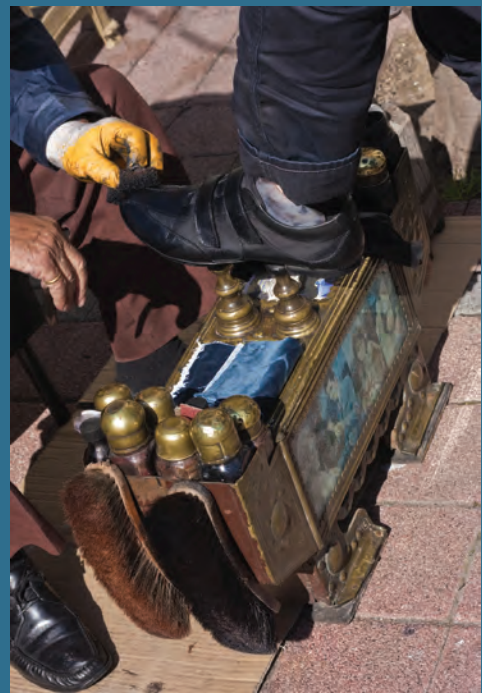


Trafficking in Human Beings in Working Life

Report from a Nordic conference in Helsinki, Finland 27, 28 November 2012





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Finland 27–28 November 2012

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ISBN 978-92-893-2591-2
<http://dx.doi.org/10.6027/TN2013-555>
TemaNord 2013:555

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Layout: Hanne Lebech
Cover photo: ImageSelect
Photo: Matti Keränen

Print: Rosendahls-Schultz Grafisk
Copies: 300

Printed in Denmark



This publication has been published with financial support by the Nordic Council of Ministers. However, the contents of this publication do not necessarily reflect the views, policies or recommendations of the Nordic Council of Ministers.

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Nordic Council of Ministers

Ved Stranden 18
DK-1061 Copenhagen K
Phone (+45) 3396 0200

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Summary

The Nordic conference on *Human Trafficking and Working Life* was arranged in Helsinki, Finland 27-28.11.2013. The Nordic conference focused on how people today become victims of human trafficking as they seek jobs in foreign countries. The aim of the conference was to raise awareness of problems attached to this form of human trafficking in the Nordic countries through a diversified perspective.

The greatest challenge for Nordic stakeholders today is to identify the persons – women, men, girls and boys – who are victims of labour trafficking. It is also important that victims receive information about their rights, and about the social services that are available to them. A key question is how to adapt social services to the needs of the victims. At the conference practical examples were presented of how the Nordic countries, police, prosecutors, courts, occupational safety authorities, labour market organizations and NGOs' work with issues concerning human trafficking and the labour market in the Nordic countries.

The conference was built on the results and experiences obtained from other recent conferences and projects undertaken by Nordic Council of Ministers and authorities and organizations in the Nordic countries on the subject of human trafficking and working life.

Important questions discussed during the conference were:

- What is the difference between being forced to work and the poor working conditions some immigrants face?
- What is the greatest challenge in terms of identifying victims of trafficking at the labour market?
- How can the occupational safety authorities contribute?
- How can co-operation between the authorities and labour market organizations be intensified? Which are the greatest challenges?
- Are the social services consistent with the needs of the victims?
- What can be achieved through Nordic co-operation?

During the conference was arranged:

- An opening session
- Four theme sessions
 - To the Nordic countries – recruiting labour force, Human trafficking - exploitation of the labour force in the Nordic countries, Legal proceedings – human trafficking and the labour market and Do the Nordic countries practise what they preach?*
- A panel discussion

Ombudsman for Minorities Eva Biaudet closed the conference by giving a summary of the conference.

All speakers presented recommendations for future actions and measures to combat labour trafficking. The speakers' recommendations are included in their presentations. In the end of the conference report is a summary of the recommendations presented at the conference.

The conference drew approximately 260 participants from different countries and organizations throughout the Nordic countries, the Baltic countries and Russia. Included among the participants were 70 representatives from police/law enforcement and border security. Other participants included politicians, international organizations, public prosecutors, immigration authorities, occupational health and safety authorities, trade unions and employer's organizations, NGOs and researchers.

The conference was arranged by the Ombudsman for Minorities in Finland. The conference was financed by the Nordic Council of Ministers in co-operation with the Ombudsman for Minorities in Finland and the Nordic Council. The Ombudsman for Minorities is the national rapporteur on trafficking in human beings in Finland.

1. Opening of the Conference

Minister Anna-Maja Henriksson, Ministry of Justice, Finland

Finland's Minister of Justice, *Anna-Maja Henriksson*, emphasized that human trafficking is a grave violation of basic human rights and that it is important to share experiences with other Nordic actors. Trafficking in human beings is not a new phenomenon, but measures to combat human trafficking have been intensified during the present millennium. The Nordic countries have acknowledged their responsibility and are working actively to combat human trafficking.

While Nordic cooperation is important, it is essential to remember that the most crucial measures occur at the national level. This requires both a national, independent rapporteur on human trafficking as well as a coordinator to manage and synchronize the relevant activities at the national level.

Henriksson encouraged strong action in the form of initiating preliminary investigations in crimes related to human trafficking, in order to prosecute the traffickers and to protect victims. She also underlined that there are also cases of human trafficking that take place entirely at the national level, though most human trafficking occurs across borders.

Henriksson pointed to the responsibility of the authorities in recognizing and identifying trafficking victims. She highlighted several areas in need of further development, including action by occupational health and safety authorities and the benefit of their resources, and cooperation and sharing information between different authorities. As a precondition for the improved ability to recognize who and where victims of trafficking are Henriksson mentioned the prioritization of victim and witness protection. This requires a well-functioning support system that enables victims to extract themselves from the criminal activity and from the traffickers who use and abuse them.

Minister *Anna-Maja Henriksson* was prevented from attending the conference in person due to illness, and her opening remarks were presented by Special Adviser *Robin Harms*.

Secretary General Halldór Ásgrímsson, Nordic Council of Ministers

Secretary General *Halldór Ásgrímsson* began his remarks by stating that human trafficking is a violation of human rights and affects the most vulnerable segments of society. *Ásgrímsson* emphasized that the Nordic countries do not form an exception when it comes to human trafficking and declared it is shameful that both human trafficking and labour exploitation exist in the Nordic countries. Forced labour, on the other hand, is a relatively new phenomenon in the Nordic region and calls for more information, awareness and attention regarding the problem. The ability to combat forced work also requires more active involvement on the part of trade unions and employer's organizations.

Today, society's poor and homeless are increasingly mobile, moving across borders in hope of a better life. *Ásgrímsson* also cited the current economic crisis as another factor that has made finding work more difficult. In such dire straits, people are willing to take greater risks.

According to *Ásgrímsson*, the goal of the Nordic Council of Ministers is to fight all forms of human trafficking. *Ásgrímsson* pointed to the importance of robust, well-coordinated cooperation among the Nordic countries. The countries have a long history of that is based on basic and shared values. The Nordic Council of Ministers works to strengthen regional cooperation at the Nordic level, but also with the Baltic countries and Northwest Russia. Uniting with multiple countries, organizations and instances all working to combat human trafficking creates a broader collaborative network that, according to the Nordic Council of Ministers, is a prerequisite in fighting transnational crime. Networking and collaboration are the keys to achieving success, and international organizations must be included in the process.

General Secretary *Halldór Ásgrímsson*:

"As a matter of fact, we can solve the problem if all of us take our own responsibilities seriously. Each of us has a role in prevention, in supporting victims and in ensuring that human traffickers are prosecuted. It is also important to remember that human trafficking happens because there is demand for it – especially in the wealthier countries, such as the Nordic countries."

Picture 1. Secretary General Halldór Ásgrímsson, Nordic Council of Ministers, Ombudsman for Minorities Eva Biaudet, Finland, Special Adviser Robin Harms, Finland and Senior Adviser Maria-Pia de Palo, Nordic Council of Ministers, at the opening session



Photographer: Matti Keränen.

Member of Parliament Maria Stenberg, Parliament of Sweden, Member of the Citizens’ and Consumer Rights Committee, Nordic Council

In her opening remarks, Member of Parliament (MP) *Maria Stenberg* called attention to the fact that human trafficking is a human rights violation which must be addressed with the utmost seriousness. In combating human trafficking Stenberg stressed the importance of cross-border cooperation between the Nordic countries and the Baltic region.

Stenberg reported that the Nordic Council’s Citizens’ and Consumer Rights Committee has been focused on the issue of human trafficking for some time already, improving cooperation in the Nordic countries and the Baltic region. Anti-trafficking efforts require coordinated activities, which also entails political cooperation.

Stenberg cited a recommendation supported by the Nordic Council and presented at the 2011 Baltic Sea Parliamentary Conference. According to the recommendation, it is important to:

“promote efforts to gain more extensive knowledge of the nature and scope of trafficking in human beings for forced labour; initiate and support the development of joint strategies in cooperation with trade unions and employer’s organizations and relevant authorities; strengthen legislative and operational means of identifying and combating trafficking in human beings for

forced labour; and conduct public information campaigns about trafficking in human beings for forced labour.”

Stenberg’s speech highlighted the role of consistent trend monitoring and early intervention as soon as problems emerge. The issues that contribute to human trafficking, such as poverty, conflict, social division and imbalance, and social isolation, are numerous and complicated, and addressing them requires long-term prevention. It is important that human trafficking crimes are investigated appropriately and that there is a system in place to support and protect the victims. In addition, said Stenberg, international investment around the issue is crucial.

1.1 Human trafficking – what is “forced” and what is “exploitation”?

Ombudsman for Minorities Eva Biaudet, National Rapporteur on Trafficking in Human Beings, Finland

Ombudsman for Minorities *Eva Biaudet* described her role as Finland’s National Rapporteur on Trafficking in Human Beings and her experiences in that role. According to Biaudet, for anti-trafficking efforts to be effective requires the existence of both a national rapporteur on human trafficking as well as a national coordinator.

Biaudet noted that human trafficking occurs throughout the Nordic countries and is also present at so-called “regular” workplaces, in areas both rural and urban. The victims are usually individuals who are susceptible to trafficking for one reason or another. Biaudet emphasized that this is why trafficking should be fought through prevention, by identifying new ways to minimize immigrants’ vulnerability to trafficking and by adding mechanisms by which the labour market parties would be responsible for monitoring immigrants’ working conditions. The better immigrants are able to integrate and create social networks, the less susceptible they are to trafficking.

Traditionally, human trafficking has been seen as part of organized crime. Biaudet remarked that also individual people can be behind human trafficking endeavours. It is not uncommon for the perpetrators themselves to be foreigners, with the same ethnic and even family background as the victims. A closer relationship ensures that the victims are unable to extract themselves from the clutches of the perpetrator.

According to Biaudet, the biggest problem in recognizing human trafficking is the culture of disbelief; we simply cannot believe that human trafficking occurs in our own society. Our chief challenge lies in our own attitudes and our lack of knowledge, according to Biaudet.

Because human trafficking is continually transforming and adopting new methodologies, our attention should be directed at the indicators of human trafficking rather than any specific definitions.

Biaudet said that in granting work and residency permits, authorities should work to ascertain that the way permits are granted does not force individuals into situations in which they are even somewhat susceptible to exploitation. In addition, she stressed that it is essential to prioritize serious crimes against immigrants over more minor offences related to immigrants' entry into the country.

Biaudet reiterated that society has an obligation to protect victims and to take effective measures to prevent victimization in the first place. According to her, this requires, among other things,

“...no longer granting work permits for certain employers and making sure that the workers recruited by sub-contractors have the names and addresses of occupational health care officials and trade union representatives. Employers that use sub-contractors should bear greater responsibility than now for monitoring adherence to basic labour rights in all operations. Schools can no longer have cleaning personnel with no names! Occupational health and safety officials must intensify their cooperation with the police and with occupational health care officials. And health care officials need to recognize their responsibility to identify the victims of trafficking in human beings and to provide support for victims.”

Biaudet highlighted everyone's responsibility in situations where indications of serious labour exploitation are present in working life. We must also not forget that when a trafficking case is uncovered, the consequence is a lengthy judicial process. Biaudet reminded us of the victim's need for support even after being freed from the control of her/his trafficker. Such support cannot be tied to whether preliminary investigation has been launched or not. The victim's rights must be guaranteed also following the completion of the judicial process, and efforts must be made to ensure he/she does not end up in the hands of traffickers again.

2. Session I

To the Nordic Countries – Recruiting Labour Force

This session explored the following questions, among others:

- How are workers recruited? What do the recruitment processes look like?
- Who handles the recruiting – private individuals, recruitment firms, foreigners or domestic nationals?
- Where are workers recruited from – domestically or from the target country?
- What types of measures do the Nordic countries need in the future to prevent the recruited workforce from falling prey to human trafficking?

Chair Anna Ekstedt, Senior Adviser, Task Force against Trafficking in Human Beings (TF-THB), Council of the Baltic Sea States (CBSS)

In her opening remarks, Senior Adviser *Anna Ekstedt* presented a report prepared by CBSS entitled *Action Against Trafficking for Labour Exploitation*, which maps out the operators who have or should have a role in combating labour trafficking in CBSS member countries. According to the report, the majority of CBSS members have not progressed very far in preventing human trafficking for labour. Similarly, law enforcement officials, justice departments and social welfare authorities lack the knowledge and tools, and the resources and mandate, to effectively fight trafficking. On the other hand, the report points to some positive developments in trafficking prevention at the operative and political levels, indicating that awareness about human trafficking is beginning to spread.

2.1 Recruitment of nurses to the Ullevål University Hospital in Oslo

Police Inspector Bjørn Vandvik, Immigration and Permits and Licensing Section, Oslo Police District, Oslo, Norway

Police Inspector *Bjørn Vandvik* described a recent case that occurred in Norway in spring 2012. It involved Filipino nurses who had been recruited to work at the Ullevål University Hospital in Oslo through a recruitment firm. The firm handled the nurses' housing, language training and meals, and the expenses were deducted directly from the nurses' wages. The nurses were not allowed to go out and were forbidden from socializing with anyone but other Filipinos. They were forced to sign a contract with the recruitment firm whereby they agreed to loans of up to NOK 300,000, the sum established as the cost of their recruitment. The recruitment firm was accused of human trafficking. In addition, the Ullevål University Hospital accused the recruitment firm of committing fraud.

Vandvik emphasized that human trafficking most commonly occurs in occupations that require no formal qualifications, such as those in the construction, cleaning, transportation, retail and restaurant industries, as well as among au pairs. What is notable about the case of the nurses and the hospital is that the case involves a profession that is generally highly valued, well paid, and requires Norwegian language skills and educational qualifications. In this case, the victims were nurses who had an education.

Recommendations

- Forced labour must be viewed as criminality that is associated with immigration.
- Knowledge of the indicators of human trafficking.
- Monitoring and oversight by authorities in workplaces to increase the risk of being caught.
- Increasing the responsibility of the end-user, and conducting more effective monitoring of recruitment firms.

2.2 Foreign berry-pickers in Finland

Researcher Pekka Rantanen, University of Tampere, Tampere, Finland

Researcher Pekka Rantanen from the University of Tampere presented a research project involving Thai berry-pickers in Finland.

The berry-pickers were recruited from Thailand using so-called coordinators. The selection of the berry-pickers was done largely on the basis of previous years' results and the berry-picker's gender. Men were favoured, as they were better able to withstand the physical demands of the labour. Because there was a desire to avoid gender-related problems at the camp, an effort was made to select men and women who had male relatives at the same camp or who were in a relationship. The coordinators were licensed by the Thai authorities; in other words, their activities were outside the scope of the Finnish legislation that governs officially recognized recruitment firms. The coordinators travel to Finland together with the berry-pickers and may serve, for example, as the camp's director or the individual who maps out the berry-picking sites.

The economic situation of berry-pickers can vary greatly depending on whether or not they own land in their country of origin. Some may even be considered well-off by Thai standards. If needed, a coordinator may lend money to berry-pickers, which often leads to the workers being obligated to repay the loan by picking berries. Assessing whether a case amounts to human trafficking or labour exploitation depends primarily on how the berry-pickers financed their travel to the berry-picking job. The formula for dependency is made up of the recruitment and travel costs and the necessity of borrowing money for this purpose.

The challenge in recognizing berry-pickers as victims of human trafficking has to do with the nature of their work environments, which are removed from the rest of society. Since the berry-pickers are not officially under an employment contract, they are not monitored by Finnish authorities. In Sweden, on the other hand, berry-pickers enter into an employment contract that offers victims greater protection, a consideration that usually becomes of importance in years with bad crops. Finland requires a minimum net income level, bringing Finland's situation closer to the Swedish model. Regardless of this, berry-picking is not considered an employment relationship in Finland.

Recommendations

- Berry-pickers' dependency on the financial costs of recruitment must be reduced. It should be possible to track actual income and expenses. Recruitment costs should not be disproportionately high. The risk should be distributed more evenly between berry-pickers, recruiters and berry companies.
- Officials should exercise more careful oversight of the way berry-picking trips are financed.
- Berry-pickers should be better informed already in their country of origin about the conditions pertaining to berry-picking.
- Improved cooperation between Finland and Thailand. Contact between the Finnish Embassy in Bangkok and Thailand's Department of Labour Protection and Welfare is essential for preventing human trafficking.
- The dissemination of information and shared rules of engagement for all parties are prerequisites for recognizing victims.

2.3 Trafficking in human beings among au pairs and in the cleaning sector – risks, recruitment and middlemen

***Anthropologist, Ph.D. Fellow Trine Mygind Korsby,
Department of Anthropology, University of Copenhagen,
Copenhagen, Denmark***

Researcher Trine Mygind Korsby presented two studies she had conducted for the Danish Center against Human Trafficking (Center mod Menneskehandel). Both studies addressed the human trafficking involved in the au pair and cleaning business. The studies were not of cases in which human trafficking had been already found to occur, but of those that pointed to the presence of indicators that are used to identify human trafficking. Several key factors emerged from the research: indebtedness, low wages, long working hours, lack of days off, unawareness of one's rights, as well as the general demand for cheap, flexible labour in the sectors in question. The studies showed that recruitment companies had the power to either help the victims or hurt them. Many employers provided help to immigrants, but many also exploited them. The immigrants themselves were frequently satisfied with their situation and wanted to keep their jobs – losing them

was their greatest fear. Some were willing to withstand worse working and living conditions in order to save money. This provoked the question of whether the boundary of exploitation had been crossed. Employers and recruiters were not necessarily seen as the “bad guys”; in fact, many saw them as helping hands in the complex processes of immigration. The research also confirmed that the stricter the restrictions on immigration, the more likely it was that immigrants needed the help of an outsider to help them immigrate.

Recommendations

- Cooperation between key operators (trade unions, the private sector, consumers).
- Paying attention to the nuances of the debate about human trafficking. It is not always obvious, or black and white, or wrong or right.
- Human trafficking and labour exploitation should be viewed separately, distinguishing between minor forms of labour exploitation and more severe exploitation. Not everything constitutes human trafficking, but everyone should understand that certain situations can later develop into human trafficking.

2.4 Comment

2nd chair Kyösti Suokas, Finnish Construction Trade Union, Helsinki, Finland

In his speech, Kyösti Suokas noted that problems emerge when there is poverty and too few jobs. In his work, Suokas has seen a difference in the treatment of people who come from Europe versus those who come from third countries. Europeans often get what they have been promised, whereas workers from third countries are more likely to be cheated and exploited. Suokas emphasized that the prevention of human trafficking must consist of more than spot-checks and control mechanisms by the authorities. To make a dent in the grey economy, the very way that authorities operate and the system itself need to undergo comprehensive changes. Suokas also pointed out that simply reducing wages is not a way to create more jobs.

Recommendations

- Demand that all (construction) workers have an identification card with their tax ID number.
- Ensure cooperation between various actors already during the recruitment phase (industry, trade unions, authorities).
- Knowledge of labour trafficking at the moment is insufficient; the issue must be prioritized and more knowledge is needed. This requires political will.

2.5 Session Recommendations

- Explore whether the set of indicators of “forced” needs to be so strong in the Palermo Protocol.
- Develop a system to prevent the entire system of grey economy.
- Increase the number of individual inspections of workplaces.
- Introduce an identification card requirement at construction sites.
- It is important to provide assistance to victims; also important is tailoring the forms of support according to gender to suit the different needs of women and men.

3. Session II

Human Trafficking – Exploitation of the Labour Force in the Nordic Countries

This session explored the following issues, among others:

- Identify the reasons behind exploitation.
- Why does labour exploitation occur? Who is susceptible to exploitation?
- What does exploitation consist of? What kind of circumstances do victims live in?
- How does exploitation turn into trafficking?
- When does the offence constitute worker exploitation, and when is it human trafficking?
- What measures are needed to prevent labour exploitation in the Nordic countries?

Chair Maria Stenberg, Member of Parliament, Parliament of Sweden, Member of the Citizens' and Consumer Rights Committee, Nordic Council

MP *Maria Stenberg* began the second session by speaking of the importance of different actors working together. Apart from cooperation among the authorities, Stenberg emphasized it is also essential for other actors, such as the parties to trade unions and employer's organizations and international organizations like the UN, Council of Europe, European Union and the International Labour Organization (ILO) to participate in the efforts. Stenberg noted that because of the complicated nature of human trafficking, the methods of combating it must be equally far-reaching and comprehensive.

Picture 2. The participants prepare to listen to how human trafficking is connected to exploitation of labour force in the Nordic countries



Photographer: Matti Keränen.

3.1 The traffickers of human beings – the tax authorities’ actions against trafficking in human beings

Project Chief John Vorbeck Petersen, Economic Crimes, Danish Tax Authority, Denmark

Project chief *John Vorbeck Petersen* introduced an initiative by the Danish tax authorities entitled *Human traffickers*. The project brings together the tax authorities, the police, the Danish Centre against Human Trafficking (Center mod Menneskehandel), occupational health and safety representatives, and if necessary, other partners, such as trade unions. Among other things, the role of the tax authorities has been to assist with economic data. In the course of the project, the Danish tax authorities have educated their partners about human trafficking, disseminated informational materials, developed new operating methods (including guidelines for conducting interviews), and entered into cooperation agreements with important partners.

Petersen underscored the basic reason behind labour exploitation: money. Tax evasion, for example, is relatively easy, and human traffick-

ers take advantage of this. The victims come from poor circumstances and often have negative experiences of dealing with authorities, and hence do not report the exploitation.

Recommendations

- Cooperation by the authorities – nationally, at the Nordic level, and internationally.
- Visible campaigns. Experience has shown that increased awareness of human trafficking and its victims also increases people’s desire to combat the phenomenon.
- Establishment of national taskforces.
- Establishment of a Nordic taskforce to share experiences.

3.2 Trade union actions to combat trafficking in human beings in the Nordic labour market

Investigator Thord Ingesson, Swedish Trade Union Confederation (LO), Sweden

Researcher *Thord Ingesson* opened his speech by stating that the expansion of the European Union has had a significant impact on the proliferation of human trafficking in the Nordic countries. Ingesson said human trafficking is primarily a police matter, and not something that can be solved by trade unions. Trade unions must be involved in the work, however, and collective bargaining agreements apply to victims of human trafficking as well. Ingesson advocated for active measures, citing the need to develop rules and regulations and to intensify cooperation between various authorities. According to him, the Swedish work permit system, for example, is a dream-come-true for human traffickers. In 2008, Sweden revamped the regulations governing labour migration, making it easier to recruit workforce from third countries. The reform eliminated the role of the employment office in handling labour needs assessments, and transferred the task to private enterprises. Ingesson noted that Sweden provides easy access to the Schengen region, making it a transit country.

According to Ingesson, economic crime and economic gain are key factors behind human trafficking and human traffickers are professional criminals who operate through criminal networks. The aim to move

labour force from one country to another, through “illegal jobs” is to make economic profit. To combat this type of crime requires confiscating perpetrators’ funds and taking strong, decisive action against criminal networks to prevent new networks from forming.

Recommendations

- Increase efforts to combat economic crime.
- Expand anti-trafficking measures across national borders.
- Human traffickers are often professional criminals. The most effective approach is to gain access to their finances and prevent the emergence of new criminal networks.
- Increase the responsibility of the main client/employer.
- Focus on cooperation. Trafficking in human beings cannot be solved by an individual nation alone – domestic measures are not enough to fight trafficking successfully.

3.3 Labour exploitation in Finland from the perspective of occupational health and safety

Inspector Kristiina Linna, Occupational health and safety, Regional State Administrative Agency for Southwestern Finland, Finland

Kristiina Linna described her experiences with workforce oversight in south-western Finland. According to her, it is difficult to distinguish between the different reasons behind labour exploitation; the reasons can vary between ignorance on the part of the exploited individual to broader background factors such as legislation and cultural differences. Linna mentioned that working hard has been traditionally highly valued in Finland, and in the field of agriculture for instance, employers expect their workers to keep working without days off in between. In all of the labour exploitation cases encountered by Linna, the workers have had residency permits. According to her, working illegally without a residency permit is rare in Finland. Linna explained that when authorities uncover a situation of worker exploitation, the outcome is usually that the exploited individuals are not granted a continual residency permit. In other words, the employer’s violation of working conditions and laws results in the employee’s deportation.

When making workplace inspections, occupational health and safety officials notify the Finnish Immigration Service and employment and economic development offices, as well as municipal health and building inspectors about work permits. If the inspector suspects trafficking in human beings or labour discrimination that constitutes usury, he or she will contact the police and the support system for human trafficking.

According to Linna, the inspectors' ability to recognize human trafficking is improving through experience. The inspectors are learning to manage cases better, for example avoiding situations in which the employer metes out punishment on the employee; sometimes an employer may suspect that an employee has requested the work site inspection. Another improvement is that when occupational health and safety officials work together with the police, the police do not call the employer in for questioning until the exploited worker has been admitted into the support system for trafficking victims.

Linna highlighted the importance of universally applicable collective bargaining agreements in eliminating human trafficking. Employers who do not belong to a trade union must nevertheless adhere to general labour contract terms in their hiring.

Recommendations

- Occupational health and safety officials, police, border security and other authorities must receive better training so that they recognize human trafficking when they see it.
- A change in attitudes is needed. Human trafficking occurs throughout Finland and the Nordic countries – it just wasn't recognized as such previously. Our conceptions of human trafficking must be oriented in realism; we ought not to imagine human trafficking wherever we see foreign labour.
- Regular and thorough inspections help prevent problems from arising in the first place. During inspections, inspectors must use the opportunity to inform employees about collective bargaining agreements, relevant legislation, the rights of workers, and the obligations of employers.

3.4 Comment

Director Jari Kähkönen, System of services and support measures for victims of human trafficking, Joutseno Reception Centre, Finland

Jari Kähkönen used his speech to speak of the growing number of human trafficking victims in Finland. The support system for trafficking victims is currently handling the cases of nearly 100 trafficking victims, the majority of whom were exploited in working life.

Recommendations

- Men and women need different services. At present, there is a need for a support system and services designed specifically for male victims.
- Employees need to be informed about workers' rights already in their country of origin, and in their native language – for example in connection with seeking a residency permit.
- Those who work with victims of trafficking, including social welfare and health personnel, need special training.
- A more centralized and efficient way of reporting trafficking cases is needed – for example by setting up separate committees.
- Identifying and implementing measures to prevent victims from being re-victimized.

3.5 Discussion

The discussion during the second session focused on issues like the employer's or contractor's responsibility when using foreign workforce. Thord Ingesson remarked that the chief contractor, for instance, should be made to bear responsibility for preventing human trafficking. The chief contractor has an obligation to monitor what happens at the other end of the sub-contracting chain. There should be greater emphasis on this than there is at present.

In addition, the discussion stressed the authorities' responsibility in recognizing human trafficking. Often a victim of human trafficking is not aware that he or she is in fact a trafficking victim. In such cases it is important to remember that it is the authorities that are responsible for investigating whether the case meets the standards of human trafficking. This cannot be the victim's responsibility, since the victim is not able to assess her/his own situation.

3.6 Session recommendations

- Increase cooperation at all levels between different authorities and parties in the anti-trafficking community.
- Initiate a discussion concerning the practices related to residency permits.
- Increase the investments directed at fighting economic crime.
- Strengthen the role of civic organizations.

4. Session III

Legal Proceedings – Human Trafficking and the Labour Market

The aim of this session was to look for answers to the following questions, among others:

- What problems are associated with the judicial processes related to labour trafficking (preliminary investigation, bringing charges, adjudicating the matter in court) – concrete examples of concrete problems?
- How have these problems been resolved in the cases that have been brought to trial – or in what way were they not resolved?
- How can we define labour trafficking and distinguish it from other criminality that is similar?
- What do we need to take into account in the future to ensure that labour trafficking is investigated, its perpetrators charged, and more of them sentenced?

Chair Natalia Ollus, Senior Program Officer, European Institute for Crime Prevention and Control, affiliated with the United Nations, HEUNI, Helsinki, Finland

According to Senior Program Officer *Natalia Ollus*, human trafficking should not be viewed as a crime that occurs at a particular time in a particular way; rather, it should be viewed as a process of exploitation. The methods used to control employees are extremely subtle.

4.1 Norwegian court cases – cooperation between prosecutor and police

Police Superintendent Jarle Bjørke, Head of Analysis Division, Organized Crime Section, Hordaland Police District, Bergen, Norway

Police Superintendent *Jarle Bjørke* began his remarks by encouraging everyone to care more about the victims of trafficking – only if we take them seriously will they tell us their stories. Bjørke highlighted several factors that had led to success and proved significant with the EXIT group of the Hordaland police district in Bergen, in Norway. Among other things, Bjørke demanded that the authorities conducting the preliminary investigation be included in processing the case. In addition, preliminary investigators must have the necessary professional competence and skills to challenge entrenched public opinions and attitudes, the “culture” within oneself and one’s workplace, and the traditional methods used in preliminary investigations. A competent preliminary investigator must also possess empathy and respect vis-à-vis the victim.

Bjørke pointed to the significance of good collaboration between preliminary investigators and prosecutors; the prosecutor and police must work together closely to achieve any results. Based on experiences derived from the EXIT group, it has proven useful when the offices of the prosecutor and the police have been physically situated near each other. Bjørke noted that human trafficking is an issue that all attorneys either can or want to work with. Anti-trafficking work brings forth a number of challenges that it is sometimes possible to avoid in other police work; for example, working with trafficking issues requires greater creativity and argumentation. The victims come from poorer and more vulnerable circumstances than the people working in trafficking prevention. According to Bjørke, treating and caring for the victim is a good investment. Helping a victim through the support system is critically important from the standpoint of the police investigation and moving the matter ahead toward court proceedings. A well-functioning support system reduces the toll of the physical and psychological stress imposed by the preliminary investigation and court proceedings on the victim. When conducting preliminary investigations, it is useful to remember that human trafficking is constantly transforming, and therefore authorities must act quickly.

At trials, the EXIT group has used expert witnesses who are local, national or international experts in human trafficking and can paint a picture of trafficking and produce for the court fact-based depictions of human trafficking. Good cooperation between police, prosecutors and expert witnesses benefits the entire trial process.

As one of the contributing factors behind human trafficking Bjørke mentioned the exploitation of cheap labour; people who are in a vulnerable position are easier to exploit. Bjørke also highlighted the issue of cost, which often becomes part of the discussion during investigations into human trafficking. He said that if we in the Nordic countries are rich enough to exploit victims, we are also rich enough to help them. Respecting humanity and human rights, combating human trafficking and supporting its victims during the legal process are worthwhile investments that help promote a speedier and more economical resolution to these problems.

Recommendations

- Establish the position of a preliminary investigative authority that specializes in human trafficking.
- Promote close cooperation between prosecutors and the police.
- Be responsive to reforming operations and strategies.
- Use expert witnesses at trials.
- Engage in prevention at workplaces, schools and private companies.
- Document the vulnerable situations in which victims live or come from.
- Develop the support system for victims further.
- Ensure respect for humanity and human rights in the treatment of victims.
- Simplify the rules governing labour migration.
- Adopt a minimum wage.
- Improve dissemination of information regarding workers' rights, particularly in the case of migrant workers.
- Define what constitutes and does not constitute exploitation of cheap labour.
- Improve the oversight of adherence to occupational health and safety standards.
- Improve monitoring of the situation of victims.

- Increase oversight of and actions against irresponsible employers.
- Occupational health and safety officials and the police need to conduct more investigative work in order to identify victims of trafficking.
- Make it easier to report abuse to the police.
- Improve information sharing and documentation between different units and departments.
- Conduct faster preliminary investigations.
- Don't forget: "I will only tell my story if you care about it."

4.2 Human trafficking of berry-pickers – recruiting berry-pickers to Sweden

Public prosecutor Christina Voigt, International public prosecutor's office, Stockholm, Sweden

Public prosecutor *Christina Voigt* presented a case of human trafficking that involved berry-pickers working in Sweden in 2010–2012. The Bulgarian berry-pickers had been recruited to work in Sweden in 2010–2011. A number of the berry-pickers contacted police, claiming their supervisors had conned them: wages were not being paid and the employees were being mistreated. All of the berry-pickers independently related the same story. The first charge of human trafficking, with the intention of forcing said persons to pick berries, was made in 2011. In the opinion of the court, Voigt was not able to show that the supervisors had intended to benefit from the forced labour of the berry-pickers. Instead, two of the supervisors were sentenced for threatening and mistreating the berry-pickers and for confiscating their passports. The case received a lot of media attention.

The next case concerned 13 berry-pickers, who had worked in Sweden for three separate time periods over two years, in poor conditions, all of them without pay. Voigt posed a question: Had these berry-pickers simply entered into a disadvantageous employment contract, or were they victims of human trafficking?

Swedish legislation on human trafficking contains several standards that must all be met for a case to be tried in court as human trafficking. In Voigt's opinion the case in question met each one of the legal requirements. The berry-pickers had been recruited and transported to Sweden and they had been provided accommodations, in part by misleading, but in such a way

that their supervisors in Bulgaria and later also in Sweden took advantage of their predicament. Because the case involved so many berry-pickers, at several different points in time, who were independent of each other, Voigt's opinion was that the condition concerning the supervisors' intent to benefit from the forced labour of others was also met. According to Voigt, the biggest problem in distinguishing between a bad employment contract and human trafficking is the problem of being able to prove that the traffickers had used "deceptive means", which constitutes one of the preconditions stipulated in Swedish law. Using "deception" means that the human traffickers threatened, mistreated or deceived the victims, or benefited from the victims' predicament.

Being able to prove the use of deceptive means can represent the greatest challenge in trafficking cases. In the case of the berry-pickers, one of the problems was that they could not read, were lacking in vocabulary, did not know how to tell time, and could not count. As a result, it was difficult to obtain witness statements from them, though this also strengthened the argument for deception. According to Voigt, the district court ruled that she could not prove that the berry-pickers had been intentionally deceived. On the other hand, the court stated that the supervisors had exploited the poor situation that the berry-pickers found themselves in, and sentenced the supervisors for human trafficking. The sentencing has been appealed and has not yet been reviewed in an appeals court.

In principle, said Voigt, it is impossible to prove that someone has been misled when the work is being done legally – in such cases, it is simply a question of having entered into a "lousy contract". But when looking at who and which target groups enter into "lousy contracts", it becomes clear that they consist entirely of poor individuals who have been pushed into indebtedness, lack information and knowledge about the world around them, as well as language skills, whose travel documents have been confiscated, and who are without means. They are simply susceptible to situations in which they can be exploited through forced labour.

Voigt concluded her presentation by saying she was hopeful that people in Sweden now had the tools to recognize human trafficking and forced labour. It is important, she said, for the different actors – police, social welfare agencies, prosecutors and judges – to be able to recognize the problem.

Recommendations

- Learn to recognize human trafficking.
- Be sensitive to what victims report. If they all tell the same story, this can describe the model for human trafficking.

- Cooperate at the Nordic level to disseminate information among prosecutors working with human trafficking cases.
- Be courageous and intervene in the problem, instead of giving in, even though the process is difficult and laborious.

4.3 Challenges in investigating and processing labour trafficking from the prosecutor's perspective

Chief district prosecutor Peter Levlin, Prosecutor's Office of Ostrobothnia, Finland

Chief district prosecutor *Peter Levlin* spoke of his experiences of working with human trafficking at the Prosecutor's Office of Ostrobothnia. Active at the moment are five cases with charges of human trafficking or alternatively usurious labour discrimination – or simply usury. The number of cases is relatively high, as compared to the situation elsewhere in Finland.

According to Levlin, the cases now active came to the attention of the authorities possibly as a result of one of the victims being subjected to violence and subsequently seeking protection from the authorities. The other cases became known as a result of regular inspections, and Levlin therefore emphasized the need to further develop workplace monitoring and inspections.

Levlin said that in the course of one year police had clearly improved their skills and processes in recognizing and investigating human trafficking. In his opinion, the initial phase of the preliminary investigation is critical from the point of view of establishing trust between the victim and the authorities. This trust is a precondition for a successful preliminary investigation, and many victims have prior, negative experiences with authorities in their own country.

Levlin stressed that even when trust between the victim and the authorities has been successfully established and the victim's relationship to the trafficker has been effectively severed, the perpetrators nevertheless often try to approach the victim. For example, the perpetrator may use his or her contacts in the victim's country of origin to exert pressure on the victim's relatives. In such cases, authorities can naturally investigate the matter and even initiate charges on the basis of victim intimidation. Levlin calls for better cooperation between officials in Finland and the countries from which workers are recruited.

Recommendations

- Develop monitoring by the authorities and occupational health and safety inspections.
- Underline the importance of establishing trust between the victim and authorities from the outset.
- Isolate the perpetrator of the crime and the victim immediately, through the support system for human trafficking or by arresting the suspect.
- Institute a better cooperation agreement with regard to different countries' legal aid principles.
- Use simultaneous interpreting at trials, in order to cut down the length of the judicial process.

4.4 Comment

District police commissioner Sigríður Björk Guðjónsdóttir, Suðurnes Police District, Iceland

District police commissioner *Sigríður Björk Guðjónsdóttir* used her remarks to emphasize the importance of ensuring the victim's trust in the authorities. From the standpoint of a successful preliminary investigation it is also crucial to guarantee the protection of witnesses. Guðjónsdóttir noted how useful it has been to monitor criminal financial transactions as a tool in investigating and fighting human trafficking. Nordic cooperation is another good way to address trafficking. Taking active anti-trafficking measures in the Nordic countries requires sufficient political support.

Recommendations:

- Encourage cooperation between different authorities, both on the national and the international level.
- Focus on the money flows of criminal activity: "follow the money"
- Train those who work in the context of trafficking.
- Concentrate on supporting the victims.

4.5 Discussion

During the discussion, among the questions to emerge were, for example, one regarding the use of expert witnesses in Norway. Because the victims are sometimes aware that they are going to be operating in poor working conditions, this could be viewed as the workers giving their consent to doing so. Hence, the existence of forced labour was called into question by some during the discussion. AQ counter argument was presented, according to which the victim's consent is meaningless and does not remove the responsibility for the use of any inappropriate methods to get the victim to agree to work. In most cases the perpetrators are foreigners exploiting their own countrymen/-women. Foreign workforce is recruited because it is easier to exploit persons who are unfamiliar with the target country's employment legislation and statutes. The recruiting, on the other hand, requires the kinds of contacts that foreigners readily have.

4.6 Session recommendations:

- Utilize expert witnesses at trial in order to illuminate human trafficking overall.
- Advocate the issue actively until you succeed – knowledge and awareness grow over time.
- Promote strong cooperation between the police, prosecutors and occupational health and safety officials.
- Train police who specialize in criminal investigations into human trafficking.
- Advance cooperation in terms of legal aid.

5. Session IV

Do the Nordic Countries Practise What They Preach?

This session focused on answering the following questions, among others:

- Who becomes a victim of human trafficking?
- How do victims themselves view their situation?
- What do victims need – what types of support?
- What types of support are available to victims at present?
- Do the Nordic countries practise what they preach?
- What can the Nordic countries do to prevent labour trafficking? What is being done to protect the rights of victims?

***Chair Birgitte Ellefsen, Assistant Professor and PhD student,
Norwegian Police University College, Oslo, Norway***

According to assistant professor and researcher *Birgitte Ellefsen*, internationally the Nordic countries have emphasized the importance of guaranteeing victims' right to assistance and protection. But, noted Ellefsen, studies and reports by civic organizations show that male victims of trafficking in the Nordic countries are not afforded the same degree of protection as female victims. Measures are needed to recognize the exploitation, and ensure the protection of victims who are used in begging, the narcotics trade, theft and other criminal activity. In addition, Ellefsen emphasized that human trafficking should not be seen solely as the use of cheap labour or breach of employment laws; rather, it amounts to a violation of human rights. This is a key consideration in guaranteeing victims' right to assistance and protection.

5.1 A dream of education and work

Director Sirle Blumberg, Living for Tomorrow, Tallinn, Estonia

Director *Sirle Blumberg* gave a presentation about the developments in anti-trafficking work in Estonia in recent years. For example, in 2012, human trafficking was introduced to the Estonian legislation as its own punishment statute, which is seen as a major step forward. Blumberg also described the operations of the Living for Tomorrow organization, which works to help people in Estonia and abroad who have become victims of human trafficking. The organization receives approximately 600 telephone calls annually, of which 70% concern the exploitation of workers in Estonia, with the rest occurring abroad. The victims are women and men aged 30–55, with a basic or higher education and who have taken out a loan or debt. Many Estonians travel abroad to look for work, they travel particularly to Finland, Germany, Sweden, Norway and Russia. According to Blumberg, there have been problems with foreign employment firms that have demanded workers pay illegal fees for employment services. Other problems are related to employers who are not part of collective bargaining agreements.

Recommendations

- More careful monitoring of private employment agencies.
- Ensure that collective bargaining agreements cover all employers.

5.2 Who comes to Sweden to work?

Unit chief Arto Moksunen, Crossroads, Stockholm, Sweden

Unit chief *Arto Moksunen* presented the operations of Crossroads in Sweden. Crossroads is an EU-funded cooperation project intended to prevent social isolation and poverty. Crossroads provides information about Swedish society, arranges various training courses (language, IT, job-seeking, cooking) and offers advice and legal assistance. However, Crossroads does not find people jobs or accommodations. Those who seek out Crossroads hope to find work, obtain information about Swedish society in their own language, form personal contacts with the personnel, take part in trainings, and succeed in finding a place to live. Their

conception of Nordic societies is that there are plenty of jobs and apartments, that society functions well and their reception will be positive. The primary reason for coming to the Nordic countries is not being able to find work in the country of origin.

Recommendations:

- Statistics are a good way to compile basic information about the people who come to the Nordic countries.
- Offer migrant workers information about the local society in each Nordic country.
- Develop connections in the countries of origin.
- Engage in cross-border cooperation.
- Develop systematic repatriation.

5.3 Reflection periods for victims of human trafficking - experiences from seven countries

Researcher Anette Brunovskis, Institute for Labour and Social Research (FaFo), Oslo, Norway

Researcher *Anette Brunovskis* presented her research on the reflection periods of victims of human trafficking. A reflection period refers to the temporary residency permit granted to human trafficking victims, who do not have a permanent residency permit. The reflection period is designed to help the victim and encourage her/him to collaborate with the authorities. All countries that have signed the Convention of the Council of Europe are obligated to grant a reflection period to victims of human trafficking, but the length of the period and the conditions for granting it can vary from one country to another. According to research, both shorter and longer reflection periods have their advantages. The shorter periods fulfil the needs of the police, whereas longer periods are better from the standpoint of the victim. In summary, Brunovskis stated that the reflection periods and their various forms are associated with both negatives and positives. The reflection periods were seen as a compromise in the absence of something better.

Recommendations

- It is important that all actors interfacing with victims of human trafficking have the necessary skills to recognize victims and to apply for a reflection period on their behalf.
- It is crucial to find a balance between offering support to the victim and simultaneously ensuring that victims cooperate with the authorities. Some victims have very little information about the perpetrators, but this should not prevent them from receiving assistance.

5.4 Comment

Attorney-at-law Emilia Kaikkonen, Matti Penttinen Attorneys-at-Law, Helsinki, Finland

Attorney-at-law *Emilia Kaikkonen* spoke about her experiences connected with court trials in which she has assisted victims of human trafficking. Kaikkonen iterated, among other things, that victims respect authorities and many believe that one should not complain about “minor” problems. In addition, many find it embarrassing to admit that they have become a victim of exploitation. Kaikkonen also noted that victims do not consider it important what ultimately happens in the process of punishment. Their concerns are much more practical, having to do with, for example, finding a safe place to live. The primary assistance that an attorney can offer to a victim is help with applying for residency, seeking compensation and presenting wage claims.

Recommendations

- It is important that victims are always offered legal aid.
- For an interrogation to be successful, the preliminary investigators must employ the appropriate interrogation techniques and ask the right questions. By utilizing different preliminary investigation and coercion methods it is possible to obtain statements that lead to improved success during trial.
- The various actors need to be more familiar with the indicators of human trafficking.

- A change in attitudes is needed vis-à-vis human trafficking and its victims. The general perception is that it is the victim's job to find out about the terms of employment.

5.5 Session recommendations

- More research on human trafficking to obtain facts.
- More training to help recognize victims of human trafficking.
- More preventive measures are needed, for example to eliminate demand.
- Support for victims is essential – offering victims legal aid, sharing information about the local society, and offering the opportunity to return home.
- Expanding cooperation between various actors both in the victim's country of origin and in the receiving country.

Picture 3. The participants listen attentively to the speakers at the session on Do the Nordic countries practice what they preach?



Photographer: Matti Keränen.

6. Session V

Panel Discussion Cooperation across Borders and Sectors

Chair

- Senior Officer *Måns Enqvist*, Office of the Minority Ombudsman, Helsinki, Finland.

Panel

- Senior Adviser *Maria-Pia de Palo*, Nordic Council of Ministers.
- Public prosecutor *Christina Voigt*, International public prosecutor's office, Sweden.
- Head of investigation *Trine Møller*, Copenhagen Police, Denmark.
- Superintendent *Berglind Eyjólfsdóttir*, Reykjavik Police, Iceland.
- Unit chief *Arto Moksunen*, Crossroads, Sweden.
- Education policy specialist *Mikko Koskinen*, Service Union United (PAM), Finland.

Each panelist was asked to describe positive experiences and methodologies from their anti-trafficking work.

Below are some proposals from participants.

Christina Voigt

Mainstream media should be used to shape attitudes to oppose human trafficking. For example in Sweden, the media focused on the berry-pickers, and this had an impact on people's attitudes. The attitude shift helped in the investigation of suspected human trafficking and in recognizing trafficking victims.

Mikko Koskinen

Trade unions too could engage in the kind of work that Sweden's Crossroads is doing, in other words, broad-based cooperation among various actors. Trade unions need to change their attitude; part of the mission of trade unions is also to monitor the rights of the most vulnerable occupational groups. A new kind of thinking is needed within trade unions regarding the new developments that are taking place in working life.

Trine Møller

We need fresh, new thinking and we need to abandon the old ways of thinking, so that more of the human trafficking cases are processed through the judicial system.

Maria-Pia de Palo

Multidisciplinary regional and Nordic cooperation is important, as is cooperation between the country of origin and the receiving country. It is also useful to examine human trafficking from the perspective of gender equality, because men and women need different forms of support and different services.

Berglind Eyjólfsdóttir

Because Iceland has so little experience with human trafficking, the country needs to monitor and learn from the experiences of other countries. Nordic cooperation plays an important role in combating human trafficking.

Arto Moksunen

Making contacts and cooperating at the European level are important. Authorities and civic organizations working together, like in the Crossroads model, is a great example of a collaborative network. No one can solve the problems of human trafficking alone.

Picture 4. Senior officer Måns Enqvist chaired the panel discussion. The panelists (from left) Public prosecutor Christina Voigt, Sweden, Education policy specialist Mikko Koskinen, Finland, Senior adviser Maria-Pia de Palo, Nordic Council of Ministers, Head of investigation Trine Møller, Denmark, Superintendent Berglind Eyjólfsdóttir, Iceland och Unit chief Arto Moksunen, Sweden



Photographer: Matti Keränen.

7. Conclusion and Closing of the Conference

Ombudsman for Minorities *Eva Biaudet* compiled the contributions to the conference, including the key conclusions.

Recognizing victims of human trafficking is a challenge. Those who might come into contact with victims must receive training so that they are better able to recognize victims.

Biaudet called attention to the fact that the reflection period offered to victims for initiating a judicial process is also intended for the victim's recuperation. Victims should not be pressured to cooperate with authorities for the sole reason of advancing the prosecutorial process.

The different gender needs must be taken into account in designing the support system. The help that men need is different from what women need. Assistance should not be targeted only at known victims. We need coalitions like the one in which civic organizations like Crossroads work together with the authorities to recognize and help victims. In a coalition, also those in a more vulnerable position who have not been recognized as victims of trafficking can receive help in integrating to society.

Evaluating how functional our current legislation is requires a national human trafficking rapporteur or a similar entity that is able to analyze the current situation and highlight problem areas.

In order to benefit from and further develop Nordic and international cooperation, we must remember that by its nature, human trafficking is similar everywhere, regardless of the particular model with which each country strives to combat trafficking.

8. Summary of the Recommendations

8.1 General

- There is currently very little awareness about labour trafficking. The problem must be prioritized and awareness raised in order to improve the ability to recognize victims. All of this requires political will.
- We must understand that forced labour is part of immigration-related criminality.
- Human trafficking and the exploitation of labour should be viewed in the same context, with less severe exploitation at one end of the spectrum and more severe at the other end. Not every case constitutes human trafficking, but it must be understood that situations of worker exploitation contain the risk of turning into something more severe down the line.
- A change in attitudes regarding human trafficking and the status of victims is needed among the general public. The prevailing attitude is that it is the victim who is responsible for determining the terms of employment.
- More training for police, border guards, occupational health and safety officials, and employees in the field of social welfare and health to recognize victims. Information sharing and shared rules of engagement are preconditions for effective action.
- Respect for humanity and human rights in the treatment of victims; developing the victim support system; and improved victim monitoring to prevent them from becoming victimized again.
- The different needs of women and men in situations requiring assistance must be taken into account. Men and women need different services and forms of support. In the provision of support services and assistance it is important to take into consideration the needs of the victims. Today it is important to develop victim support system for men.

- Human trafficking should be stopped already at the border.
- Demand must be diminished.
- More discussion about residency permits.
- More research on human trafficking, to obtain additional facts and information.

8.2 Recruitment and oversight

- Improved cooperation between various authorities in the monitoring and inspections of recruitment firms and workplaces to reduce the exploitation of labour and increase the risk of being caught.
- Increase the responsibility of the end-users of the service. The food industry has to take responsibility for monitoring berry-pickers' labour contracts.
- Authorities need to exercise greater oversight over the travel related to berry-picking work and reduce the burden imposed on berry-pickers that results from their recruitment costs. It has to be possible to monitor actual income earned and expenses deducted, and the costs associated with recruitment cannot be allowed to rise disproportionately high. The risk must be distributed more equally between berry-pickers, recruiters and berry companies.
- Inform berry-pickers better about the terms and conditions of the labour contract concerning berry picking, in their own language, and already in connection with the permit application process.
- Regular, comprehensive workplace inspections, also as a preventive method. The inspections can be used to educate employees about laws, labour contracts, the rights of workers, and the obligations of employers.
- Adopt a system in which all employees have an identity card that contains their tax ID number.
- Simplify the regulations that govern labour migration.

8.3 Judicial processes

- Establish a specialized authority that is responsible for preliminary investigations in the area of human trafficking.
- Promote strong cooperation between police, prosecutors and occupational health and safety officials.
- Be responsive to reforming strategies and operating procedures. Have the courage to intervene when problems surface and the tenacity not to give up, even when the process is difficult and laborious.
- Conduct faster preliminary investigations.
- In order for interrogations to succeed, the ongoing preliminary investigations must employ the appropriate techniques for hearing and interrogating. By utilizing different preliminary investigation and coercion methods, it is possible to obtain evidence that guarantees improved success at trial.
- Be sensitive to what victims reveal. Reports that corroborate one another can become a formula for human trafficking. Remember: “I will only tell my story if you care about it” (understanding the position of the victim).
- Isolate the perpetrator of the crime and the victims from one another, through the human trafficking victim support system or by arresting the perpetrator.
- Achieve a balance between offering support and managing the cooperation between the victim and authorities. Some victims have very little information about the perpetrator, and this cannot prevent them from receiving help.
- Use expert witnesses in court.
- Use simultaneous interpreting during court proceedings to abbreviate processing times.
- Establish a national task force.
- Make it easier to report offences to the police.
- Improve and deepen the various actors’ understanding of the indicators of human trafficking.
- Develop measures to combat the grey economy.

8.4 Cooperation

- Cooperation across different administrative disciplines and geographic regions is crucial in combating human trafficking. It is not a matter for one country or another – nationally focused measures are not enough to combat human trafficking.
- Cooperation between authorities must occur at the national, Nordic and international level.
- Initiate and maintain cooperation between the authorities in the worker's country of origin and in the receiving country.
- Engage in Nordic cooperation to disseminate information among prosecutors working in the area of human trafficking.
- Ensure that cooperation between various actors begins immediately from the time of a worker's recruitment (industry, trade unions, authorities).
- Develop information sharing and documentation between different sectors.

Picture 5. Ombudsman for Minorities Eva Biaudet presented a summary and closed the conference



Photographer: Matti Keränen.

Sammanfattning

Den nordiska konferensen om *Människohandel med fokus på arbetsliv* arrangerades i Helsingfors, Finland den 27–28.11.2012. På konferensens diskuterades problemställningar som är kopplade till människohandel i arbetslivet ur ett tvärsektoriellt perspektiv. Målet var att förmedla information om olika aktörers kunskande, roller, ansvar och förmåga att identifiera och hantera problemen kring arbetsrelaterad människohandel.

Största utmaningen för de olika aktörerna i Norden idag är att identifiera de personer, kvinnor, män, flickor och pojkar, som är offer för arbetsrelaterad människohandel. Det är viktigt att offren erhåller information om sina rättigheter och om de sociala tjänster som finns tillgängliga för dem. På konferensen presenterades praktiska exempel på hur de nordiska länderna, polisen, åklagare, domstol, arbetarskyddsförvaltning, arbetsmarknadsparter och NGOs arbetar med människohandel kopplat till arbetsmarknaden i Norden.

Konferensens utgångspunkt var de resultat och erfarenheter från projekt och konferenser, som genomförts kring problemställningar om människohandel och arbetsliv under de senaste åren i Nordiska ministerrådet och av myndigheter och organisationer i Norden.

Frågeställningar, som diskuterades på konferensen var:

- Vad är skillnaden mellan att bli tvingad att arbeta och de dåliga arbetsvillkor, som en del invandrare hamnar i?
- Vad är den största utmaningen gällande identifieringen av offer för människohandel inom arbetsmarknaden?
- Vad kan arbetarskyddet bidra med?
- Hur kan samarbetet mellan myndigheter och arbetsmarknadens parter effektiviseras? Vilka är de största utmaningarna?
- Är de sociala tjänsterna anpassade till offrens behov?
- Vad uppnås genom ett nordiskt samarbete?

Under konferensen arrangerades:

- en öppningssession
- fyra tema sessioner:
Till Norden – rekrytering av arbetskraft, Människohandel – utnyttjande av arbetskraft i Norden, Rättsliga processer – människohandel och arbetsliv och Lever Norden som den lär?
- en paneldiskussion

Konferensen avslutades med en sammanfattning av minoritetsombudet Eva Biaudet.

Alla talare under sessionerna och deltagarna i paneldiskussionen presenterade rekommendationer om vilka åtgärder och insatser, som behövs i framtiden för att bekämpa människohandel. Rekommendationerna finns i samband med de enskilda presentationerna. I slutet av konferensrapporten finns en sammanfattning rekommendationerna som presenterades under konferensen.

Konferensen samlade ett stort antal deltagare från olika länder och organisationer. Sammanlagt deltog ca 260 personer i konferensen. Deltagarna kom från alla de nordiska länderna samt de baltiska länderna och NV Ryssland. Utav dessa var ca 70 poliser eller gränsbevakare. Övriga grupper som var representerade var politiker, internationella organisationer, åklagare, migrationsmyndigheter, arbetarskyddsmyndigheter, arbetsmarknadsorganisationer, medborgarorganisationer och forskare.

Konferensen arrangerades av Minoritetsombudet i Finland, som också är nationell rapporteur för människohandel i Finland. Konferensen finansierades av Nordiska ministerrådet i samarbete med Minoritetsombudet i Finland och Nordiska rådet.

9. Appendix



norden

Nordiska ministerrådet

16 November 2012

NORDIC CONFERENCE ON TRAFFICKING IN HUMAN BEINGS IN WORKING LIFE

Paasitorni, Paasivuorenkatu 5, Helsinki
27–28 November 2012

The Nordic conference will focus on human trafficking and working life to discuss and examine how people today become victims of human trafficking as they seek jobs in foreign countries. The aim of the conference is to raise awareness of problems attached to this form of human trafficking in the Nordic countries through a diversified perspective.

The greatest challenge for Nordic stakeholders today is to identify the persons – women, men, girls and boys – who are victims of labour trafficking. It is also important that victims receive information about their rights, and about the social services that are available to them. A key question is how to adapt social services to the needs of the victims.

The aim is also to disseminate knowledge about the various stakeholders, and their roles, responsibilities and ability to identify and deal with problems concerning labour trafficking. The conference builds on the results and experiences obtained from other recent conferences and projects undertaken by authorities and organizations in the Nordic countries on the subject of human trafficking and working life.

The conference will offer practical examples of how the Nordic countries, police, prosecutors, courts, occupational safety authorities, labour market organizations and NGOs' work with issues concerning human trafficking and the labour market in the Nordic countries.

Important questions to be discussed during the conference:

- What is the difference between being forced to work and the poor working conditions some immigrants face?
- What is the greatest challenge in terms of identifying victims of trafficking at the labour market?
- How can the occupational safety authorities contribute?
- How can co-operation between the authorities and labour market organizations be intensified? Which are the greatest challenges?
- Are the social services consistent with the needs of the victims?
- What can be achieved through Nordic co-operation?

The languages of the conference are the Scandinavian languages with interpretation into Finnish, English and Russian.

The conference is arranged by the Ombudsman for Minorities in Finland, in co-operation with the Nordic Council of Ministers and the Nordic Council, and the conference is financed by the Nordic Council of Ministers. The Ombudsman for Minorities is the national rapporteur on trafficking in human beings in Finland.

PROGRAM

TUESDAY 27 NOVEMBER 2012

11.30 Registration and lunch

13.00 OPENING OF THE CONFERENCE

Chair: Ombudsman for Minorities *Eva Biaudet*, Finland

Minister *Anna-Maja Henriksson*, Ministry of Justice, Finland

Secretary General *Halldor Asgrimsson*, Nordic Council of Ministers (NCM)

Member of Parliament *Satu Haapanen*, Parliament, Finland and
Chair for the Citizens' and Consumer Rights Committee, Nordic
Council (NC)

13.30 Trafficking in human beings – what is forced, what is exploitation?

Ombudsman for Minorities *Eva Biaudet*, Finland

14.00 SESSION I: TO THE NORDIC COUNTRIES – RECRUITING LABOUR FORCE

Chair: Senior Adviser *Anna Ekstedt*, Council of the Baltic Sea States (CBSS)

Recruitment of nurses to the Ullevål University Hospital in Oslo
Police Inspector *Bjørn Vandvik*, Oslo Police District, Oslo, Norway

Foreign berry-pickers in Finland

Researcher *Pekka Rantanen*, University of Tampere, Tampere, Finland

Trafficking in human beings among au pairs and in the cleaning sector – risks, recruitment and middlemen

Anthropologist, Ph.D. Fellow *Trine Mygind Korsby*, Department of Anthropology, University of Copenhagen, Copenhagen, Denmark

Comment:

2nd chair *Kyösti Suokas*, Finnish Construction Trade Union, Helsinki, Finland

Discussion

15.30 Coffee break

16.00 SESSION II: HUMAN TRAFFICKING - EXPLOITATION OF THE LABOUR FORCE IN THE NORDIC COUNTRIES

Chair: Member of Parliament *Maria Stenberg*, Parliament of Sweden, Member of Citizens' and Consumer Rights Committee, Nordic Council

Labour migrants from Central and Eastern Europe in the Nordic countries:

Patterns of migration, working conditions and recruitment practices

Researcher *Line Eldring*, Institute for Labour and Social Research (FaFo), Oslo, Norway

The traffickers of human beings – the tax authorities' actions against trafficking in human beings

John Vorbeck Petersen, Economic crimes, Danish Tax authorities, Denmark

Trade unions actions to combat trafficking in human beings in the Nordic labour market

Investigator *Thord Ingesson*, Swedish Trade Union Confederation (LO), Sweden

Comment: Inspector *Kristiina Linna*, Occupational health and safety, Regional State Administrative Agency for Southwestern Finland, Finland

Discussion

17.30 Closing and summary
Ombudsman for Minorities *Eva Biaudet*, Finland

18.30 Reception
Säätytalo, Snellmaninkatu 9-11, Helsinki

WEDNESDAY 28 NOVEMBER 2012

9.30 **SESSION III: LEGAL PROCEEDINGS – HUMAN TRAFFICKING AND THE LABOUR MARKET**

Chair: Senior Program Officer *Natalia Ollus*, European Institute for Crime Prevention and Control, affiliated with the United Nations, HEUNI, Helsinki, Finland

Norwegian court cases – co-operation between prosecutor and police

Police Superintendent *Jarle Bjørke*, Head of Analysis Division, Organized Crime Section, Hordaland Police District, Bergen, Norway

Human trafficking of berry-pickers – recruiting berry-pickers to Sweden

Public prosecutor *Christina Voigt*, International public prosecutor office, Stockholm, Sweden

Challenges in investigation and processing labour trafficking from the prosecutor's perspective

Chief district prosecutor *Peter Levlin*, Prosecutor's Office of Ostrobothnia, Finland

Comment:

District commissioner *Sigríður Björg Guðjónsdóttir*, Suðurnes Police District, Iceland

Discussion

11.00 Coffee break

**11.30 SESSION IV: DO THE NORDIC COUNTRIES PRACTISE
WHAT THEY PREACH?**

Chair: Assistant Professor and PhD student *Birgitte Ellefsen*,
Norwegian Police University College, Norway

A dream of education and work

Director *Sirle Blumberg*, Living for Tomorrow, Tallinn, Estonia

Who comes to Sweden to work?

Unit chief *Arto Moksunen*, Crossroads, Stockholm, Sweden

Reflection periods for victims of trafficking in human beings –
experiences from seven countries

Researcher *Anette Brunovskis*, Institute for Labour and Social
Research (FaFo), Oslo, Norway

Comment: Attorney at Law *Emilia Kaikkonen*, Matti Penttinen

Oy, Helsinki, Finland

Discussion

13.00 Lunch

**14.00 SESSION V: PANEL DISCUSSION – COOPERATION
ACROSS BORDERS AND SECTORS**

15.30 CLOSING OF THE CONFERENCE AND CONCLUSION

Ombudsman for Minorities *Eva Biaudet*, Finland



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Nordic Council of Ministers

Ved Stranden 18
DK-1061 København K
www.norden.org

Trafficking in Human Beings in Working Life

The Nordic conference on human trafficking and working life discussed how people become victims of human trafficking as they seek jobs in foreign countries. The aim of the conference was to raise awareness of problems of human trafficking in the Nordic countries through a diversified perspective.

The greatest challenge for Nordic stakeholders today is to identify the persons – women, men, girls and boys – who are victims of labour trafficking. It is important that victims receive information about their rights, and about the social services that are available to them. A key question is how to adapt social services to the needs of the victims.

The aim was to disseminate knowledge about the various stakeholders, their roles, responsibilities, ability to identify and deal with problems on labour trafficking. The conference was built on the results and experiences obtained by authorities and organizations in the Nordic countries.

At the conference practical examples of how the Nordic countries, police, prosecutors, courts, occupational safety authorities, labour market organizations and NGOs' work with issues concerning human trafficking and the labour market in the Nordic countries.

TemaNord 2013:555
ISBN 978-92-893-2591-2



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