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# Demand reduction policies from the perspective of working with trafficking victims and people in vulnerable positions: experiences from Finland

DEMAND REDUCTION IN RELATION TO TRAFFICKING IN HUMAN BEINGS FOR SEXUAL EXPLOITATION  
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# Pro-tukipiste ry

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- NGO founded in 1990
  - In Helsinki, Tampere and Turku regions
  - Low threshold services for sex workers, erotic workers, victims of trafficking in human beings
  - Social and healthcare services, outreach work, legal counselling
  - Funding: Funding Centre for Social Welfare and Health Organisations (STEA), Ministry of Social and Health, cities of Helsinki and Tampere
  - First Finnish NGO to receive funding for work against trafficking (Iris-work) since 2007
    - Founder of the Finnish NGO Platform against Trafficking
    - Member of all working groups and expert groups in Finland in anti-trafficking work since the beginning of 2000's
    - Assistance for victims of trafficking
    - Cooperation with NGOs and authorities
    - EU (ISF) funded project Stepping stones for identification in dialogue 2016-2017
    - On-going national *fundraising campaign* for NGO based work against trafficking 2017
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# Finnish legislation on prostitution and trafficking in human beings

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- Penal code
  - Procuring/pimping
    - All third parties involvement in prostitution of others is criminalized
      - » Gaining benefit (renting a flat; advertising etc.)
  - Trafficking in human beings (2004)
    - All forms of trafficking in human beings
  - Purchase of sexual services from minors (under 18 years)
  - So called "Finnish model" (2006; amended 2015)
    - Partial criminalization of purchase of sexual services from procured persons in prostitution and victims of trafficking in human beings – "abuse of a victim of sex trade"
    - An example of measures aiming at "reducing the demand" for sexual exploitation of victims of trafficking and persons involved in organized prostitution → reducing prostitution and THB

# Finnish legislation on prostitution and trafficking in human beings

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- Aliens Act
  - Refusal of entry into country on the basis of suspicion that person is selling sexual services /third country nationals (1999)
  - Residence permits and reflection period for victims of trafficking (2006)
- Public Order Act
  - Offering and buying sexual services in public places is prohibited
- Law on reception of asylum seekers and identification and assistance for victims of trafficking
  - Assistance system for victims of trafficking (2006/7)

# ”Finnish model” – partial sex purchase law

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- Years of debates around the criminalization of purchase of sex since 1990’s
- Knowingly using sexual services from ”victims of sex trade” (objects of pimping and victims of trafficking) was criminalized in 2006
- The law in principle *makes a difference* between consensual independent sex work between adults and trafficking in human beings for of sexual exploitation and prostitution organized by third parties
  - The total criminalization of purchase of sex (”Swedish model”) was rejected by the Constitutional Law Committee of Finland
  - The partial sex purchase law has been criticized for favoring the sex buyers who avoid gaining any knowledge of the circumstances of the person selling sex but were intimately familiar with the letter of the law (Niemi & Aaltonen 2013)
- The requirement of *mens rea* in the partial criminalisation of sex purchasers was reported to be problematic →the law was amended in 2015 establishing the offence on the user’s negligence
- The punishment is max 6 months imprisonment and/or fines

# Finnish Police statistics 2013 – 2017

## Procuring and THB (all forms)

(PolStat, The Police University College of Finland)

	2013	2014	2015	2016	2017
<b>Procuring</b>					
Reported	10	14	11	9	3
Cleared	13	9	2	8	0
<b>Aggravated p</b>					
Reported	9	8	6	6	0
Cleared	11	8	5	4	0
<b>Trafficking</b>					
Reported	15	16	21	65	13
Cleared	3	2	5	5	2
<b>Aggravated t</b>					
Reported	1	3	6	4	0
Cleared	2	1	5	4	0

# Finnish Police Statistics 2013 - 2017

## Partial sex purchase ban

(PolStat, The Police University College of Finland)

	2013	2014	2015	2016	2017
<b>Abuse of a victim of sex trade</b>					
Reported	65	0	6	0	0
Cleared	95	0	5	1	0

- The law criminalising the purchase of sex from procured persons in prostitution and from victims of trafficking is rarely enforced
- Very few reported cases and even less investigated ones; very little or non experience about the law after the amendment in 2015

# Practical experiences of the Finnish model

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- Laws have concrete consequences
- The identified victims of trafficking are often afraid of the thought of criminal investigation and court proceedings concerning the sex buyers
  - Discussed when providing counselling for identified victims of trafficking
    - Yet another long lasting criminal process besides the process concerning the trafficking crime?
    - No reliable information about the possibility for compensation for the victim
  - It's impossible to predict whether there will be criminal proceedings concerning the sex buyers → another element of uncertainty for the identified victims
  - In some cases the sex buyers have not been prosecuted, because they have been heard as witnesses in the criminal proceedings concerning the trafficking crime
    - The sex buyers would otherwise be witnessing against themselves (self-incrimination)



# Practical experiences of the Finnish model

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- *When implemented*: re-traumatization of the victims during the criminal process concerning the sex buyers
  - The victims have to be present in the criminal investigation and court proceedings
  - The process can take years
  - There can be dozens or hundreds of sex buyers
  - The victim's identity information is exposed to the sex buyers → fear of exposure and public humiliation
  - Experiences of humiliation, re-traumatization
    - Recollecting traumatizing experiences
  - Experiences of shame and fear of being outed/identified as a "prostitute"

# The lack of knowledge of the effects of the Finnish model

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- There is no reliable information on how the partial criminalization of the purchase of sex has effected the position of persons involved in sex work, victims of trafficking or the demand for sexual services
  - No reliable research before nor after the changes in legislation
  - Lack of reliable information about the numbers and/or positions of sex workers & about the demand for sexual services
  - Problems with identification of trafficking crimes → no reliable data to compare the changes in legislation with the numbers of investigated crimes and identified victims of trafficking
    - Lack of resources of the police; no specialized police units for investigation trafficking crimes
  - Persons offering and buying sexual services are often not aware of the national legislation
    - Lack of knowledge, lack of understandable information about what the laws concerning prostitution & THB mean in practice
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# What should be looked at when analysing changes in prevalence of THB for sexual exploitation

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- Global & national economics, migration trends, labour markets
- Social and health rights & policies
- International & national law's and policies on migration and migrant's rights
- Policies and legislation concerning the rights of victims of crimes and other vulnerable groups (e.g. undocumented migrants)
- Policies and legislation concerning prostitution and trafficking in human beings
- Attitudes and values towards sexuality, gender equality and respect for everyone's human rights
- What kind of historical and socio-cultural differences there are that play a role?
- What kind of data exists and what can it actually tell us about?
- Etc.

# Questions & thoughts for further discussion

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- How to implement victim friendly policies against THB and avoid re-traumatization of victims for example during criminal proceedings?
  - How to measure the impacts of different policies effecting marginalized groups?
    - How to avoid more marginalization? Intersectional analysis?
  - How to evaluate different policies/laws' expected/wanted and unexpected/unwanted consequences?
  - Who should be targeted with the *awareness raising* or *behaviour change campaigns* and how they should be made?
    - How to avoid stigmatization of already marginalized groups?
    - How to involve effected groups in the campaigning?
  - How could persons living in positions vulnerable to e.g. exploitation and trafficking get involved in the fight against trafficking and the evaluation of the laws & policies?
    - Support the inclusion of sex workers in the work against trafficking!
    - Peer work; peer identification and referral
    - Peer-involvement in planning & delivery & evaluation of policies and campaigns
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Thank you!

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