



International Organization for Migration (IOM)
Kansainvälinen siirtolaisuusjärjestö (IOM)
Internationella migrationsorganisationen (IOM)

SISÄMINISTERIÖ

20. 08. 2014

INRIKESMINISTERIET

Jorma Vuorio
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Helsinki, 18 August 2014

Subject: Comments of IOM Helsinki on the draft Government proposal to the Parliament regarding changes in the Act on Reception of Asylum Seekers and the Aliens Act (52b and 52c §)

Dear Mr. Vuorio,

On behalf of the International Organization for Migration (IOM), I would like to thank you for the opportunity to provide comments on the proposed changes to the Act on the Reception of Asylum Seekers and on the Aliens Act as regards arrangements for support of victims of trafficking identified in Finland.

Having extensive organisational experience in counter-trafficking worldwide¹, IOM reiterates its support to the Finnish Government in addressing this severe crime and violation of human rights of its victims. Since the beginning of the century, IOM Helsinki has had the privilege to follow and contribute to counter-trafficking in Finland including commentaries to a number of policies, programmes and legislative drafts² as relates to counter-trafficking as well as implementing targeted activities such as information campaigns³.

¹ Since 1991, IOM has assisted approximately 20,000 trafficked persons and implemented more than 800 projects in over 100 countries, www.iom.int/trafficking.

² The latest contributions include the following: the draft Finnish National Programme for the Internal Security Funds (2014-2020) of 15 July 2014; on the Proposition for a Revision of the Penal Code on Organising illegal entry into country of 22 March 2013; and on the government strategy "The Future of Migration 2020" of 15 March 2013; the Action Plan to Prevent Irregular Migration 2012-2015 of 8 June 2012.

³ In cooperation with the Office of the Ombudsman for Minorities, IOM Helsinki has implemented two widely published campaigns on counter-trafficking: "Work that nobody wants to do" in 2011 and "Trafficking is not a

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The national victims' assistance system has a central role in addressing trafficking in Finland through its mandate to support victims, but also through its advice and support to other counter-trafficking actors in Finland. Therefore, transparency and predictability of, as well as clearly defined roles and responsibilities within, the system increase the overall efficiency of the response to the trafficking in human beings in Finland.

Please find below IOM's detailed comments to the legislative draft.

1. IOM notes the proposed legislative amendments' observance of and compliance with the Council of Europe's Convention on Action against Trafficking in Human Beings and relevant European Union legislation.
2. IOM strongly agrees with the approach of protecting human and fundamental rights of victims, as well as of a victim-centred approach within the assistance system.
3. Furthermore, IOM calls for ensuring that victims have access to and receive support from the assistance systems in full accordance with principles of equality and non-discrimination, based on sound judgement of their individual situation and clearly defined criteria for entering the system as laid down in the proposed legislative amendments.
4. IOM fully supports mainstreaming gender perspectives and a gender sensitive approach in processes and services within the assistance system. However, while men and women currently identified as having been exploited in certain forms of trafficking in Finland (mostly men in labour exploitation and women in sexual exploitation), it is important not to create presumptions that would hinder identification of victims beyond this gender scenario.
5. Supported by its own experience in assisting victims of trafficking, among others through its Assisted Voluntary Return and Reintegration projects, IOM confirms the importance of providing individually-tailored services based on the consent and needs of the victims.
6. Further, the support should, where possible, focus on long-term recovery and re/integration empowering victims to cope with their lives after the support from the assistance system has ended – be that in Finland or in the country of origin.
7. Noting that only a small number of child victims have been identified in Finland to date, IOM appreciates the attention to the particular needs of children vulnerable and exposed to trafficking. According to IOM's research⁴, women, children and young adults are most vulnerable for re-trafficking. Those who have

fairy tale" in 2012.

⁴ *The Causes and Consequences of Re-trafficking. Evidence from the IOM Human trafficking Database. IOM Human trafficking Database thematic Research Series. Alison Jobe for the International organization for Migration (IOM), 2010, p.11.*

been trafficked before the age of 18 are often vulnerable for re-trafficking in adult life. Given their particular vulnerability and risks for re-trafficking, it is of outmost importance to act strictly based on the best interest of the child.

8. Furthermore, where possible and in the best interest of the child, the assistance should aim at supporting the whole family and preserving family unity.
9. Introduction of a recovery period for those victims who legally reside in Finland (equal to the reflection period for non-residents) (36 §), is an important step to introduce equal treatment of resident/citizen and non-resident victims. IOM emphasises the importance of a systematic implementation of the recovery/reflection period free from the obligation to cooperate with the law enforcement.
10. IOM invites the assistance system to take maximum benefit from working within the asylum system in Finland to strengthen and share expertise concerning the identification of victims, including those seeking their right for family reunification.
11. IOM is concerned about the situation of victims who fall under the Dublin Regulation, and would like to encourage the Government of Finland to use the possibility of having these persons' asylum cases handled in Finland, so as to avoid further stress caused to the victims and prevent an interruption of the support and assistance received by the victims.
12. Further to the above, IOM wants to underline that deportations and administrative detention of victims of trafficking should be avoided.
13. As regards victims' possible return to their country of origin, IOM would like to emphasise the benefits of Assisted Voluntary Return and Reintegration in providing a dignified and less stigmatising return option. The return is the most sustainable when combined with reintegration measures that help to address the most urgent needs for support and to decrease the risk for re-victimisation. Since victims are most vulnerable for re-trafficking from the moment of escape/rescue up to two years afterwards⁵, the need for a long-term reintegration support cannot be over-estimated.
14. Finally, IOM encourages the Government of Finland to benefit from international organizations' experience and capacity to extend assistance to victims of trafficking in countries of origin, transit and destination. Given the nature of the crime, victims often find themselves in need for extensive and coordinated international assistance, including undocumented victims stranded in a transit country, unaccompanied and separated child victims, and victims travelling to testify in a court, to mention just a few examples.

⁵ *The Causes and Consequences of Re-trafficking. Evidence from the IOM Human trafficking Database. IOM Human trafficking Database thematic Research Series. Allison Jobe for the International organization for Migration (IOM), 2010, p.11.*

I would like to take this opportunity to thank the Government of Finland for the continued dialogue on migration management, including ways to address trafficking in human beings in all its forms for the benefit of victims of this serious crime.

Sincerely yours,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Simo Kohonen
Officer in Charge a.i.