Senior Adviser Venla Roth, PhD in law, Office of the Ombudsman for Minorities / National Rapporteur on Trafficking in Human Beings, Finland

Speech in Bangkok 21st May 2014

Ladies and gentleman,

first of all, I want to thank for the kind invitation of the Ms Special Rapporteur to present the work of the Finnish National Rapporteur on Trafficking in Human Beings in this panel on "Fostering partnership".

1 The Finnish Ombudsman for Minorities, who monitors the prohibition of ethnic discrimination in Finland, was appointed as a National Rapporteur in 2009. As we know, the idea of appointing national rapporteurs arises from the international arena. In Europe, the Council of Europe Convention on the Action Against Trafficking in Human Beings, adopted in 2005, recommends States Parties to consider appointing National Rapporteurs of other mechanisms for monitoring the anti-trafficking activities of state institutions and the implementation of national legislation requirements. The 2011 European Union directive specifically obligates Member States to establish national rapporteurs or equivalent mechanisms. The tasks of the rapporteur include carrying out assessments of trends in trafficking, the measuring of results of anti-trafficking action and reporting. The National Rapporteurs transmit the information they have to the Anti-Trafficking Coordinator of the European Commission, which reports on the progress made in the European Union. The mandate of the national rapporteur is different from the evaluation and monitoring expert bodies of international human rights conventions and treaties, as the National Rapporteur has a domestic mandate within one country. They, thus, do not compete but complete each other, as the national rapporteurs and their reports can add to the information received from the state and non-governmental organizations.

2 Under the law, the duties of the National Rapporteur are manifold. First, the national rapporteur monitors the fulfilment of international obligations and the effectiveness of national anti-human trafficking legislation; second, drafts and issues recommendations and advice relevant to combating human trafficking and to implementing the victims' human rights; third, keeps in contact with international organizations; fourth, provides legal advice and assist victims as necessary; and five, drafts reports regularly to the Government and, most importantly, directly to the Parliament on human trafficking and related phenomena. I myself have worked at the office from the beginning and basically developed the working methods and processes of the National Rapporteur together with my colleagues.

3 The Finnish National Rapporteur is an independent public authority, who evaluates comprehensively the implementation and the implications of the anti-human trafficking legislation and practices from a human rights perspective. The National Rapporteur brings out drawbacks and deficiencies in the anti-human trafficking action to the attention of the politicians and governmental officials. The outsider's perspective - often also with a critical tone - allows us to understand the problematic of human trafficking in depth and give comprehensive and concrete legislative and other recommendations for improvement. Our purpose is to highlight the victim’s perspective, and the impact of measures taken or non-intervention of state authorities on victims and the implementation of their legal protection. The National Rapporteur seeks to identify gaps between the ideal situation and the real world or between the legal obligations - whether international or national of their nature - and practice. The Finnish National Rapporteur also seeks to address the demand for services provided by victims of human trafficking, as Finland is mainly a country of destination for trafficked victims.

4 As we see it, monitoring and coordinating mandates are different but interlinked so that they can support each other. Coordinating body is responsible for coordinating operational tasks within the Government and the Rapporteur monitors the Government and also the Coordinator, as well as gives independent views on how anti-human trafficking action should be improved. The Finnish National Rapporteur is a part of the Finnish human rights institution or architecture aiming to enhance the protection of human rights, especially of those who are most vulnerable in society, as well as to improve egalitarian and democratic values in society.

5 The Finnish National Rapporteur has a direct link to the Parliament, to the decision-making legislative body. As far as I am aware, this is exceptional in the international comparison. The Finnish National Rapporteur reports directly to the Parliament once in four years, which means once in every election period. This linkage allows the Parliament to get updated information on the situation, trends and possible threads of human trafficking, as well as to steer the Government to the direction the Parliament desires. For example, the Finnish National Rapporteur issued the first report on trafficking to the Parliament in 2010. In that report, the Rapporteur pointed out several problems in anti-human trafficking legislation and practices and made legislative and other recommendations on how the action against human trafficking should be modified and amended. The Parliament discussed the report in a very thorough way in four parliamentary committees and finally adopted a well-founded statement in which it required the Government to take action in order to enhance victim identification, assistance and protection, as well as to improve pre-trial investigation and prosecution processes.

6 Since then, much progress has been made in the field of counter trafficking in Finland. The reformation of the Penal Code and the law on victim assistance and protection are underway and will be dealt with by the Parliament next autumn. In the meantime, the number of identified, assisted and protected victims of human trafficking has increased: until today, the system of victim assistance has assisted hundreds of victims of trafficking and related forms of exploitation. The police have drafted and adopted guidelines on victim identification and referral to the system of victim assistance, and their ability to identify and investigate, especially labour trafficking, has improved. The labour inspectorate has also adopted guidelines of victim identification. The number of residence permits issued to the victims of human trafficking has increased, as well. This means that the ability of Migration Services to identify victims of human trafficking among asylum seekers, for example, has enhanced.

7 Finland has much to do, however. The share of victims of human trafficking who have been subjected to sexual exploitation in Finland has remained surprisingly low in the system of victim assistance. One of the reasons for the low number of sexually exploited victims is that the police treat these women as voluntary migrating prostitutes although many cases include strong indicators of human trafficking, such as debt bondage and threat or use of violence. The next report of the Finnish National Rapporteur will focus on trafficking for sexual exploitation, this serious form of gender-based violence. The Finnish National Rapporteur has also paid attention to the challenges in the cooperation between the authorities and non-governmental organizations.

8 In order to achieve results, the Finnish National Rapporteur cooperates closely with the civil society and other authorities, such as police, prosecutors, labour inspectorate, Migration Services and the system of victim assistance. This cooperation, however, is different than merely cooperative in nature: the National Rapporteur seeks to assist other authorities to accomplish their tasks by providing them with information and views on how they should act in order to live up with the national legislation and international obligations. I would like to highlight that the independent mandate of the National Rapporteur enhances the cooperation with civil society actors and builds trust between governmental and non-governmental bodies. The independence also lowers the threshold even for the victims themselves to contact us and tell about their experiences and seek for help. I see that, at best, the Rapporteur can act as a bridge builder between various stakeholders by offering a neutral forum for discussion and change of views.

9 In addition to the cooperation mechanisms at the national level, the Finnish National Rapporteur participates in different regional forums of cooperation, such as the Council of the Baltic Sea States and the Nordic Council of Ministers. At the European Union level, the Finnish National Rapporteur takes actively part in the network of the National Rapporteurs and Equivalent Mechanisms. All these regional cooperation mechanisms provide us with a platform to change information and learn from each other, as the problems we encounter are often same and they prepare us for the evolving and dynamic nature of human trafficking. At best, the National Rapporteurs can use these platforms for sharing views on best practices in monitoring, evaluating and analyzing counter trafficking efforts. In practice, however, this has been rather difficult, as the mandates and duties of the national rapporteurs and equivalent mechanisms are very different. Therefore, we also need traditional bilateral cooperation between those countries where national rapporteurs has similar mandates and tasks. The regional mechanisms do, however, facilitate the national rapporteur by keeping trafficking on the agenda and pushing governments to act.

Ladies and Gentlemen,

10 To conclude, the most crucial factor for successful counter trafficking efforts is the political will and serious commitment of states. Trafficking in human beings is a phenomenon which requires determined and comprehensive action of all relevant authorities together with the civil society. Without that commitment, sustainable results are difficult to achieve. In our mind, the national rapporteurs can, however, have a remarkable added value to the implementation of that political commitment and legislation based thereon. The Finnish National Rapporteur monitors the human rights implications of the efforts made and the implications of non-identification of trafficking victims or impunity of traffickers not only on the victims of human trafficking but also on the society at large, such as equality between different ethnic groups or on women and men. In Finland, we have seen that the action against human trafficking becomes more efficient and human rights friendly if there is an independent monitoring mechanism with a strong mandate and authority to report on shortcomings to the legislative decision-making body and make recommendations for improvement.

Thank you for your attention.