

European Institute for Crime Prevention and Control, affiliated with the United Nations

To UN Committee Against Torture

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This is the submission of the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) for the preparation and adoption of the List of Issues Prior to Reporting for Finland by the Committee against Torture in November 2019, during its 68th session.

HEUNI is an independent research and development unit functioning under the auspices of the Ministry of Justice of Finland and in affiliation with the United Nations.

Gender-based violence

HEUNI is currently doing research on gender based violence in the refugee context (the project will be finalised by the end of 2019). HEUNI has collected a large qualitative and quantitative data set from 6 European Countries (Cyprus, Greece, Italy, Germany, Croatia and Finland) describing the experiences of violence of asylum seeking women (mostly those who arrived in 2016 or after) and the challenges in assisting them. The data describes the situation in general terms in these 6 EU Member States. However, it must be kept in mind that the smallest data set was from Finland; only gathered from the clients of one small non-governmental organization. The recommendations below are based on the whole data set, and more data would be needed from Finland to say something precise on the situation here, but the general picture is more or less the same in each of the countries in question.

Based on the findings a significant number of the migrant/asylum seeking women assisted in the project were identified as victims or were suspected of being victims of gender-based violence (900 identified cases from 3300 counselling sessions). The most prevalent forms of violence were forced marriage, intimate partner violence/domestic violence, sexual abuse and human trafficking. Many asylum-seeking/migrant women face a continuum of violence: abuse in their country of origin is a push factor for migration, but it also makes women vulnerable to violence during the journey, and in the EU, during and after the asylum-seeking process. Almost one fifth of the women had faced violence within the borders of the EU, including domestic violence, trafficking and sexual violence. Only about one in every ten of the women who had been identified or were suspected of being victims reported their case to authorities. Very few of the women are granted a refugee status or secondary protection.

Our concerns:

- 1) Victims of gender-based violence are **not sufficiently identified** among the asylum seeking population. If they are not identified, they cannot be informed of their rights both in the asylum process and as victims of crime, and specialised support services cannot be offered in order for

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the women to recover from the violence, and claim their rights, including seeking international protection based on gender-based violence.

- 2) Asylum seeking women **are not sufficiently informed of their right** to claim refugee status based on gender-based violence. Women do not understand the importance of recounting their experiences of violence, and are reluctant to tell about the gender-based violence due to shame, stigma, fear and trauma, which might make it even impossible to relate past events in the comprehensible format required by the asylum system. Long term counselling and trauma-informed support must be offered during the asylum process so as to empower women to overcome the shame and to be able to tell their story. The women should be helped and counselled for them to be able to help themselves, and to actively participate in the application process.
- 3) It seems that gender-based violence **is not recognized in the refugee status determination process** as a form of persecution within the meaning of the 1951 Refugee Convention, or as a form of serious harm giving rise to complementary/subsidiary protection. Based on our findings many of the asylum-seeking women who have experiences of gender-based violence are not considered victims of persecution or do not receive complementary protection. However, based on the data it becomes evident that the severe violence these women have been victims of and their risk of revictimization should they return to the country of origin constitutes persecution or serious harm.
- 4) The conditions in reception centres are often not very accommodating for single women, for families with small children or for sexual minorities. Crowded centres cause additional stress and anxiety for many women, and make them vulnerable to further harassment and abuse. Women do face further violence in the reception centers in the form of domestic violence, sexual harassment and abuse.
- 5) Migrant women victims of gender-based violence are not offered specialized services as laid down e.g. in the Istanbul convention that they would need in order to recover from the psychological, medical and social consequences of gender-based violence. Asylum seeking women would need multidisciplinary counselling support to assist them in a holistic manner not only with the gender-based violence incidents but also with the asylum seeking process, and in their everyday needs related to housing, child-care, medical aid etc.
- 6) Traumatized victims need time to create a relationship of trust with assistance providers, and in particular NGOs doing this kind of trustbuilding work would need additional resources to identify, inform and assist asylum seeking women who have been victims of gender-based violence. In Finland there are very few organizations specialised in assisting female asylum seeking women victims of violence, and the services are not available throughout the country. A particular concern is lack of qualified female interpreters to assist the women.

Trafficking in human beings

In 2018 the Non-Discrimination Ombudsman (who is also the National Rapporteur on Trafficking in Human Beings in Finland) and HEUNI jointly implemented an assessment of legislation that applies to assistance for victims of human trafficking in Finland (Act on the reception of persons seeking international protection and on the identification of and assistance to victims of trafficking in human beings, 746/2011).

Full report in Finnish:

https://www.heuni.fi/material/attachments/heuni/projects/sGyorwQCv/TEAS_Tuntematon_tulevaisuus_selvitys_ihmiskaupan_uhrien_auttamista_koskevan_lainsaadannon_toimivuudesta.pdf

Summary in English:

<https://tietokayttoon.fi/documents/1927382/2158283/An+unknown+future.pdf/de58c765-d4f7-4ddf-b23c-345ec1c65686/An+unknown+future.pdf.pdf>

In addition, in 2019 HEUNI implemented a study on trafficking in children in Finland at the request of the Assistance system for victims of human trafficking. The aim of the report was to establish an overall picture of trafficking in children and young persons in Finland.

https://www.heuni.fi/en/index/publications/heunireports/HEUNI_report_89_Lapsiin_ja_nuoriin_kohdistuva_ihmiskauppa_Suomessa.html

The recommendations of both reports are relevant for the purposes of the follow-up to the concluding observations adopted by the Committee against Torture.

Our concerns:

- 1) Our report assessing the legislation that applies to assistance for victims of human trafficking in Finland shows that the social and health administration in municipalities in Finland is not sufficiently familiar with the Act and that the special status of victims of human trafficking as recipients of services is not realised in practice. As a consequence, victims of human trafficking do not always receive the statutory services they would be entitled to. There are also Finnish citizens among these victims. The report therefore recommended that instructions to municipalities for the application of legislation concerning assistance for victims of human trafficking needs to be implemented. Such instructions were issued in May 2019 (Kuntainfo 3/2019: Ihmiskaupan uhrien oikeus erityiseen tukeen ja palveluihin Suomessa). The instructions are an important step, but the awareness of social workers and other municipal actors of the phenomenon of human trafficking and the rights of victims to assistance still needs to be strengthened. Training has been organised e.g. by IOM/Finland, but the issue of human trafficking needs to be systematically included in all training offered to social and health workers.

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- 2) The assessment report of legislation that applies to assistance for victims of human trafficking in Finland also recommends that the special status of victims of human trafficking should be secured under the general social welfare and healthcare legislation by laying down provisions on the status of victims as beneficiaries of social and healthcare services in municipalities, including therapy services provided for the client free of charge.
- 3) The assessment of legislation that applies to assistance for victims of human trafficking in Finland also revealed that there are people in Finland who, in spite of their need for assistance for reasons related to human trafficking, do not get sufficient help from the system of assistance for victims of human trafficking, or who do not find their way to or are not within the scope of the assistance provided by the authorities. According to the report, a central reason for this is the strong link between the provision of assistance and the process of bringing perpetrators to justice (the criminal process) that results from legislation and its application. This link seems to have become stronger as a result of the legislative amendment that entered into force in 2015. All in all, the system of assistance for victims of human trafficking, which is managed by the reception centre in Joutseno, carries out good work with its clients as well as good cooperation with other authorities. The report however recommends that a special act that applies to assistance for victims of human trafficking should be introduced, in which the link between assistance and criminal proceedings should be loosened and the system of assistance made more victim-oriented.
- 4) In order to support the work of the formal system of assistance, the assessment report also recommends that the capabilities of NGOs for identifying victims at an early stage and providing them with concrete assistance should be supported with earmarked central government funding.
- 5) The assessment report also shows that the work against human trafficking in Finland is in need of a considerably more structured, strategic, comprehensive and goal-oriented approach. This includes the reintroduction of a full-time coordinator for actions against human trafficking, and the reinvigoration of the entire multiagency coordination structure (which has currently been ineffective since early 2018). Recent information indicates that the coordination structure will be reinstated. Finland also needs an action plan against human trafficking. The latest action plan is from 2016-2017. The plan needs to be updated annually, and needs to include also trafficking in children and young persons.
- 6) The Ministry of the Interior must complete the national identification and referral system for trafficking victims (NRM), which must describe also 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.
- 7) 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

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investigation unit specialising in human trafficking with expertise also 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.

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