

Trafficking in children for sexual purposes

Update Country report

Finland

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1. Introduction

The human trafficking report by the U.S. Department of State, published in June 2003, claimed, in relation to Finland, that the human trafficking situation had worsened. Some of the claims in the U.S. report are valid. However, in comparison with the problem of trafficking on a European scale, Finland is not considered to be among the worst of the European countries, and, according to the Finnish police, no trafficking in minors has been noticed. Trafficking in women to Finland for sexual purposes, however, is a reality.

The U.S. report points out correctly that there are no special legal constraints against human trafficking. However, this situation will soon change, with new laws to be implemented.

Finland does not have dedicated legislation to combat 'trafficking'. There is legislation against 'organised prostitution', and this is the term frequently used when experts are talking about the issue of trafficking or smuggling for sexual purposes.

Finland is not a popular destination for an organised trade in trafficking of minors. The results of Part I of this research project, in relation to Finland, still remain true. Finnish buyers who want to purchase sex with a minor can easily travel abroad, to neighbouring countries like Estonia and Russia, for example. At the same time, this does not mean that the prostitution of minors is only a phenomenon of child sex tourism.

For this short additional report, I conducted interviews in the capital area of Helsinki to map out the current situation regarding trafficking. I also carried out desk research into press reports and analysed the latest research available on the subject.

2. Legislation and Policy

The working group in the Ministry of Justice that was looking at the need for new legislation on trafficking in human beings, procuring, and prostitution, reported on 3rd July 2003. The group suggested changes to the criminal and civil legislation, as well as to the provisions on Public Order, so as to improve the capacity of the state to combat trafficking and prostitution.

The current penal code does not have a law that addresses human trafficking. When cases arise, provisions of the existing criminal law can be applied, including:

- infringement of personal liberty, gross infringement of personal liberty, and abduction;
- illegal purchase of sexual services from minors.

The existing provisions are:

Deprivation of personal liberty (Crimes Act 25:1)

A person who, through confinement, bondage, transportation or otherwise, unlawfully prevents another from moving, or isolates him, shall be convicted of deprivation of personal liberty and fined or imprisoned for up to 2 years.

Aggravated deprivation of personal liberty (Crimes Act 25:2)

If, in the act of deprivation of personal liberty, there are aggravating circumstances, including

- (1) the loss of personal liberty for longer than 72 hours
- (2) serious danger to the life or health of another, or
- (3) exceptional cruelty or the threat of serious violence,

then the offender can be sentenced to imprisonment for between four months and four years.

The law applies when the victim has been denied freedom of movement, without consent. Examples of the offence would be where foreign women have been locked into apartments and/or their passports have been taken from them.

Kidnapping is rare as a means of trafficking in the Finnish context.

Kidnapping (Crimes Act 25:3)

The offence of kidnapping is committed by a person who

- (1) by violence, threat or deceit takes control of another person in order to subject him/her to degrading conditions or forced labour;
- (2) by violence, threat or deceit takes control of a child under the age of 15 in order to subject him/her to being traded; or
- (3) enslaves another or keeps a slave, transports slaves, or trades in slaves.

The penalty for kidnapping is imprisonment for a period of at least 2 years, and a maximum of 10.

Cases that involve bodily injury, rape or murder can be dealt with under Arts. 20 and 21 of the Crimes Act.

There have been no prosecutions under Art.25:1-2 of the Crimes Act for any violent crimes connected to human trafficking or prostitution (Lehti & Aromaa, 2002).

1.1 New Laws.

Public Order Legislation.

New Public Order Legislation came into force at the beginning of October 2003. The law prohibits the buying or offering of sexual services in public places, and is directed at reducing street prostitution.

1.2 New Law Proposals

Criminalisation of the purchase of sexual services.

Despite the fact that there are no international obligations that would oblige the state to penalise the client for purchasing sexual services, the working group at the Ministry of Justice has recommended this move. The penalty would be a fine or up to six months imprisonment.

If such a law is passed, the new Public Order legislation would become irrelevant.

Purchase of sexual services from a minor.

The working group has proposed that the maximum penalty for purchasing sexual services from a minor (under 18) be increased from 6 months to a year.

Human Trafficking

The working group has suggested that a new law against trafficking in human beings be passed so that Finland can comply with its international obligations.

The proposal is that a person would be guilty of trafficking in human beings if he/she takes advantage of a person's dependency or vulnerable situation by leading the person astray, recruiting, handing over, transporting, receiving or accommodating the person, placing them in a situation in which they are sexually abused or used for forced labour or for any other purpose that violates their dignity, or for removing organs or tissues for financial gain. An attempt would also be criminalized. The minimum penalty would be four months imprisonment, with a maximum penalty of 6 years imprisonment.

Procuring

The working group report proposes new legislation against procurement. The group also suggests criminalizing the marketing of sexual services, as it is so closely connected to procurement and prostitution.

Legislation on entrapment

There is a proposal to widen the possibilities of telephone tapping for the more serious incidences of human trafficking and procurement.

Some remarks on the new proposals.

It is believed that the proposals of the working group will lead to a demand for a further 20 posts in the police service. In Finland the police prosecute their own cases, in addition to their normal police work. If all the proposals are implemented, it will mean that Finland will not only move closer to implementation of the Trafficking Protocol, but also that there will be quite a prohibitionist prostitution policy in Finland. But witness protection laws are still lacking.

3. New Prevention and Rehabilitation Programme

New social measures are also needed in Finland. A separate report from the Social and Health Ministry on rehabilitation in general is due to be published.

4. Public Awareness and Attention to the Issue

The subject of human trafficking has been receiving a lot of media attention in Finland, because of the new legislative proposals. Because of the attention, it has become easier to talk about the issue in public, including the issue of trafficking in minors. More information is available compared to earlier years.

The Finnish government took part in the 2002 Nordic Baltic Campaign Against Trafficking in Women. The Ministry of Social Affairs and Health ran information campaigns. However, the special anti-trafficking project run by STAKES (National Research and Development Centre for Welfare and Health) under the Ministry has ended.

5. Current Situation

It is estimated that between 500 to 1,000 women are working on a daily basis in prostitution in the Finnish capital, and that between 2,000 and 3,000 are working in prostitution nationally. The number of male prostitutes is unknown.

The majority of the women in prostitution are aged from 18 to 29 (Leskinen, 2002). There are three categories of women on the prostitution scene in Finland: 'natives', 'immigrants', and 'foreign'. Approximately 90% of all Finnish prostitutes are foreign, and they mainly originate from Estonia and Russia, but some are from Latvia and Lithuania.

Foreign prostitutes usually remain in Finland for one or two week periods, and some of them have more than one passport on which they enter the country. This form of prostitution is highly organised by others, while Finnish prostitutes do not usually have pimps. The foreign women are either professionals, or are unemployed women trying to solve their financial problems by entering the trade on a temporary basis.

Structure

According to the police, more than 90% of the prostitution market is controlled by criminal gangs. The police also say that Finland has been divided up among the gangs. The area around the capital is controlled by gangs from Estonia. The other gangs are Russian.

Finnish criminals are no longer a serious force in procurement, because the foreign criminals are now well used to the scene in Finland, and use their connections to immigrants from their own cultural backgrounds to help them organise their business. The police characterise the Russian gangs as being much harsher than the Estonians. For example, a Russian female prostitute who is arrested will not cooperate with the police, while an Estonian will. In the opinion of the police, the women are recruited into the sex industry in their home countries by newspaper advertisements and by word of mouth.

Crimes involving procurement have been detected by the police, usually in the course of the investigation of other violent crimes. The pimps involved in procurement can be either male or female, and they are usually either Estonian or Russian or Finnish. Female procurers are usually Russian. But the police have also come across cases where pimps from Iraq, Turkey, Tunisia and former Yugoslavia were pimping women in cooperation with Estonians and Russians.

Convictions for procuring in the past few years have been as follows:

1999	5 cases
2000	6 cases
2001	27 cases
2002	66 cases

The high level of convictions in 2002 were due to the fact that the police paid more attention to the criminal procurement networks. During the period November 2001 to November 2002, police in Helsinki arrested criminals from four big criminal networks. The networks had about 136 apartments in different parts of the city where prostitution

was organised. Now new networks are already moving in to replace the old ones, according to the police.

The well-being of the women varies. In many cases they are obliged to hand over money and their passports to organisers who pick them up at the harbours, stations and airports when they arrive in Finland. Also their movements are limited. (Leskinen, 2002).

In the report from the U.S. State Department, mention was made of special prostitution 'camps' in Northern Finland. This well-organised trafficking for sexual purposes has been going on for years from Murmansk in Russia to Lapland, and probably also involves the smuggling of illegal goods. The women are normally housed in local motels or camping areas. So the term 'camp' is somewhat misleading. Normally these women are adult, although there is always the possibility that there may be minors among them.

Minors.

There are still no official statistics on the numbers of minors who have been trafficked for sexual purposes. But experts acknowledge that there may be minors among the adults involved in prostitution. These girls are usually locals, or immigrants living in Finland, and some of them have drug problems.

According to the police, professional pimps are careful to ensure that the foreign prostitutes they manage are at least 18 years old, since the risk of getting caught is higher when there are minors, and the penalties are more severe. Also the economic benefits do not make the risks worth their while.

The police mentioned that in one Estonian procurement network, where women were being prostituted in apartments, they found two under-age girls. The girls were sent back to Estonia under the application of the Aliens Act. The girls had denied that they were minors.

In other cases, immigrant minors living permanently in Finland who were caught involved in prostitution were taken into the care of the social services.

The grey areas are still the massage parlours that are not investigated by the police. Police personnel suggested that there is a real possibility that minors are being exploited in such places. The women in Finnish massage parlours mainly originate from Thailand and Vietnam.

Minors arriving into Finland as asylum seekers come mainly from African countries. It is not known if the fact that they arrive alone is significant, and whether this is part of a trafficking operation, with money involved. It is commonly thought that such children are not the victims of trafficking for sexual exploitation.

6. Demand

Contact between clients and prostituted women or girls is usually made by telephone. Advertisements in local newspapers, television and internet sites provide potential purchasers with telephone numbers. Call centres have even been used to arrange the services of foreign women.

There have only been a few convictions for the purchase of sexual services from minors in Finland since the law of 1 January 1999 made it an offence to purchase such services.

Convictions for buying sexual services from minors:

1999	1 conviction
2000	1 conviction
2001	1 conviction
2002	2 convictions

In general, the purchasers do not know the age of the person who is selling them the sexual service. According to one expert, some men who deliberately use minors for sex do not give them money, but instead might pay their mobile telephone bills as payment for sex. The police say that men who start abusing minors often end up procuring them for others.

Sex tourism to Estonia and Russia is very common, especially from the cross-border areas between Finland and Russia, because of the good transport connections and cheap travel prices.

7. Constraints

The Finnish police suggest that there should be a national institute for data collection and anti-trafficking measures. This suggestion coincides with the international view that the demand for prostitution can be reduced by the dissemination of good research and by public awareness campaigns.

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List of interviewed experts

The persons interviewed are representatives of:

Police

- Police Department, Helsinki
- National Bureau of Investigation, Helsinki

Social workers

- Pro-Centre for Prostitutes, Helsinki
- Irti huumeista ry (an organization for families with drug problems), Helsinki.