reference must be included in the general laws on social welfare and health care of trafficking victims as individuals and clients who need specific support.**
- **Trafficking in children requires special expertise, and this is why paths of assistance and support should be developed and competence should be centralised across municipal or provincial boundaries.**
- Municipal social services are the primary providers of assistance to children and adolescents who reside in municipalities (members of the majority population and those with a right of residence). Employees at municipal social services have insufficient awareness of the services and role of the Assistance system for victims of human trafficking and of the support it offers to municipalities. **The Ministry of Social Affairs and Health, Ministry of Economic Affairs and Employment, and Association of Finnish Local and Regional Authorities must prepare guidelines for municipalities on assistance to children and young people who are trafficking victims, as well as on co-operation with the assistance system.** These guidelines must emphasise the fact that municipal social workers must refer children and young people who are identified or suspected trafficking victims to the assistance system with a low threshold.

- Minor asylum seekers who have arrived in Finland without a guardian have an elevated risk of being subjected to exploitation. Social services needed by children are primarily provided at reception centres, including reception centres for minors. They must ensure that all children have their own case worker. However, if a child is found to be in need of child welfare, the municipality is responsible for organising child welfare measures.<sup>26</sup> **In cases which involve a risk that a child will fall victim to human trafficking in Finland, the child’s placement and, where appropriate, restrictive measures should be considered as alternatives for protecting children from exploitation. Municipal child welfare employees’ awareness of human trafficking must be increased, so they understand the need and reasons for protection arising from trafficking in human beings.** Whenever necessary, child welfare workers can consult the Assistance system for victims of human trafficking.
- Children and young people who are victims of human trafficking need urgent help, support and special services. Many of them have been severely traumatised and may display different symptoms, but they are not necessarily able to talk about the exploitation. Reasons for this can include lack of trust, absence of words, or trauma. **Children and young people who have fallen victim to human trafficking must be referred to mental health services and therapy on an emergency basis, and guidelines on this must be provided to both municipalities and reception centres for minors.**
- Municipalities should ensure that **every child and young person who is a trafficking victim is provided with a detailed service plan required by the Social Welfare Act, which includes an evaluation of the need for individual support and assistance measures for trafficking victims, as required by the Reception Act. When drawing up the plan, the principle of “one child, one plan” should be taken into consideration.**

#### **PRE-TRIAL INVESTIGATION, THE CRIMINAL JUSTICE SYSTEM, AND THE CRIMINAL CODE OF FINLAND**

- It is difficult to investigate exploitation of children, and making a distinction between different provisions is not easy. Perceiving human trafficking as a form of exploitation of children appears to be difficult for various actors within the criminal justice system. Cases that may fulfil the definitional elements of human trafficking often proceed under a different title. However, the title of offence affects the kind of assistance and support the child is entitled to: victims of trafficking have a right to special services. **It is necessary to improve the understanding of actors in the criminal justice system of what trafficking in children is. This should be included in the training provided to the police, prosecutors and courts of law.**

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<sup>26</sup> Ministry of Social Affairs and Health (2016): Municipality Info 2/2016 – The right of asylum seekers to child welfare services. 15 April 2016.

- **Sexual exploitation of children, for the purpose of economic benefit, can be punishable both as aggravated pandering and as aggravated trafficking in human beings.** The government bill for the Act states that there are many common features in the definitional elements of human trafficking offences and pandering offences. According to the drafting of the Act, **the human trafficking provisions take precedence over the application of the pandering provisions.** Use of means used in human trafficking offences (such as deceit, pressure, taking advantage of a dependent status or vulnerable state) is not required if the act is committed against a person under 18 years of age. If even one act used in human trafficking (such as accommodation, transportation, taking control of a person) is directed at a child and the child has been or is about to be exploited, the case involves trafficking in human beings. **Clearer guidance of this should be provided to both the police and prosecutors, so the rights of children as victims of human trafficking are taken into account in the criminal process.**
- **Individuals who are victims of human trafficking, including children and young people, should not be punished for acts they have committed due to trafficking in human beings.** This principle is included in international conventions on human trafficking that are binding on Finland. **It is necessary to strengthen the understanding of actors in the criminal justice system of the principle that trafficking victims should not be prosecuted or sanctioned for complicity in criminal activity to which they have been coerced as a direct consequence of human trafficking.** This should be included in the training provided to the police, prosecutors and courts of law.
- Investigating human trafficking offences is challenging, and offences against children also require special expertise. **The police should be provided the necessary resources to establish an investigation unit specialising in human trafficking with expertise on how to hear children and to investigate crimes against children.** This can be achieved by setting up, for example, one national or several regional units or investigation teams.
- At present, there is no unambiguous information about the number of human trafficking offences committed against minors or their progress to prosecutors or courts of law. **Statistics on child victims of human trafficking must be brought to order at different stages of the judicial system, so the development and progress of the number of trafficking offences against children and young people can be monitored.**

## MULTIDISCIPLINARY CO-OPERATION

- **Multidisciplinary cooperation for helping child victims of human trafficking must be increased.** This applies to municipal social work, child welfare, reception centres for minors, family group homes, supported housing units, health care, pre-trial investigation, prosecutors and organisations. Finland also needs a harmonised treatment path for investigating suspected sexual and assault offences against children. **For example, multi-sectoral cooperation between authorities**

**according to the Barnahus model, “a building for managing children’s affairs”, should be promoted in assisting child victims and witnesses.**

- The Assistance system for victims of human trafficking has prepared guidelines on how to encounter children and young people who have become victims of human trafficking and to refer them to the assistance system. These guidelines are available on the ihmiskauppa.fi website. **The Assistance system for victims of human trafficking should continue charting good practices for helping children and young people who have become victims of human trafficking, and concrete instructions on how to act should be developed on this basis.**

#### **INCREASING OF AWARENESS / TRAINING**

- **Information about trafficking in children and young persons and its links to other forms of exploitation should be increased among parties assisting these children.** Training on defining human trafficking, identifying victims, encountering child victims, referring them to services, victims’ special rights, the application of legislation, and the role of the assistance system should be developed and aimed at various groups of professionals. **Human trafficking, incl. trafficking in children and young persons, should be more comprehensively included in compulsory police studies and in various study modules in the social welfare and health care sector. The Office of the Prosecutor General should also include trafficking in children in the further training programmes of prosecutors. Human trafficking in children should also be taken into account in teacher training.**
- Children and young people need information about human trafficking and sexual exploitation as part of sex education in school. **Sex education of young people should be developed, ensuring that all young people receive information about what sexual exploitation and sexual violence are, what sexual rights young people have, how they can secure their own limits, and how to act in a dangerous situation. Trafficking in children should be included as one of the themes in sex education at school and in the subjects of civics and health and hygiene.**

#### **NEEDS FOR FURTHER RESEARCH:**

1. A report should be prepared on how the Child Welfare Act, the Reception Act, the Act on the Integration of Immigrants, and the Social Welfare Act are applied to child victims of human trafficking. How are the various acts applied by practical operators, such as social workers? How aware are social workers of the various acts and the obligations they impose? What kinds of gaps are there in legislation, and how should legislation as a whole be developed to better reflect the rights of children and young people and their needs for help? The report should be used as a basis for preparing application instructions for social workers.

2. A report should be made of the need for support of children and young people who have become victims of human trafficking, especially with regard to the determination of need for mental support and the development of treatment. What kind of psychosocial support do victims need, what treatment is available in Finland for severely traumatised children, and how can we better respond to an acute need for treatment?
3. A more extensive report should be prepared on the situation of young people who are adults (18 to 21 years of age) and who have fallen victim to human trafficking or related exploitation. Is this group adequately taken into account in social welfare and health care services? What kinds of support services do they need?
4. A report should be made of people guilty of human trafficking and exploitation, so we can better intervene in such exploitation. Who is guilty of exploitation of children and young people, and why? How can we tackle crimes and prevent offences better than before?
5. A case analysis should be conducted of the distinction between trafficking in human beings and offences similar to it. Do rulings issued by courts of law implement the grounds stated in the government proposal of the precedence of human trafficking offences over pandering offences when the cases involve children? When does sexual exploitation of a child or young person fulfil the definitional elements of trafficking in human beings, considering that means of human trafficking or consent are not required in cases involving children?

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