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HUMAN TRAFFICKING AND ORGANISED CRIME
Trafficking for sexual exploitation and organised procuring in Finland

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1. Introduction

Research on human trafficking and organised crime is relatively rare in Finland. During the recent years human trafficking, procuring and prostitution have been studied i.a. in a legal perspective (Roth 2007a; 2007b; 2008), in relation to cross-border prostitution (Marttila 2004; 2005a; 2005b; 2006; 2008), and in the context of commercialisation of sex (Jyrkinen 2005). The problems of identifying the victims of human trafficking (Putkonen 2008) and trafficking in women and illegal immigration (Lehti and Aromaa 2003) have also been examined, as well as the effects of globalization on the sex industry in Finland (Penttinen 2004). In addition, Finnish sex-workers (Kontula 2008), prostitution in Northern Finland (Skaffari and Urponen 2004; Korhonen 2003), sex bars (Lähteenmaa and Näre 1994; Näre and Lähteenmaa 1995; Näre 1998), and sex buyers (Keeler & Jyrkinen 1999) have been the focus of recent research. Also organised pandering and prostitution in Finland was studied in the beginning of the 2000s (Leskinen 2003). Organised crime is scrutinised by Junninen (2006) and Bäckman (2006). However, the connection between human trafficking and organised crime has not been a central focus of any specific recent study in Finland. It also seems that prostitution and procuring markets have changed during the recent years and because of this, new studies on the issue are needed.

Although human trafficking, prostitution and organised crime have been researched extensively in the global context, in this report we refer mainly to the earlier Finnish studies. The aim is to provide a comprehensive view of the Finnish prostitution-related human trafficking situation in the context of organised crime. We approach the topic from a sociological perspective and with qualitative methods. This study covers the first decade of the 21st century¹.

The background of this report is based on a three-country study on the links between organised crime and trafficking in human beings for the purpose of sexual exploitation in Sweden, Finland and Estonia (see Brottsförebyggande rådet 2008). A joint project was launched by the Swedish National Council for Crime Prevention (Brå), the Estonian Institute of Law at Tartu University and the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI) in Finland in 2007. The project was co-financed by the AGIS-programme of the European Commission² and coordinated by Brå.

The following report is based on the Finnish country report that was prepared as part of the three-country study. It is an extended version of the original Finnish country report written for the three-country project (Brottsförebyggande rådet 2008) and thus deals only with the results of the Finnish study. The original report was structured according to the same outline

¹ In practice, the data deals mainly with the years 2000–2007.

² JLS/2006/AGIS/019

in all three countries and this extended version follows the same outline in general, but the structure has been revised for national purposes. The framework of the study (for data collection, analysis and writing the report) was a conceptual model (see appendix 1), provided by the project coordinator Brå and modified by the project group. The conceptual (or analytical) model determined largely the issues that have been studied, and the ways this was done (the model is described in detail in chapter 4).

The objective of this study was to map the role of organised crime in human trafficking for sexual exploitation i.e. prostitution-related trafficking in persons. Since we started examining organised crime in the first place, we have thus concentrated on analysing criminal organisations/networks, the different (criminal) actors involved in the trafficking and procuring activities, and the trafficking process. The trafficking process begins in the source country, i.e. in the country where the victims are recruited. After the victims have been recruited, they travel through potential transit countries to the destination country where they are exploited. These activities were studied as a chronological process, in which the trafficking victims are recruited in the source country and transported to the destination country (in this study Finland) in order to use them in prostitution.

We start this report by describing the relevant concepts and legislation (chapter 2). Next, we present a general overview of the Finnish trafficking situation. As a background, we also provide information on the organised crime, prostitution and procuring situation in Finland (chapter 3). In chapter four, we present our data, the data collection and methods of analysis. We also provide a brief overview of some of the most relevant trafficking in human beings and pandering cases in the 2000s in Finland.

In chapters 5–12, we present the results of our analysis. We cover the process of human trafficking chronologically beginning with the recruitment phase (chapter 5), continuing to the transportation (chapter 6) and finally to the procuring phase (chapter 7–11; see description of the trafficking process and its different phases in chapter 4). In chapter 7 criminal organisations/networks are described, continuing with the discussion of the role of different actors involved in human trafficking and procuring activities (chapter 8). After presenting the other actors, we discuss the sex buyers and their role (chapter 9). Then marketing and trading places are portrayed (chapter 10). Finally, the issue of methods of controlling the procured women is examined (chapter 11). After these chapters, we also discuss different opinions and views on the legislation and the victim support system (chapter 12). Finally, we present the conclusions of the study (chapter 13).

2. Relevant concepts and legislation

Several different terms are used in this study to describe the multifaceted and complex phenomenon of trafficking in human beings for the purpose of sexual exploitation. As the focus of this study is on human trafficking for sexual exploitation and the context is organised crime, the most essential concepts for this study are trafficking in human beings, organised crime, procuring and prostitution. In this chapter, we provide definitions for the relevant terms used in this study and the legislation regarding these issues.

2.1 Trafficking in human beings

Trafficking in human beings is a complex term that includes trafficking for sexual exploitation as well as forced labour and the removal of organs. In this study the focus is particularly on trafficking in human beings for the purpose of sexual exploitation, not human trafficking in general.

In Finland, trafficking in human beings was criminalised in 2004. The Finnish trafficking legislation is formulated to a large extent according to the Palermo Protocol, adopted by the United Nations in 2000 in Palermo, Italy, which came into effect in December 2003, to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children. The convention entered into force nationally in Finland on 7 October 2006, but the criminalisation obligations prescribed by it had been already met before this date. (Työministeriö 2007.)

According to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the so-called Palermo Protocol), trafficking in human beings is defined as follows (in Article 3):

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;

(b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;

(c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered "trafficking in persons" even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) "Child" shall mean any person under eighteen years of age.

Chapter 25 of the Finnish Penal Code was amended on 1 August 2004, introducing the offences of trafficking in human beings (3 §) and aggravated trafficking in human beings (3 a §) (Penal Code 650/2004). Simultaneously, the corporate criminal liability, stipulated in Chapter 9 of the Penal Code was extended to parties involved in trafficking in human beings and aggravated trafficking in human beings. The failure to report these offences was criminalised in 10 § of Chapter 15 of the Penal Code. (See Työministeriö 2007.)

According to these laws, a person who abuses the dependent status or insecure state of another person, deceives another person or abuses the error of that person, pays remuneration to a person who has control over another person, or accepts such remuneration, takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse or forced labour or other demeaning circumstances or removal of bodily organs is guilty of trafficking in human beings. If violence or threats are used, or if the victim is a minor (or comparable to a minor) or the crime is committed within the framework of a criminal organisation and the offence is assessed to be aggravated as a whole, the offence is considered to be aggravated trafficking in human beings (see below for further detail).

Penal Code: Chapter 25

3 § - Trafficking in human beings (650/2004)

(1) A person who

(1) by abusing the dependent status or insecure state of another person,

(2) by deceiving another person or by abusing the error of that person,

(3) by paying remuneration to a person who has control over another person or

(4) by accepting such remuneration takes control over another person, recruits, transfers, transports, receives or harbours another person for purposes of sexual abuse referred to in chapter 20(9)(1)(1) or comparable sexual abuse, forced labour or other demeaning circumstances or removal of bodily organs or tissues for financial gain shall be sentenced for trafficking in human beings to imprisonment for a minimum of four months and a maximum of six years.

(2) A person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or harbours that person for the purposes mentioned in subsection 1 shall be sentenced for trafficking in human beings

even if none of the means referred to in subsection 1(1 – 4) have been used.

(3) An attempt shall be punished.

3 a § - Aggravated trafficking in human beings (650/2004)

(1) If, in trafficking in human beings,

(1) violence, threats or deceitfulness is used instead of or in addition to the means referred to in section 3,

(2) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is deliberately or through gross negligence inflicted on another person,

(3) the offence has been committed against a child younger than 18 years of age or against a person whose capacity to defend himself/herself has been substantially diminished or

(4) the offence has been committed within the framework of a criminal organisation referred to in chapter 17(1a)(4)

and the offence is aggravated also when considered as whole, the offender shall be sentenced for aggravated trafficking in human beings to imprisonment for a minimum of two years and a maximum of ten years.

(2) A person who enslaves or keeps another person in servitude, transports or trades in slaves shall also be sentenced for aggravated trafficking in human beings if the act is aggravated when assessed as a whole.

(3) An attempt shall be punished.

Trafficking in human beings may be punished by imprisonment for a minimum of four months and a maximum of six years. For aggravated trafficking in human beings, the minimum term of imprisonment is two years, the maximum ten years (Penal Code 650/2004). Surveillance of telecommunications is facilitated as a method of police investigation in the case of both offences (“Act of coercive means” 450/1987, 5a:2). (See also Työministeriö 2007.)

In 2006, the Aliens Act (301/2004; 619/2006) was amended with regard to the reflection period granted to victims of human trafficking and to the residence permit for trafficking victims. The stipulations on granting a trafficking victim a residence permit in the country (52 a §), on the reflection period granted to trafficking victims (52 b §), and on the decision procedure concerning the reflection period (52 c §) took force on 31st July 2006. The stipulations on support to be provided for trafficking victims were added to the Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999; 1269/2006) late in 2006, and they took force on 1 January 2007. This means in effect that the victim support system became mandatory by law. Furthermore, the new Child Protection Act (417/2007) came into effect on 1st January 2008. The new law is paying increased attention to the child protection needs of child (under 18 years) victims of human trafficking. (See Työministeriö 2007.)³

Finland also signed the Council of Europe convention on trafficking in human beings on 26th August 2006. The convention came into effect on 1st February

³Aggravated pandering (Penal Code 20:9a) and the offence of aggravated arrangement of illegal immigration (Penal Code 17:8a) and work discrimination resembling usury (Penal Code 47:3a) are referred to as offences resembling trafficking in human beings. Pandering and arrangement of illegal immigration offences are discussed in the next chapters as they are relevant terms in this study.

2008, but Finland has not yet ratified it. Furthermore, the European Union made an Action Plan on Trafficking in Human Beings in 2005, and Finland was largely responsible for its implementation in the second half of 2006 when Finland was in charge of the presidency of the European Union. (Työministeriö 2007.)

2.2 Human smuggling

Human smuggling and human trafficking are two different issues, however significantly related. According to the United Nations Convention against Transnational Organized Crime and its Protocol against the Smuggling of Migrants by Land, Sea and Air, human smuggling is defined in Article 3 of the Protocol.

Protocol against the Smuggling of Migrants by Land, Sea and Air

Article 3 - Human smuggling

- (a) "Smuggling of migrants" shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) "Illegal entry" shall mean crossing borders without complying with the necessary requirements for legal entry into the receiving State;
- (c) "Fraudulent travel or identity document" shall mean any travel or identity document:
- (i) That has been falsely made or altered in some material way by anyone other than a person or agency lawfully authorized to make or issue the travel or identity document on behalf of a State; or
- (ii) That has been improperly issued or obtained through misrepresentation, corruption or duress or in any other unlawful manner; or
- (iii) That is being used by a person other than the rightful holder;
- (d) "Vessel" shall mean any type of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of transportation on water, except a warship, naval auxiliary or other vessel owned or operated by a Government and used, for the time being, only on government non-commercial service.

Human smuggling, as such, is not a subject of this study but it is related to human trafficking and is therefore a relevant term for this study. Some trafficking in human beings cases may also include illegal border-crossings (arrangement of illegal immigration). Arrangement of illegal immigration (563/1998) and aggravated arrangement of illegal immigration (650/2004) are criminalised in Finland. Arrangement of illegal immigration refers to transporting to or through Finland foreigners without a valid passport, other travel documents, a visa or a residence permit or by using false documents. If bodily harm, a serious illness or danger is inflicted on another person, deliberately or through gross negligence, in the arrangement of illegal immigration, or the offence has been committed within the framework of a

criminal organisation, then the offence is considered to be aggravated arrangement of illegal immigration. The punishment for arrangement of illegal immigration is a fine or a maximum of two years of imprisonment, while the punishment for aggravated arrangement of illegal immigration is a minimum of four months in prison or a maximum of six years of imprisonment.

Human smuggling (i.e. arrangement of illegal immigration) is generally an offence against the target state, while human trafficking is an offence against an individual person. The victim of trafficking is dependent on the offender, and the dependence is maintained by, for example, threats or violence. In human smuggling, the dependence bond usually dissolves when the person in question arrives in the target country. Human smuggling generally involves the consent of those being smuggled. This makes those being smuggled co-offenders/accomplices, not victims. Trafficking victims, on the other hand, have either never consented or their initial consent has been rendered meaningless by the improper means used by the traffickers. However, in some situations the smuggled person eventually becomes a trafficking victim, and a clear-cut distinction between the two situations is often not possible in real-life terms. Although the legal label may be clear, it depends on the evidence that can be retrieved. Also, the smuggled person may be seen as a co-offender or client of the facilitator. Furthermore, trafficking may also be a domestic issue, with no smuggling and crossing of borders required. Human smuggling always includes crossing state borders. Trafficked persons often need not to be smuggled as they may travel with valid documents. Of course, procuring may also include smuggling. Thus, while human smuggling is always, by definition, transnational, trafficking need not be. According to the United Nations, one important indicator of whether a case is one of smuggling or of trafficking is how the offenders generate their income. "Smugglers generate their income from fees to move people. Traffickers, in contrast, continue to exert control over their victims in order to garner additional profits through their ongoing exploitation." (United Nations 2009b, 21–23.)

2.3 Organised crime

Organised crime is a complex phenomenon and difficult to define as such. Organised crime can be defined from the perspective of national legislation and of international obligations at the minimum. The police may apply a broader, different definition of organised crime for internal (crime prevention) purposes when compared to the strictly legal definitions applied in court. Also different sociological and criminological definitions may form the basis for understanding the meaning of organised crime. Several different definitions of organised crime exist. Due to the fact that different crime groups are unique and differ in form and with regard to the crimes they commit, a single, conclusive definition of organised crime has to be very general in nature (Junninen 2006a, 17–18). Junninen notes that different authorities lack a common definition of organised crime.

According to the United Nations definition, an organised criminal group is “a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences in order to obtain, directly or indirectly, a financial or other material benefit”. (United Nations 2000.) In the European Union definition, organised crime is “a structured association, established over a period of time, of more than two persons, acting in concert with a view to committing offences which are punishable by deprivation of liberty or a detention order of a maximum of at least four years or a more serious penalty, whether such offences are an end in themselves or a means of obtaining material benefits and, where appropriate, of improperly influencing the operation of public authorities.” (EU 98/733/JHA.)

Following international definitions, the Estonian researcher Risto Pullat (2003, 21) defines organised crime as a criminal group that comprises at least three persons, that has a permanent division of tasks between the members, that commits serious crimes, or influences authorities in an illegal fashion. The joint feature of such groups is the objective of material gain. According to Pullat, the professional skills, the organised character, and the long-term nature of the activity distinguish organised crime from other forms of crime. (Pullat 2003.)

In the Penal Code of Finland (17:1a), the participation in an organised criminal group is criminalised. According to this law, an organised criminal group has at least three members, is active for a prolonged period of time, has a permanent structure and operates under a common understanding. The article came into effect in 2003 but so far it has been applied only a few times.

Penal Code: Chapter 17

1a § Participation in the activity of a criminal organisation (142/2003)

(1) A person who

(1) by establishing or organising a criminal organisation or by recruiting or attempting to recruit persons for it,

(2) by equipping or attempting to equip a criminal organisation with explosives, weapons, ammunition or with materials or equipment intended for their production or with other dangerous supplies or materials,

(3) by arranging, attempting to arrange or providing a criminal organisation training for criminal activity,

(4) by obtaining, attempting to obtain or providing a criminal organisation premises or other facilities needed by it or means of transport or other equipment that is particularly important for the organisation,

(5) by directly or indirectly giving or collecting funds to finance the criminal activity of a criminal organisation,

(6) by managing financial affairs that are important for the criminal organisation or by giving financial or legal advice that is particularly important for the organisation or

(7) by actively promoting the accomplishment of the aims of a criminal organisation in another substantial manner participates in the activities of a criminal organisation with the aim of committing one or more offences for which the maximum statutory sentence is imprisonment for a minimum of four years or one or more of the offences referred to in chapter 11(8) or chapter 15(9), and if such an offence or its punishable attempt is committed, shall be sentenced for participating in the activity of a criminal organisation to a fine or imprisonment for a maximum of two years. (1372/2003)

(2) What is ruled above in subsection 1(6) regarding legal advice does not apply to the performance of the duties of legal counsel or representative in connection with the pre-trial investigation or court proceedings regarding an offence or the enforcement of a sentence.

(3) What is ruled in subsection 1 does not apply if an equally or more severe penalty is provided elsewhere in law for the act.

(4) A criminal organisation is defined as a structured association, established over a period of time, of at least three persons acting in concert to commit the offences referred to in subsection 1.

In addition to the above-mentioned article, committing a crime as a member of a group organised for serious offences (Penal Code 6:5§2) can be used by the court as grounds for lengthening the punishment. The same stipulation applies if the criminal activity has been systematic in nature (Penal Code 6:5§1). As regards the trafficking offence (Penal Code 25:3a), arrangement of illegal immigration (Penal Code 17:8a) and some other offences, committing crime as part of the activities of an organised crime group can have an impact on the qualification of the offence (e.g. making the offence aggravated).

From our point of view, the terms *organised crime* and *organised crime/criminal group* have a different meaning and as such the terms must be distinguished from each another. Organised crime can be seen as a higher-level category for an organised crime group which (with its (legal) national and international definitions) is a sub-category of the former. In this report, organised crime refers mainly to a wider category/meaning than organised crime (group) in a legal sense (see chapter “Data and methods”). Furthermore, illegal markets are not the only branch of activity of organised crime, but also (at least seemingly) legal businesses may be involved (Kyntäjä 2004, 283).

2.4 Prostitution and procuring

Since the focus of the study is on human trafficking with the particular purpose of sexual exploitation (prostitution-related trafficking), also prostitution and procuring are relevant concepts in this study. The term *prostitution* refers to selling sexual services/acts in exchange for money or some other remuneration.⁴ In this study, prostitution is discussed mainly in the context of

⁴ When we use the terms commercial sex and commercial sex services, we refer to prostitution, not to the broad meaning of commercial sex, like phone sex services or pornography for example.

procuring and human trafficking for sexual exploitation.⁵ When the term *prostitute* is used in the report, it refers mainly to procured women or female victims of prostitution-related human trafficking. *Independent prostitute* refers to prostitutes who are not procured or operating under a criminal organisation. When discussing under-age victims/prostitutes, they are referred to as *girls*. The term *women* is only used when discussing adults. However, the interviewees may use “girl” also when talking about adult females or both under-age and adult females (see chapter 4.2 on interviews).

Procuring refers to facilitating, organising or marketing sexual acts provided by another person in order to gain financial benefit. We use the terms procuring, pandering and pimping as synonyms in this report. *Pandering* is used especially when talking about legislation and this particular offence. *Organised procuring* refers to large-scale and systematic procuring operations in which several people are involved in order to gain financial profit. *Procurers* and pimps are persons (mainly men) who procure prostitutes. *Pandering group* refers to a criminal organisation that is specialised in procuring criminality. *Field hands* are hired pimps operating for the pandering groups who may also have other functions.

In Finland, the legislation related to prostitution has been amended over the past few years. Selling sex, as such, is not criminalised in Finland. In 1999, the Aliens Act was amended to the effect that a foreigner can be turned back at the border, if there are strong grounds to suspect that she/he is selling sexual services (Aliens Act 9:148). In 2003, the buying and selling of sexual services in public places was made punishable in the Public Order Act (612/2003; 2:7).

In 2004, 9 § (pandering) of Chapter 20 of the Penal Code was complemented with the new offence of aggravated pandering (9a §). Pandering can be punished with a fine or a maximum of three years of imprisonment, while aggravated pandering is punishable with imprisonment for a minimum of four months and a maximum of six years. According to the law, supplying a room or other facilities, where sexual services are provided in exchange for money or other goods, is illegal, as is promoting or providing the contact information of another person offering sexual services or taking advantage of this person. Likewise, it is illegal to persuade or coerce another person to offer sexual services in exchange for money.

The offence is considered to be aggravated pandering if considerable financial gain is pursued, or if the offence is committed in a particularly systematic manner. The offence is also aggravated pandering if bodily harm, a serious illness, or danger is inflicted on persons deliberately or through gross

⁵ Prostitution as such is not the main subject in this study. The volume of prostitution and the extent of the phenomenon in Finland are described as a background for understanding what kind of phenomenon is in question. We do not present every form of prostitution nor discuss the different views on prostitution (e.g. prostitution as exploitation, prostitution as work etc.). However, prostitution is, of course, one of the key elements when discussing prostitution-related trafficking.

negligence or if the object of pandering is a child under 18 years of age. The offence has to be also assessed as being aggravated as a whole.

Penal Code: Chapter 20

9 § - Pandering (563/1998)

(1) A person who, in order to seek financial gain to himself/herself or to another person,

(1) supplies a room or other facilities where sexual intercourse or a comparable sexual act or a sexually obscene act performed by a child younger than 18 years of age are offered for remuneration,

(2) as an established part of her/his business harbours a person engaging in such an act and thereby substantially promotes such an act,

(3) provides contact information of or otherwise markets another person engaging in such an act knowing that her/his actions substantially promote the occurrence of such an act,

(4) otherwise takes advantage of such an act performed by another person or

(5) persuades or coerces another person to perform such an act, shall be sentenced for pandering to a fine or imprisonment for a maximum of three years. (650/2004)

(2) An attempt is punishable

9 a § - Aggravated pandering (650/2004)

(1) If, in pandering,

(1) considerable financial gain is pursued,

(2) the offence is committed in a particularly methodical manner,

(3) grievous bodily harm, a serious illness or a state of mortal danger or comparable particularly grave suffering is inflicted on another person deliberately or through gross negligence, or

(4) the object is a child younger than 18 years of age and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated pandering to imprisonment for a minimum of four months and a maximum of six years.

(2) An attempt is punishable.

In practice, the changes in the legislation made in 2004 concerning pandering had an impact, for example, on the publishing of sex adverts in newspapers. As providing the contact information of prostitutes is considered to be pandering according to the new law, newspapers that publish sex ads could be prosecuted for pandering.

In 2006, Chapter 20 of the Penal Code was complemented with a paragraph on exploiting a person who is a subject of sex trade (8 §). In practice, the paragraph criminalises the client of prostitution if the subject is a victim of trafficking or pandering⁶. Simultaneously, the buying of sexual services from a minor (8a §) was criminalised. In this context, a “minor” is a person under the

⁶ Legally speaking, there are no victims of pandering. Procured persons are treated as witnesses, not as plaintiffs in the court of law.

age of 18 years. The maximum punishment for exploiting a person, who is subjected to pandering or trafficking, is a fine or imprisonment for a maximum of six months.

Penal Code: Chapter 20

8 § - Exploitation of a person who is a subject of sex trade (743/2006)

A person who by promising or giving a remuneration of immediate economic value causes a person, who is a subject of crimes mentioned in 9 or 9 § or Chapter 25 § 3 or 3a, to start an intercourse or similar sexual act shall be sentenced for the exploitation of a person who is a subject of sex trade to a fine or imprisonment for a maximum of six months.

For the exploitation of a subject of sex trade is also to be punished anyone who abuses such remuneration as is defined in the first subsection given or promised by a third person by starting an intercourse or similar sexual act with a person who is a subject of a crime mentioned in the said moment.

An attempt is punishable.

3. The current situation in Finland

In this chapter we provide information on the current trafficking and procuring situation in Finland. The human trafficking situation, as well as ways of combating trafficking, are described only very briefly as a background to understand the current situation and some of the central factors that have contributed to it (for more detailed information see e.g. Ministry of Interior 2008b; Roth 2008; 2007a; 2007b; Työministeriö 2007; HE 34/2004; Hollmen & Jyrkinen 1999). Also prostitution, procuring and organised crime in Finland are described in brief in order to contextualise the study.

3.1 Short history of combating human trafficking

The awareness of trafficking in persons and measures to combat it are relatively new issues in Finland. The subject of human trafficking was raised in a few multi-ministerial projects⁷ but the phenomenon did not receive focused attention among authorities until 2004. As mentioned earlier, the law on human trafficking was drafted in Finland in 2004 (see HE 34/2004; LaVM 4/2004). The criminalisation of human trafficking was introduced in the first place in response to international obligations, but also national needs contributed.

Before 2004 many authorities were not aware of the existence of human trafficking in Finland, or considered it a marginal phenomenon only. This was, however, not the opinion of the US Department of State. Finland was criticised for not doing enough to combat human trafficking in the early 2000s in their annual trafficking reports⁸. For example, the 2003 report described the closed prostitution camps in Northern Finland (US TIP Report 2003). However, the then Minister of Justice Johannes Koskinen declared that such allegations were unfounded. The Finnish authorities did admit that there was a rather large-scale prostitution activity directed from Russia and Estonia, but considered human trafficking related with it to be minimal in Finland (see also Jyrkinen & Hearn 2008, 390).

The US TIP report also places countries into three categories (Tier 1–Tier 3) according to the efforts they have made in the fight against trafficking in persons. Countries that have taken significant efforts to combat human trafficking get a Tier 1 classification, whereas Tiers 2 and 3 are reserved for countries that have not done enough in this field according to the US Department of State. Finland was not placed into Tier 1 until 2006, while most of the other Nordic countries as well as many other countries of Western Europe were ranked in Tier 1 as early as the beginning of the 2000s. Another

⁷ For example European Commission STOP-project, Project for the prevention of prostitution and violence against women (see Hollmen & Jyrkinen 1999).

⁸ Finland has been assessed in the report since 2003.

reminder of the possible existence of human trafficking in Finland was the case of the Georgian women in 2005 (see chapter 6.1).

Since the turning point in 2004 when the trafficking offence was added to the Finnish Penal Code, several different measures have been introduced to combat human trafficking and to bring the offenders to justice in Finland. These include, amongst other things, measures promoting the identification of trafficking victims and improving the victim assistance system. The Finnish Government committed itself to preparing an anti-trafficking Action Plan in May 2004. A task force to deal with this matter was assigned in August 2004. The task force completed its work in the spring of 2005, and the Council of State adopted the first anti-trafficking Action Plan on 25 August 2005.⁹ The proposal for a revised version of the Action Plan was finalised in late 2007 and was approved by the Government of Finland in June 2008. The new proposal comprised a recommendation of an evaluation of the entire system in 2009. (See Ministry of Interior 2008b.) At the end of 2008, the Ombudsman for Minorities was appointed as the National Human Trafficking Rapporteur who is responsible for monitoring the trafficking situation in Finland (see HE 193/2008).

The assistance system for victims of human trafficking was established during 2006 in connection with the asylum seekers' reception centres of Oulu and Joutseno.¹⁰ The reception centre of Oulu is responsible for under-age victims and the reception centre of Joutseno for adults and families. In addition to the primary victims of trafficking, the assistance system is also available for victims of crimes resembling trafficking and for persons acting as witnesses or in similar roles in the investigation of human trafficking offences. The decision to accept a person to be included in the assistance and support system is made by the director of the reception centre, supported by a multi-disciplinary assessment team. The Oulu and Joutseno reception centres employed human trafficking coordinators for their first year of activity. Their responsibility was to design the support system, to draft information and training materials, and to train the different professionals engaged in the system.

According to the Aliens Act (619/2006), the victims of trafficking in human beings are entitled to a temporary residence permit as well as a reflection period. A temporary residence permit is granted to the victims of trafficking in human beings if their stay in Finland is considered to be necessary because of pre-trial investigation or court proceedings, and if the victims are willing to cooperate with the authorities and have severed all ties with the traffickers. The temporary residence permit is granted for 6–12 months and it can be renewed as necessary. Before a residence permit is issued to a victim of trafficking in

⁹ In addition to this, the Ministry of Interior made its own anti-trafficking Action Plan in autumn 2005.

¹⁰ Services and support mechanisms for victims of human trafficking are described here only very briefly (see more details on the victim services e.g. Työministeriö 2007; Ministry of Interior 2008b). Services are provided also by NGOs such as the Prostitute Counselling Centre, Multicultural Women's Resource Center Monika, Victim Support Finland etc.

human beings, a special reflection period may be granted. During the reflection period the victim can recover from her/his experiences, but she/he must also decide whether she/he is going to cooperate with the authorities. The length of the reflection period is between a minimum of 30 days and a maximum of six months. The reflection period may be terminated if the victim voluntarily re-establishes her/his connections to the traffickers. The decision about the reflection period is given by the District Police or the Border Guard authorities, and also the termination of the reflection period is decided by them. No appeals are permitted on decisions concerning the reflection period or its termination. However, according to the law, co-operation will not be required if the victim is in a particularly vulnerable position¹¹. A victim in such a position may also be granted a continuous residence permit. (619/2006; Finnish Immigration Service 2008.)

By the end of 2007, one (continuous) residence permit and four reflection periods had been granted (Ministry of Interior 2008a, 58). According to the Finnish Immigration Service, altogether seven reflection periods have been granted in 2006–2008, while six temporary residence permits have been granted in 2009¹² (Finnish Immigration Service 2009). Researcher Venla Roth comments that the central weakness of the residence permit and the reflection period intended to help victims of human trafficking is that they are focused on criminal law objectives: "the protection of the (human) rights of the victims is seen to be necessary only in situations where it is useful for the crime investigation and for the prosecution of the offenders" (Roth 2007a, 11).

In 2006, the victim support system had nine victims as clients. Six of them were women or girls, three were men. Five were exploited for labour, two were transit cases; one human trafficking case was related to prostitution and one to a suspected forced marriage. Three of the victims were minors. (Työministeriö 2007, 14.) In 2007, the victim support system had nine clients. Some of them had been clients in the system since 2006. Six victims were minors. (Ministry of Interior 2008a, 58.) In total, 13 minors were clients in the support system in Oulu and 23 persons in Joutseno during the years 2005–2009. Of these, six persons in Oulu and 17 persons in Joutseno have been clients in the system since the provision for support for victims of trafficking became statutory by law in 2007 (1269/2006). In June 2009, there was one person in the support system in Oulu and 15 persons in Joutseno. (Joutseno and Oulu Reception Centres 2009.)

The majority of suspected trafficking victims in the support system in Finland have been victims of (forced) labour exploitation rather than victims of trafficking for sexual exploitation. This may be explained by at least three

¹¹ According to the Finnish Immigration Service a person may be in an exceptionally vulnerable position due to her/his age, health or some other special reason.

¹² In addition to the residence permits for human trafficking victims, the residence permit may be granted on other grounds, although the persons involved have referred to human trafficking. Furthermore, some of the potential trafficking victims have had some kind of residence permit (e.g. work permit) and have not needed a residence permit intended for trafficking victims.

factors: 1) there may be more victims of trafficking for labour exploitation in Finland than victims of trafficking for sexual exploitation; or 2) the victims of labour exploitation are easier to identify for the state authorities and thus more victims end up in the support system; or 3) the victims of sexual exploitation are for one reason or another not willing to be taken up in the support system or they are not referred there. All three explanations may be true. However, it is possible that potential victims of labour exploitation are identified more effectively than victims of trafficking for sexual exploitation, i.a. because labour inspection authorities have recently established special operations in this field, and also because trade unions may have an interest to interfere.

3.2 Trafficking in human beings cases

The statistics and information on human trafficking cases are rather fragmentary in nature. This was demonstrated quite well by the different figures provided by different authorities and sources. According to the Ministry of Interior, in about fifteen criminal investigations, the initial suspicion of crime was linked with trafficking in human beings (the figure comprises both police and border guard investigations) (Ministry of Interior 2008a, 57). According to the National Bureau of Investigation (2009b), until the beginning of November 2009, pre-trial investigations have been launched altogether in approximately 25 cases of trafficking in human beings or aggravated trafficking in human beings in 2004–2009. In 2005–2007, the number of persons suspected of trafficking in human beings was altogether 22 (eight in 2005, ten in 2006 and four in 2007). According to the report by the national anti-trafficking task force (Työministeriö 2007), for example in 2006, pre-trial investigations were launched in six cases of suspected trafficking in human beings, but only one of the cases proceeded to prosecution. In 2006, the trafficking investigations were related to 17 victims of trafficking, ten men and seven women. Of the women, two were minors. (Työministeriö 2007, 12.)

By the beginning of 2009, four human trafficking cases had proceeded to court in Finland. In two of these cases, the accused persons were sentenced for trafficking in persons (for sexual exploitation), but only one case has been legally valid so far. The third case was also prostitution related, but the trafficking charges were dismissed and the defendants were sentenced for pandering.¹³ The fourth case concerned trafficking for forced labour (see case description below), but the charges on trafficking were dismissed by the court. There have been no indications of trafficking for the purpose of removing organs in Finland (Työministeriö 2007, 14). Other investigations that the police have treated as suspected trafficking cases have eventually been re-defined as

¹³ During the original data collection period, only one trafficking case had been detected and had proceeded to court in Finland. This is the case referred to as the Finnish trafficking case explained in detail in chapter 4.3. The two new cases were in district court in the autumn of 2008 and one of the decisions has not yet been confirmed by the court of appeal.

pandering, work discrimination resembling usury, or arrangement of illegal immigration.

The case of the Indian market trader

Court proceedings with reference to trafficking in human beings have until now been initiated in only one case of labour exploitation. However, the prosecution was eventually not successful. In this case, two Indian-born Finnish citizens were suspected in the spring of 2007 of having forced a third man from India to work for 18 months without pay in an outdoor market and in a restaurant in Finland. The border guard suspected that the men had taken away the victim's passport and threatened him with violence. In the criminal court, the men were prosecuted for aggravated trafficking in human beings and arrangement of illegal immigration. The alleged victim changed his testimony twice during the court proceedings. Also, some of the witnesses changed their testimony in court. Eventually, finding sound evidence of trafficking in human beings was considered impossible, and the alleged traffickers were acquitted. One of the men was suspended sentence of 60 days for arrangement of illegal immigration. In April 2008, the men filed complaints against the state, demanding compensation for the deprivation of liberty to which they were subjected during the investigations. This case was however not related to human trafficking with the purpose of sexual exploitation which is the topic of the current study. Therefore, the case is not being described in more detail in this report.

There is one additional trafficking case with a connection to Finland. In 2005, a Finnish man was sentenced in Latvia to eight years of imprisonment for crimes related to trafficking in human beings and pandering. The man had arranged for dozens of prostitutes from Latvia, Estonia and Russia to travel to different parts of Finland in 2002–2004. One of the women was a minor. According to the estimates made during the investigation, the number of Finnish male clients was several thousands, and the total income amounted to about 200 000 euros. In the same case, a Latvian man and a Latvian woman were also sentenced for aiding the Finnish man. Furthermore, in the same case, five Estonian women were sentenced for pandering offences committed while working in the telephone operator centre of the group. The activities of the Finnish man had already been investigated earlier for similar crimes committed in Finland in 2000–2002. (Helsingin Sanomat; Annual Activity Report of the National Bureau of Investigation 2004.)

3.3 Prostitution in Finland

The supply of commercial sex in Finland is estimated to have grown significantly during the 1990s (see e.g. Kauppinen 2000; Lähteenmaa & Näre 1994; Näre 1998 on the consequences of the collapse of the Soviet Union, the economic recession etc.). Prostitution in Finland was relatively infrequent in the 1980s, and the prostitutes were mainly Finnish women. In the 1990s, the supply of commercial sex increased in Finland, as a growing number of foreign prostitutes and procurers entered the Finnish prostitution scene. The estimates of the number of prostitutes have fluctuated during the 2000s. According to researcher Anna Kontula (2008; 2007; 2005), at an annual level about 8 000 prostitutes are active in the country. Some of them are involved in prostitution

part-time or occasionally, some of them are doing it on a regular basis.¹⁴ On a daily basis, the estimate is that about 500 prostitutes are active in Finland. According to a very rough division, about one-half live in Finland on a permanent basis (mainly Finnish citizens but also Russian, Estonian and Thai citizens living in Finland), and about one-half are only visiting Finland (mainly from Russia, in particular from the St. Petersburg region, and from Estonia). Kontula points out that the figures presented in the different sources are very variable, and that the estimates may also change very rapidly. Researcher Jari Leskinen (2003, 14) from the National Bureau of Investigation published an estimate in the early 2000s, according to which Finland is annually frequented by thousands, at least 10 000–15 000, of foreign prostitutes. How these figures have been derived is unclear. Also researcher Anne-Maria Marttila notes that the majority of prostitutes in Finland are foreigners (Marttila 2004, 26; 2005b, 71; 2006, 34).

Kontula (2007) points out that there are, in addition to the prostitutes, also other sex workers in Finland, such as strip-tease club employees and telephone sex workers. Over the 2000s, Internet prostitution (advertisements on websites, such as “Sihteeriopisto”, “Secretary Academy”) has increased significantly, being more prevalent today than street or restaurant prostitution. Overall, the utilisation of modern communication technology (mobile phones and the Internet) plays a very central role in prostitution in Finland. The recent advances in the communication technology, as Kontula explains, have facilitated the securing of the anonymity of those involved.

Also researcher Marjut Jyrkinen notes that the Internet has a very central role in the marketing of sexual services (Jyrkinen 2005; Jyrkinen & Hearn 2008). Marttila (2004) maintains that the utilisation of new information technology has also enabled new forms of human trafficking, such as virtual trafficking of women and girls in the form of internet pornography, for example (ibid., 23). So, instead of physical circulation of the trafficking victims between different countries, their pictures or videos may be disseminated around the world. Kontula points out that at a global level, it is deemed unusual that the use of new technology has gained such a dominant role among such a marginal group as prostitutes (Kontula 2007). This view may be challenged with the fact that according to several studies (e.g. Marttila 2004; 2005a; 2005b; 2006; Sanders 2008) most sex buyers are middle-class men who are far from being marginalised, and obviously the prostitution market caters to their needs.

In the Finnish Internet-marketed prostitution, the services are typically provided in private rented apartments. Brothels are not legal in Finland, but there is evidence of places that have some years ago functioned as brothels, for

¹⁴ Figures on part-time and occasional prostitution are obviously very difficult to estimate at all. There are some indications of occasional prostitution being relatively common, depending on how the activity is defined, of course.

example the “Red House” of Kotka, and the motels Syvälampi and Bonanza, all in Southern Finland. (See chapter 10.2)

Restaurant and street prostitution occur mainly in the region of the capital city and in the large tourist centres in Northern Finland. The business proceeds from the initial contact in the street or in the restaurant, after which sexual services are provided in a more intimate space (such as an apartment or a hotel room). The majority of the women engaged in street and restaurant prostitution are Russians or Estonians (in restaurant prostitution mainly Russians) or women from Russia or Estonia who have already lived in Finland for a long time (Kontula 2007). In general, street prostitution has decreased significantly compared to the numbers at the end of the 1990s and the beginning of the 2000s (Kontula 2008). In 2003, selling and buying of sexual services in public places was made punishable by the Public Order Act (612/2003).

The mobility of the prostitutes who are active in Finland is high within Finland as well as to and from Finland. The age range of the prostitutes is quite broad. The dominant group is those in the age range of 25–35 years. The oldest are over 60 years old; minors, on the other hand, are rare - which does not mean that they do not exist. (Kontula 2007.) It is difficult to make estimates on the proportions of Finnish and foreign prostitutes. For example, about 80–85 per cent of the clients of the Prostitute Counselling Centre¹⁵ are foreigners. Among their clients are, for example, Russians, Estonians, Ukrainians, Belarusians, and Moldovans. 95 per cent of the clients are women. Some of the clients are Finnish citizens, some of them stay in Finland on a residence permit, and some of them are in the country illegally. (Kauppinen 2007.)

3.4 Procuring in Finland

It is similarly difficult to make estimates of the volume of procuring. According to some estimates, practically all prostitutes are operating subordinated to a procurer, while other sources maintain that the majority of the people involved in prostitution are independent. The prevalence of operating under a procurer probably also varies according to the prostitute’s nationality. Finnish prostitutes are more likely able to manage on their own, whereas foreign prostitutes more often have a procurer.

According to Statistics Finland, the pandering offences recorded by the police increased from the mid-1990s to the beginning of the 2000s. In 2001, the police recorded 64 pandering offences, while the figure was 13 in 1997¹⁶. After

¹⁵ The Prostitute Counselling Centre is an NGO providing services and support for sex workers. It was established in 1990 and it operates in Helsinki and Tampere. The Centre has approximately 6 800 client contacts annually and a total of 2 000 clients per year.

¹⁶ The provision on pandering was amended in 1998 (the new provision entered force in the beginning of 1999), but the contents of the provision did not change substantially.

2002, the volume of pandering offences recorded by the police has decreased (see table 1).

Table 1. Pandering and aggravated pandering offences recorded by the police in 2001–2007.

	2001	2002	2003	2004	2005	2006	2007
Pandering	64	64	34	22	10	9	4
Aggravated Pandering				10	3		4

Source: Statistics Finland.

After the aggravated pandering offence was introduced in the Penal Code in 2004, the police recorded ten aggravated pandering offences. The figure was 3 in 2005 and 4 in 2007. (Statistics Finland.) The increase of pandering offences recorded by the police at the end of the 1990s may be the result of an actual increase in the volume of pandering criminality or intensified police activity in investigating pandering criminality. It is likely that both factors played a part in the increase of recorded pandering cases.

Table 2. presents the number of persons sentenced for pandering and aggravated pandering. It is important to note that while the police statistics record *the number of offences* (crimes), the court statistics record *the number of persons* sentenced. Several persons may be sentenced in the same case (offence). Similarly, one person may be guilty of several offences.

Table 2. Persons sentenced for pandering and aggravated pandering in courts of first instance in 2000–2007.

	2000	2001	2002	2003	2004	2005	2006	2007
Pandering	6	27	66	21	14	10	12	8
Aggravated Pandering						4		4

Source: Statistics Finland; Yearbook of Justice Statistics; Statfin.

Finnish prostitution and pandering criminality have undergone a significant change over the 1990s, after the Soviet Union dissolved. Until the end of the 1980s, prostitution in Finland was relatively infrequent, and the prostitutes were mainly Finnish women who usually sold sex services without procurers. In the 1990s, the supply of commercial sex increased in Finland, and the role of Russians and Estonians grew significantly. (Lehti & Aromaa 2002; Kauppinen 2000; Lähteenmaa & Näre 1994; Näre 1998.) In the early 2000s, a lively debate on the leniency of punishments for pandering took place. Police representatives expressed the need of a law reform regarding pandering offences and demanded the right to monitor telecommunications to facilitate the investigation of pandering offences. The pandering legislation was indeed amended, introducing the offence of aggravated pandering in 2004 (650/2004).

When this offence is suspected, the police now have the right to monitor telecommunications.

In the early 2000s, Leskinen argued that Estonian and Russian organised crime had taken control over the Finnish sex market. According to him, Finland had been divided into prostitution regions controlled by the Russians and Estonians, and the procuring was highly professional. The majority of the prostitutes were foreign citizens, mainly from Estonia and Russia, and practically all of them were operating under procurers. According to Leskinen, the women were well aware of the nature of their work, and no involuntary smuggling of women was taking place. Leskinen maintains that recruiting involuntary prostitutes is a risk to the procurer and their organised activity. Nevertheless, the promises regarding the “working conditions” and the profits may often have been unfounded, and restrictions of the women’s freedom of movement, confiscation of the travel documents, withdrawal of pay (e.g. if the woman did not inform beforehand about her menstruation period), and the use of various methods of coercion were not unusual. Leskinen explains that if the prostitute went along with the requirements of the procurers, she had the opportunity to earn a considerable income that was multiple in comparison to the income level in her country of origin. According to Leskinen, also some Finnish independent prostitutes were forced to operate under the control of Estonian or Russian gangsters. (Leskinen 2003.)

In contrast to Leskinen, researcher Johan Bäckman (2006) has argued that prostitution only seemed to be more common at the end of 1990s and at the beginning of 2000s than before because the activity became more open and visible. The anti-prostitution actions of the authorities, politicians and journalists created “an illusion” of an explosive increase in prostitution. Bäckman maintains that “a moral panic” was directed at the Russian and Estonian prostitutes. According to him, the reason for the growing number of the observed pandering cases was the increased police control of prostitution and pandering criminality, not the increase of the phenomenon itself. He also noted that the most extensive and organised pandering cases were organised by Finnish procurers, not by Estonian or Russian criminals.

Anna Kontula (2005) maintains that about one-third of the approximately 8, 000 (annual estimate) prostitutes in Finland are operating under a procurer. Kontula points out that Finnish sex workers only rarely have a procurer, while most Russians have one. The position of the Estonians is different as they do not necessarily need a procurer because they may know the Finnish language and do not need a visa to enter into Finland¹⁷. Despite the fact that the procurer takes his share of the money that the prostitute earns, Kontula estimates that for the Russians, for example, the income level is still good. In Finland, a large part of the earned money is spent on daily subsistence expenses. Prostitutes who are not receiving any money at all for themselves are an exception in

¹⁷ Estonia became a member of European Union on 1 May 2004 and of Schengen area in the end of 2007. However, Estonian citizens have not needed visa to enter Finland since 1 May 1997.

Finland. Kontula (2005, 47–48) does, however, note that pandering crimes are often connected with international crime organisations that may have members from several countries (such as Russians, Estonians and Finns). Of the money earned by the prostitute, a variable proportion is taken by the procurer, who in his turn pays a certain percentage to the next, higher level of the organisation.

According to Kontula, there is no significant flow of human trafficking in the Eastern prostitution directed to Finland because the activity is profitable for the prostitutes even if the procurer takes his share. It is profitable to the procurers to treat the prostitutes well as this will prevent the prostitutes from informing the authorities on them. Kontula argues that it is relatively easy to break the procuring relationship in conflict situations, because the prostitutes are well-educated, and often have good language skills, and their home country is near. It is easy for the Russians and Estonians to cross the border, and there is also a considerable chance that serious abuse cases are found out. (Kontula 2005, 40.)

Aggravated pandering was introduced into the Penal Code in 2004 (650/2004). Thus, before this, also aggravated and serious pandering cases were sentenced as simple pandering¹⁸. At the same time, in 2004, the offence of trafficking in human beings was introduced into the Penal Code (650/2004). The offence definitions of aggravated pandering and aggravated trafficking in human beings are partially overlapping. Researcher Venla Roth (2008) points out that pandering should be seen as an activity which benefits both the prostitute and the procurer. The procured person is not (at least in general terms) in a subordinated position in relation to the procurer. The procured person is able to influence the rules and conditions of prostitution and she/he may decide when to stop prostitution. According to Roth, different means of force and coercion (e.g. threats, violence, rules and debt bondage) should always be seen as elements of trafficking in human beings, not pandering. (Ibid., 22–23.)

At the moment it seems that potential offences of trafficking in human beings for the purpose of sexual exploitation are in practice seen to belong to the category of (aggravated) pandering. Finding sufficient evidence of trafficking has proven to be difficult. According to Martti Lehti and Kauko Aromaa (2002), in these kinds of crimes (pandering and trafficking in human beings) the willingness of the victims to help the authorities to make the offenders liable to punishment is often low. “The relationship between victim and organiser is usually at least partly symbiotic. The victim is not only a target of exploitation, but she/he benefits from the activity also her/himself, therefore she/he has no personal gain from the disclosure of the activity. Even in cases of a direct exploitation relationship, the victim’s position with regard to the organiser as well as to the authorities in the target country is usually subordinated and quite insecure. Also in these cases, co-operation with the authorities and clearing the crimes is hardly of any use to the victims, since the

¹⁸ The punishment latitude was quite broad, and consequently it is obvious that more serious cases received a more severe punishment; the central issue in regards of the new offence of aggravated pandering was that the minimum and maximum punishments for the new offence are significantly higher.

consequences for her/him are extradition and acts of vengeance by the organisers of the activity.” (Lehti & Aromaa 2002, 20.) However, this does not entirely apply to human trafficking because the victims of trafficking in human beings are not necessarily deported from the destination country. They also are probably (at least in some cases) willing to give up the activity. Another problem is that the focus is on the “consent” of the prostitutes. (See chapter 5.3.)

3.5 Organised crime in Finland

According to the Finnish National Bureau of Investigation (NBI), there were 79 organised criminal groups with close to 1,000 members in Finland in 2005¹⁹. The figures have increased to some degree during the 2000s, and simultaneously the activities have become more professional, more extensive and more international, serving the objective of maximising the economic profit. Also the use of violence has become more common. The members of organised criminal groups are usually returning to criminal activity after serving prison sentences. Of the persons known to belong to criminal groups, the majority are Finnish citizens, the proportion of foreigners is estimated at 15 %. Of the foreigners, most are Estonians and Russians. (Annual activity report of the National Bureau of Investigation 2005.) According to the recent activity report of the National Bureau of Investigation, the number of criminal groups and their members has increased slightly from 2005. It is estimated that at the moment the proportion of foreigners is 20 %. However, only a few criminal groups consist entirely of foreign citizens. (Annual activity report of the National Bureau of Investigation 2008, 11–12.)

According to the Internal Security Programme, of 1,000 members actively involved in organised crime groups, a little more than 60 persons are Estonian citizens and about 10 Russian citizens²⁰. In addition to these, there are numerous partners affiliated with organised crime groups who are not actual members. (Ministry of Interior 2008a, 62.) It is also possible that some of the Finnish citizens who are members of the crime groups are e.g. Estonian- or Russian-born Finnish citizens. Also the largest groups of foreign nationals in Finnish prisons are Estonian and Russian nationals (*ibid.*, 63).

Many groups have contacts to and cooperation with foreign criminal groups. Although only a few criminal groups of foreigners exist in Finland, established cross-border relations are important for Finnish organised crime (especially the connections with Estonian organised crime groups). Phenomena associated with international organised crime led from abroad (e.g. procuring and illegal

¹⁹ 35 groups fulfilled the so called EU criteria. The activities of these groups are relatively stable and long-term and the turnover rate of the members is relatively low.

²⁰ It is not fully clear how “members” have been counted, and this will indeed remain unclear due problems related to the concept of “membership”.

immigration) are becoming more visible in Finland. (Ministry of Interior 2008a, 63.) The dominant branch of activity of the Finnish criminal groups is smuggling and distributing narcotic substances. According to the National Bureau of Investigation, some criminal groups have started to focus on economic crime where the profits are higher than in drug crimes and the risk of getting caught is smaller and the punishments less severe. The groups are also utilising new technologies to an increasing degree in their criminal activities. (National Bureau of Investigation 2009a.) According to the authorities, the largest criminal groups in Finland have a dress code or insignia publicly identifying their members, and because of the competition over influence, new criminal groups with insignia have been established in new areas. Cooperation between groups has also become closer. Criminal groups with insignia (i.e. motorcycle gangs) have intensified their recruitment to boost their power base. There are also numerous other criminal groups operating in specific areas or regions. (Ministry of Interior 2008a, 63.)

According to the National Bureau of Investigation, Finland – a country with an external border of the European Union – is also a transit country for arrangement of illegal immigration and human trafficking into the region. In 2005, the National Bureau of Investigation estimated that hundreds of trafficking victims are passing through Finland annually. Most of the victims end up in the sex market, while others become exploited as clandestine labour in circumstances resembling slavery. The police sources concluded that the position of Russian and Baltic organised crime was strong in the procuring activities in Finland and that persons providing sexual services were easily recruited in the home countries of the criminal groups. (Annual activity report of the National Bureau of Investigation 2005.)

Mika Junninen's (2006a) views and findings concerning the features of organised crime differ to some extent from the estimates made by the National Bureau of Investigation. Junninen's research covers the 1990s, when the estimates of organised crime made by the police were considerably lower than the figures mentioned before. In any case, the National Bureau of Investigation claims that the number of criminal groups increased rapidly in the 1990s. However, Junninen argues that none of the criminal groups active in Finland in the 1990s could be defined as organised crime. Instead, they were groups consisting of professional criminals in which the members, the crimes committed and the permanence of the activity varied considerably. (Junninen 2006a, 180.)

Junninen (2006a; 2006b) classifies the Finnish criminal groups as semi-organised. The groups have characteristics and features of organised crime, but their activities are too unprofessional and periodical to be defined as organised crime. In an international comparison, the Finnish crime groups are not even close to organised crime. (Ibid.)

The police assessments mentioned the above claim that groups bearing insignia are the largest organised crime groups (such as motorcycle gangs and other one percent gangs). Junninen excluded motorcycle gangs from his study because he

maintained that they are not considered to represent organised crime as defined by leading criminologists (Junninen 2006a; see also Mölsä 2009).

As far as pandering and human trafficking businesses are concerned, crime journalist Mika Mölsä contradicts the 1990s police expectation that Finnish motorcycle gangs would take over at least some of the prostitution business. Only two known cases exist where motorcycle gang members have procured women, and even these were short-term operations. The police suspect that the motorcycle gangs are not involved in prostitution business because it is too troublesome and laborious to handle without foreign help. The organised pandering and human trafficking business is run by Estonian/Russian-Finnish criminal groups and networks. The role of the Finns in these groups is at the bottom of the hierarchy leaving the Estonians and Russians to handle the recruitment of the women and the collection of money, whereas the Finns are responsible for the minor chores such as transportation and renting of the apartments. (Mölsä 2009, 245.) This is also the case when looking at the detected human trafficking cases so far: the groups consist of Estonians and Finns, or Estonians alone (with the exception of one recent case where all of the criminals were Finnish).²¹

In addition to official information produced by the authorities, there is relatively little information and research on organised crime in Finland. The definition of organised crime and its contents are quite vague (see e.g. Bäckman 2006, 70–87), and researchers do not find the estimates of the police on the extent of organised crime to be accurate or realistic. Timo Kyntäjä (2004) argues that the radical changes in the society in the 1990s (such as the disintegration of the Soviet Union, the systematic deregulation of the economy, and globalisation) made organised crime and international crime issues of concern for criminal justice authorities, and these issues became the main challenge to crime prevention (*ibid.*, 282–283). However, it must be noted that the authority response to the threat of organised crime and the resources spent to combat such crime do not necessarily reflect the actual extent or the volume of organised crime in Finland. For example, Junninen (2006b) argues that the police may maintain the image of wide-spread organised crime threat because they want to boost the motivation level of their staff and to maximise the resources and funding they receive to fight crime. Bäckman (2006) even accuses the authorities and journalists of instigating a moral panic with the pretext of increased criminality.

²¹ This refers to a recent internal human trafficking case in Kotka with very special circumstances, and it is not part of our data as such. (Judgement of District Court of Kotka 08/1655, R08/1069, 9.12.2008).

4. Data and methods

4.1 The analytical model

The basis of the data collection and methodology used in this study was the analytical model (Appendix 1) provided by the Swedish National Council for Crime Prevention (Brå) and refined by the project group. The analytical model distinguishes different phases in the human trafficking process. According to the model, the process begins in the *source country*, in other words, in the country where the recruitment of the victims takes place (often, the source country/the country of origin is the victim's home country). After the victims have been recruited, they travel through potential *transit countries* to the *destination country*²² where the exploitation (in this study, procuring and prostitution or sexual exploitation) takes place. This process, *the trafficking chain*, was studied as a chronological process in which the trafficking victims (in this study mainly women) are recruited in the source country and transported to Finland²³ in order to use them in prostitution. The recruitment, transport and procuring phases include different actors, places, arrangements and methods which were mapped in the study. In addition to the actual trafficking process, criminal organisations, network structures and activities of the criminal actors were studied.

The analytical model had a significant impact both on the ways the data were collected and analysed, and on the structure and contents of the report. Because the starting point for the study was to compare and cover the local situation in Sweden, Finland and Estonia (see Brottsförebyggande rådet 2008), it was deemed useful to have a single model for studying similar issues in the three countries. The model also helped to plan the data collection and analysis and to develop the interview questions. The model was also used as a basis for reporting the results.

On the other hand, the model was problematic in many ways. The model was split into too many and sometimes too small fragments. When reporting the results regarding different phases, we noticed that the information often overlapped. The same pieces of information were relevant in different parts of the report and produced overlaps and difficulties in deciding where to present and discuss certain issues. Human trafficking is also a very fragmentary phenomenon, and the trafficking process does not always proceed chronologically "piece by piece" as in the model. It is not always possible to distinguish different phases, actors and activities from one another.

²² Human trafficking does not necessarily require crossing of state borders.

²³ Our task was to map out the extent of human trafficking in Finland. In this study, Finland is approached mainly as a destination country and the emphasis is on the procuring phase (taking place in Finland). We also present some information on Finland as a transit country. No information on Finland as a country of origin was found.

4.2 The data

The study is qualitative in its approach and sociological in its perspective. The time frame in the study was the first decade of the 21st century and the study covers this period of time. The original data were collected during the autumn and winter of 2007–2008.²⁴ In order to assess the human trafficking situation as broadly as possible, different types of data were collected. The data comprise interviews, court judgements and pre-trial investigations of a trafficking in human beings case, court judgements of aggravated pandering and pandering cases, as well as media reports. As the human trafficking legislation is relatively new, and the number of identified trafficking cases is very small in Finland, procuring cases were also studied. The guidelines for the data collection were received from the Swedish National Council of Crime Prevention (Brå), the coordinator of the original project, and developed together with the project partners. The guidelines included four categories of target groups for interviews: law enforcement authorities (the police etc.); victim support personnel (NGOs, social service workers); perpetrators (persons/inmates convicted of trafficking, procuring etc.); and legal and semi-legal actors (taxi drivers; restaurant owners etc.).

The interview data

The Finnish data includes altogether 18 interviews, of which 14 were made face-to-face, one by e-mail and three by telephone. Of the 14 face-to-face interviews, 11 were recorded and transcribed.²⁵ The interview data include mainly expert interviews. The frame of the interview was elaborated separately for each interview, depending on the expertise of the interviewee. The interview frame was designed according to the analytical model provided by Brå. The interview topics covered topics such as the human trafficking situation in Finland, the relevant legislation, the victim support system, how the criminals operated, and other issues relevant to trafficking and procuring.

The interviewees were researchers, representatives of police, border guard, other relevant governmental organisations, and NGOs. They are referred to as *experts*. They are persons who face trafficking, procuring and/or prostitution in their work or deal with these issues due to their occupation. Also three *representatives of hotels* were interviewed. The hotel representatives (who had different positions) were interviewed because we wanted information from those who might (on purpose or unknowingly) facilitate prostitution. E.g. taxi

²⁴ In addition to the original data used in the three-country project, the Finnish situation and developments regarding human trafficking issues were studied for the use of this national report until autumn 2009. Therefore, this report also includes information on recent trafficking and procuring cases that were not included in the original research data of the original three-country study.

²⁵ One interviewee refused to be recorded. Two interviews were conducted in group situations and were not recorded.

drivers, hotel and restaurant owners and staff, landlords and employees in letting agencies may be seen as legal or semi-legal actors who may benefit from prostitution or facilitate it. Hotel representatives were also interviewed because we wanted to get information on the surveillance systems present at the hotels and to know how the hotel staff act if they find out that prostitution-related activities have taken place in the hotel. Certain hotels were chosen on the basis of newspaper reports on where prostitution or procuring had been found out. In addition to these, one *person* who had been *sentenced for pandering* was interviewed.

The interviewees were chosen based on our knowledge on the relevant experts in the field of human trafficking in Finland. The interviewed experts were also asked whether they could recommend other experts to be interviewed. One person refused to participate in the interview because this expert was not active in the field anymore. Another expert was unable to find a suitable time and place for the interview because of the long (geographical) distance. The interviews were carried out in Finnish. The face-to-face interviews took 1–2 hours and they were usually carried out in the office of the interviewee or in our office. The interviewed procurer was not in prison at the time of the interview and was interviewed in a public place.

Some difficulties were met during the data collection. It was quite challenging to find victims and perpetrators to be interviewed because of the sensitive topic and the lack of identified trafficking victims and apprehended or sentenced perpetrators. The most essential shortcoming in the data is the lack of victim interviews. However, important information concerning the trafficking victims has been received from the experts. Nevertheless, it has to be kept in mind that the views of victims presented in the report are not the victims' own opinions but expressed by others. A further shortcoming is that no buyers of sexual services could be identified and interviewed due to lack of time and resources. On the other hand, the activities of the sex buyers and the demand for prostitution were not the main concern of the study.

In addition to the relatively short time frame of the study, another problem was the lack of potential victims. In Finland, not many victims of trafficking have been identified. For example, almost all victims in the victim support system are victims of labour exploitation, not sexual exploitation. The potential victims and/or procured women are usually foreigners, and are therefore difficult to find. Also, carrying out the interviews in practice could have been difficult due to the lack of a common language between the researcher and the interviewee, as well as because of long distances. The women do not necessarily live in Finland and are difficult, or even impossible, to find. The time frame of the study did not allow for the collection of extensive data including all possible actors involved in trafficking and procuring activities. Also, the victims of trafficking or procured persons – or their clients – were not included in the interview guideline as the focus was on the criminal actions.

Although this study focuses on organised crime and criminal actors, not many perpetrators were identified for the interviews. Many of the convicted persons

had already been released from prison during our data collection period and were thus difficult, maybe even impossible to reach. Furthermore, to interview prisoners, we would have needed to apply for permissions from the prison administration to carry out the interviews. The time frame of the project did not allow for that. It is likely that interviews with other persons convicted of procuring or trafficking would have shed more light or provided a different perspective on the ways in which criminal organisations operate. This shortcoming is partly compensated by including information on criminals and how they operate as depicted in the court and police investigation materials. However, the perspective is then at least partially one of a police officer, a judge or some other authority. As far as interviewing perpetrators is concerned, also ethical questions had to be taken into account. On one hand, the topic is very sensitive (both for victims and perpetrators) and on the other, the security of the interviewees must be taken into consideration. Also the security of the researchers is a relevant issue when studying criminal organisations.

The transcribed interviews were coded using the Atlas-TI analysis software. The analytical model provided by Brå was used as an analytic tool. The codes were based on the topics comprised in the model. However, the final amount of different codes was considerably larger than the amount of different topics and categories in the original analytical model.

In the report, the interviewees remain anonymous. Some of the interviewees agreed that we could use their name in the report, but for the sake of conformity, all interview quotations are referred to only with the profession/sector of the interviewee. On one hand, this is a way to protect the interviewees' anonymity. On the other hand, in this kind of study it is relevant to let the reader know the profession of the interviewees or their field of work in order to understand what kind of expertise is behind the statement. The interviewees were divided into six different categories according to their expertise or field of work. The categories were 1) representatives of the police and border guard sector (4 interviewees), 2) researchers (4 interviewees), 3) representatives of NGOs (3 interviewees), 4) representatives of other governmental organisations (3 interviewees), 5) representatives of hotels (3 interviewees) and 6) a procurer. The interview quotations are translated from Finnish into English by researchers involved in the project and condensed (by leaving out unnecessary words) where appropriate. A specific interview code is not mentioned in connection with the interview quotations in order to avoid the possibility of identifying the interviewees by combining the quotations.

Given the small number of known human trafficking cases and the restricted number of persons engaged in trafficking issues, the expert interview material can be considered to be comprehensive. In the interviews, the same observations were mentioned repeatedly and it was unlikely that any significant new information could have been gained by interviewing any more experts.

Terminological notes

In the interviews, different actors talk about potential victims and the trafficking phenomenon in general in different ways. For example, the police often use the term “girl” and NGO workers “victim” or “woman” when talking about (female) victims and procured women. When the police use the term “girl”, they do not refer to under-age girls in most cases, but might use it as a shortened version of the term “working girl” (“ilotyttö”). The police and border guard also use the term “prosti” which is a short version of a “prostitute”.

The use of these terms may also be interpreted as a sign of hidden or subconscious sexism. According to researcher Anne Korhonen (2003, 159–161) the use of the term “working girl” (“ilotyttö”, “ilotyöttely”) creates an image where prostitution and trafficking in women are seen as naughty and inoffensive activities that do not cause any harm. It also produces a trivial and biased picture of trafficking in women and maintains the sexist traditions of speech (“tytöttely”) in which women are inferior to men. Using the term “working girl” also reproduces an image where the women are voluntarily prostituting themselves. “Working girls” are not seen as victims who should be protected and helped by the police. (Ibid.; see also Cameron 1996, 132–133.)

Also the use of the term “work” when referring to prostitution is problematic. Some interviewees use the term because they consider prostitution as work (i.e. sex work). Others use the verb “work” without thinking about the issue as such, and without expressing an opinion on whether prostitution can be considered as work or not. Some interviewees refuse to use the term at all because they think that prostitution is never work, but always exploitation. This same problem applies to written texts as well. People who discuss sex work and sex workers’ rights, for example, maintain that the terms “prostitution/prostitute” are offensive and objectify women. As this study deals with human trafficking and procuring which are at least to some extent coercive by their nature, we use the term “prostitute” instead of “sex worker”. However, most of the time we just use the term “women” as all the victims identified from the data were females. Furthermore, the term “victim” might include objectifying elements where the women are seen as passive subjects who have no control of their own lives.

The term “sexual services” is also problematic. In particular the interviewed authorities speak about sexual services. This may be interpreted as an attempt to use gender-neutral speech where the victim and the perpetrator are faded out from the discussion and the issue is moved to the area of a market/service discourse. Korhonen (2003, 147–148) argues that the term “sexual services” reproduces the myth that prostituting oneself would be a woman’s own choice, one form of entrepreneurship. However, the term is widely used, for example in the Penal Code, in court materials, interviews and in the media. We have decided to use the term “sexual services” because also other terms are problematic in certain contexts. For example, the use of the term “exploitation” may take away the women’s role as independent actors, making them appear

only as passive subjects who have no control over their own lives. To use this term is a problem since this is not always the case.

In this report when we refer to the interviews or quote them, we use the terms the interviewees have used themselves (e.g. “work”, “girl” etc.). The same applies to written materials (e.g. court documents) and research literature. We ourselves refrain from using the term “work” when referring to human trafficking and procuring activities. Although some of the interviewees talk about girls, we use “girl” only when referring to (female) minors. The same applies to written texts.

The court data

In addition to the interviews, court judgements (records of court proceedings and court verdicts/decisions) were also an essential part of the data. Court judgements were restricted mainly to courts of appeal because of the large number of district courts and the limited time for data collection. Also, (aggravated) pandering and trafficking in human beings cases are often handled in courts of appeal after the district court procedure. However, some material was also collected from four district courts.

The courts were asked to identify all judgements from the year 2000 onwards²⁶ (since 1 January 2000). The judgements were to include the following offences: pandering, aggravated pandering, trafficking in human beings, aggravated trafficking in human beings, buying of sexual services from a minor, and exploitation of a person who is a subject of sex trade. For example sexual abuse and deprivation of personal liberty were not to be included in the data. Later we noticed that judgements on buying of sexual services from a young person were not relevant to our study, and therefore they were excluded from the data. As far as judgements regarding exploitation of a person who is a subject of sex trade are concerned, during our data collection such cases were non-existent.²⁷ Thus, the original data consisted of one aggravated human trafficking case (the first, and at time of our data collection the only trafficking conviction in Finland) and both pandering and aggravated pandering cases. In addition to the court judgements, also pre-trial investigation documents were used regarding the first prostitution-related human trafficking case.

The courts provided information on a few dozen pandering cases since 2000. The court judgements were read carefully and some relevant cases (a total of 8) were selected for more detailed analysis and reporting. Short case descriptions were written about the selected cases and each case was analysed according to the analytical model.

²⁶ In practice, until the autumn of 2007 when the data collection started.

²⁷ In 2008–2009, in the context one pandering/human trafficking case, 36 sex buyers have been fined for the exploitation of a person who is a subject of sex trade. See chapter 9.3 for more information.

Pandering cases were included in the study because when the study was initiated, only one human trafficking case had proceeded to court in Finland. We also wanted to examine cases resembling human trafficking for sexual exploitation, where the activity was not necessarily identified as human trafficking during the police investigations or in court, or which took place before the criminalisation of human trafficking. The selection criteria for pandering cases included the structure of the criminal organisation and the scope of the criminal activity, the use of threats and violence against the procured women, the women's possible debt to the criminal organisation, and other means of preventing the women from leaving prostitution. Thus, the pandering cases selected also met one or several criteria of human trafficking and/or organised crime.

Small-scale pandering cases organised by 1–2 people were excluded from the data because they did not meet any criteria of organised procuring or human trafficking. Also, cases organised by several persons were excluded if they did not involve elements of organised crime, violence or threats, or information on the situation of the women was not disclosed in the court documents. Without evidence of the exploitation of the women, it was impossible for us to know whether a pandering case might have contained some characteristics of human trafficking.²⁸ It has to be noticed that studying pandering criminality as such was not the aim of this study, but it became evident already in the early stages of the study that differentiating between elements of human trafficking and pandering would be difficult for reasons explained above.

To summarise, our objective was to select cases that could be considered as being prostitution-related human trafficking or organised procuring that resembles trafficking. The cases were not necessarily defined as organised crime in court²⁹, but several people were involved in these operations acting in an organised and systematic manner in order to gain financial profit. It has to be noted that the starting point for the data collection was not to identify cases of organised crime, but to search relevant human trafficking and pandering cases and to explore them from the perspective of organised crime. We were interested in finding and identifying elements of organised crime in the cases, although the perpetrators were necessarily not defined to be members of organised crime groups by the authorities. Only in two of the cases studied (the first Finnish human trafficking case and one of the pandering cases) the activity of the criminals was defined as organised crime in court. However, our criteria for including cases into our data did not depend only on the legal definitions of organised crime and organised crime group. Furthermore, in this study, we

²⁸ Overall, there is not much information on women (prostitutes) and their situation in the court documents. Therefore we were not necessarily able to identify all (pandering) cases with possible elements of human trafficking as the circumstances of the women were often not dealt with in the court material.

²⁹ Not many crime groups have been defined as “an organised crime group” by Finnish courts. Particularly pandering cases identified as organised crime seem to be rare.

have also taken into account the methods the criminals use as well as the ways in which they operate and treat the women.

In general, it is difficult to find clear definitions for organised crime. Klaus von Lampe (2002; 2003) suggests using the terms *criminally exploitable ties* and *criminal network* instead of the term *criminal group*. According to von Lampe (2002, 4) “the term criminal group carries with it a connotation of integrated, stable and durable structures that have an existence and behaviour independent of the behaviour of its members.” Von Lampe argues that it is better to use the term criminal network. He defines criminal network as “a set of people who are linked by criminally exploitable ties” (von Lampe 2003, 14). In this study, criminal groups are approached in a broad sense, rather as criminal networks than criminal groups as strictly defined, extremely stable structures. Our analysis is not very detailed when discussing the different types of organised crime groups/networks or making any international comparisons between different groups. Our focus is mainly on the ways and methods the criminals use in order to organise and maintain trafficking and procuring activities, as well as the means they use to recruit, exploit and control the women.

The media material

In addition to the interviews and the court judgements, our data also includes media reports. The Internet archive of the leading daily newspaper Helsingin Sanomat was searched during September and November 2007, focusing on the years 2000–2007. The key words used were “human trafficking” and “procuring”. The media material comprises all human trafficking and procuring related newspaper articles published in Helsingin Sanomat between 2000 and 2007. These data, several dozens of articles, were used as background material for the study to identify relevant cases. Articles were also read in parallel with the court material to gain a comprehensive view on the relevant cases. News stories related to procuring and trafficking published by Helsingin Sanomat and other daily newspapers, as well as some related TV programmes and films were followed during the entire project.

Furthermore, discussions about prostitution, procuring and Thai massage in the Helsingin Sanomat public Internet forum were followed over the autumn (between the end of August and the beginning of November) of 2007. Some of the discussions comprised dozens of messages. The longest discussion continued for more than a week (usually discussions lasted a few days) and the topic was “What attracts in commercial sex”. However, this kind of material is somewhat problematic. Readers can not know who the participants of the discussion are and they can pretend to be anybody. On the other hand, that is one of the main ideas of anonymous, public discussions. Furthermore, the discussions are sometimes obscene, and occasionally very inappropriate opinions are presented. The discussions were used more as background material than as actual data.

4.3 Excerpts from the data

Here we present examples of the cases processed in courts. The following case descriptions are taken from court judgements dealing with trafficking and (aggravated) pandering prosecutions 2000–2007 and from news stories published in the 2000s in the newspaper Helsingin Sanomat. The following examples have been selected to describe the most essential pieces of our data (except for the interviews). Among others, the following cases are cited in several different contexts in this report (chapters 5–11). This means that the same cases may be cited in several parts of the report where relevant. The cases are named according to the place or location they have occurred (for example, “The Kapernaum case”). The cases are also referred to as “Judgement X” (for example, “Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006”).

*Finland’s first trafficking in human beings verdict*³⁰

When our data collection was completed, there had only been one Finnish court verdict concerning prostitution-related trafficking in human beings.³¹ This case is central in our analysis of the Finnish trafficking situation. In this case, an organisation controlled from Estonia was engaged in a large-scale procuring operation in Finland. The procuring took place mainly in Helsinki for a period of five months, in the late 2005 and in the winter of 2006. The number of procured women was estimated at 15. One of the procured women was an Estonian suffering from a mental disability. She had been promised employment in Finland in child care, but in reality, she had to prostitute herself. The procuring organisation took all the money that the woman earned in prostitution. Furthermore, the woman believed that she would marry one of the men who had been organising the activity. (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006.)

The criminal court concluded that the offence in the case of the mentally disabled woman was trafficking in human beings, while the other exploited women were deemed having been procured, not trafficked. The mentally disabled woman had been deceived into prostitution, she was threatened by violence, and her dependence was exploited by threatening her with a debt relationship. In this case, four Estonian men, one Estonian woman and two Finnish men were sentenced. The sentenced woman was also participating in the prostitution herself. Furthermore, the case was in court in Estonia for some of the participants. The sentences for aggravated trafficking in human beings and aggravated pandering were passed in the Helsinki district court in the summer of 2006. The Helsinki Court of Appeal made a decision on the case in

³⁰ In this report, this case is referred to as “the Finnish trafficking case”.

³¹ When this report was being written, two new prostitution-related trafficking cases were dealt with in district courts.

the winter of 2007. The trafficking and pandering sentences of the four Estonian men were confirmed, but the two Finnish men were sentenced for aggravated pandering only, and the Estonian woman was sentenced for aiding and abetting aggravated trafficking in human beings. In June 2007, the Supreme Court confirmed the decision of the court of appeal. (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006; Judgement of Court of Appeal of Helsinki 722, R06/2317, 1.3.2007.)

The "Red House" of Kotka

Another crucial case in the court data is the case of the Red House of Kotka. The Red House was a well-known brothel in Kotka (a harbour city on the southern coast of Finland) in 1996–2002. In the Red House case, the first sentences for pandering were passed in 1998 already. In 2002, the place was raided and the eight Russian prostitutes who were found on this occasion were returned back to Russia. The main organisers were an Armenian man and a Russian woman who had permanent residence permits in Finland. An average of 14 women daily sold sexual services in the brothel. The women charged 50 euros per customer and they had to pay a daily fee of 170 euros to the organisation. There is evidence that the daily fee was too high for some women and they ran into debt, which they had to pay back by making another trip to Kotka. The women were recruited from the St. Petersburg and Vyborg area, and the organisers acquired visas for them if needed and also organised their transportation to Finland by bus or car. The costs of these services were to be paid from future earnings made in Finland. One woman testified that she had not been aware that the job was related to prostitution when she first arrived in Kotka. She escaped in the night and returned to St. Petersburg where she was approached by two men who told her that she would never see her daughter again if she did not pay her debt for her travel and visa expenses plus the night at the brothel. She returned to Kotka to prostitute herself in order to pay her debts. The organisers gained a profit of over 1,3 million euros from their business. Before the trial some witnesses were threatened in Russia, and the Armenian main organiser was killed in St. Petersburg. The Russian woman was sentenced to three years of imprisonment for pandering, the Finnish hotel owner received a sentence of 1.5 years and the Finnish man, in whose name the building had been rented and who worked there, was sentenced to imprisonment for one year. The sentences were alleviated by the court of appeal, and the hotel owner was only given a suspended sentence of 8 months for aiding and abetting in pandering, but this was later changed back to pandering by the Supreme Court and the man was sentenced to one year of imprisonment. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002; Judgement of Court of Appeal of Kouvola 372, R02/1066, 27.3.2003; Judgement of Supreme Court 2005:17, R2003/517, 8.2.2005.)

The Joensuu case

In 2000–2004 a large procuring organisation operated in Joensuu in Eastern Finland. The main organisers were a Russian man who lived in Finland and his male cousin. The organisation had regular advertisements in the local newspaper and they employed a telephone operator who answered the customers' calls and directed them to the prostitutes. The organisation had field hands in Tallinn and Petrozavodsk, who recruited and transported women to Joensuu. There were usually two women in Joensuu at one time, and the sex services were provided in private apartments. The women were advised not to leave the apartments during daytime and not to make any disturbance that would draw the attention of the neighbours, and the main organiser brought them supplies while he collected the daily fees. The organisation operated for a total of 1,430 days and it was estimated that the organisers gained a profit of 500,000 euros during that time. The main organiser was sentenced to imprisonment for three years and four months for aggravated pandering, pandering, and resisting arrest, while his cousin was sentenced to imprisonment for one year and 10 months for aggravated pandering and pandering. The first sentence was confirmed by the court of appeal, and the latter was changed to simple pandering. This decision was later confirmed by the Supreme Court. (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005; Judgement of Court of Appeal of Eastern Finland 203, R05/830, 2.3.2006; Judgement of Supreme Court 2007:38, R2006/368, 23.4.2007.)

The Kapernaum case

The Kapernaum holiday camp operated in Keminmaa in Northern Finland in 2000–2004. The organisers in Finland were a father and his two sons who rented the holiday camp from its owner, together with a man who worked as a caretaker there. The holiday camp was a fenced area in which only Russian women from Murmansk and their drivers took lodgings. Male customers had to pay an entrance fee to enter the area through a secured gate. This was done “to stop the customers from coming in during the night and causing disturbances”. The gate was closed at 10 p.m. every evening. There were as many as 70 women staying in the area at a time. The local authorities were uncertain whether the activity in Kapernaum was procuring or not (as defined by law), because the women were supposedly offering sexual services only outside the holiday camp. It was common knowledge in the area that you could buy sexual services there. The media sources stated that a Russian organised crime group was behind the operation. The group systematically recruited women from Murmansk to Northern Finland, Sweden and Norway. The Finnish court documents do not provide more details about this matter, and therefore the truth behind the women and their conditions remains unclear. The Finnish organisers gained a profit of 260,000 euros from their operation. They were given suspended imprisonment sentences of two to six months for pandering. The Court of Appeal reduced the sentences of the two brothers to fines for aiding and abetting in pandering (Judgement of District Court of Kemi-Tornio

06/261, R05/798, 16.3.2006; Judgement of Court of Appeal of Rovaniemi 234, R06/412, 9.3.2007.)

In the following chapters (5–12), we provide information based on our data and present the results of our analysis. We follow the chronological order of our analytical model, starting by discussing the recruitment phase (chapter 5). The next chapter (6) deals with the transport and transit issues. Chapters 7–11 discuss the procuring phase that takes place in the destination country, Finland. The analysis focuses particularly on the procuring phase, thus it was studied most thoroughly. We start by presenting criminal networks and their structure (chapter 7) as well as the different actors involved in the trafficking and procuring activities (chapter 8). Chapter 9 portrays the sex buyers who also have a central role in the sex trade. Next, marketing of sexual services and different trading places are covered (chapter 10). In the last chapter concentrating on the procuring phase, we discuss the control measures the traffickers and procurers impose on the trafficked and procured women (chapter 11). Information on victims, victim services and legislation are presented in chapter 12.

THE RECRUITMENT PHASE

5. Recruiting the women to Finland

This chapter deals with the recruitment of human trafficking victims and procured women. The recruitment phase takes place at the beginning of the trafficking chain and often in the victim's country of origin. We describe the way the recruitment is organised, where it takes place and identify the different actors involved in this phase. There is little direct information on recruitment in the data. In some court judgements, the witnesses (the victims, procured women) tell how they have been recruited, but in many cases the recruitment is not mentioned in any way. The rest of the information is indirect and mainly derived from expert interviews.

5.1 Who are the victims?

First we study the social, economic and political factors for recruitment. Victims of human trafficking for sexual exploitation and pandering³² in Finland are mostly women. No evidence of male victims in regards of sexual exploitation in Finland was found during the study. It seems that male prostitution is still a marginal phenomenon in Finland, even though it exists (e.g. Laukkanen 1998; Skaffari & Urponen 2004). We also did not find any evidence of minors (children under 18 years of age) as victims from our court data. However, according to media reports, one of the victims of a Finnish procurer sentenced for trafficking in persons in Latvia was a minor.³³

According to the interviewed experts, potential victims of trafficking are Russian, Estonian, also possibly Latvian, Lithuanian, Moldovan and Belarusian women. Several interviewees note that victims of human trafficking relatively often come from poor circumstances and from the lowest social strata. They are vulnerable, unemployed and often members of an ethnic minority. They are persons who do not have much knowledge about the Finnish society, the legal system or their legal rights and they lack language skills to find out about these things.

The interviewed experts mention that several social and economic factors lead to victimisation and to the decision to leave the home country (in case the persons concerned are able to make a decision). It seems that adults in particular (grown-up victims) often leave their home country voluntarily, in the

³² Legally speaking, there are no "victims" in pandering, as those who have been procured are treated as witnesses in criminal proceedings.

³³ The case is explained in more detail in chapter 3.2.

hope for a better life. Especially poverty, economic inequality and the lack of alternatives are mentioned as central push factors for trafficking victims.

The prostitution situation in Finland has fluctuated considerably in the last two decades. The collapse of the Soviet Union was reflected in the Finnish prostitution and sex bar scene in the 1990s (see Kauppinen 2000; Lehti & Aromaa 2002; Lähteenmaa & Näre 1994; Näre 1998; Skaffari & Urponen 2004). For example, researchers Jaana Lähteenmaa and Sari Näre (1994; Näre & Lähteenmaa 1995) noted “the period of prosperity” of sex bars in Finland at the beginning of the 1990s after the collapse. The sex bars were filled with Russian and Estonian women, and also prostitution became more visible than it had been for decades. Why did this happen?

According to Louise Shelley (2003), the unstable situation in Russia and newly independent states after the disintegration of the Soviet Union left especially women without their traditional safety nets and limited their opportunities to support themselves. The economic transition, the privatisation and collapse of state institutions and increased corruption led to a situation where Russian women had few alternatives to function in the legitimate economy, and this made them especially vulnerable to trafficking. Many women were ready to take any available work abroad to provide for their families. (Ibid., 233–235.) This issue came up also in the expert interviews. One interviewed NGO worker mentioned the poor living conditions in Russia, the continuous instability and insecurity, and the lack of possibilities to support oneself and one’s family added pressure for the women to prostitute themselves. Skaffari and Urponen (2004, 43) also point out that in a situation with no alternatives and in which both the economy and moral values (and institutions behind them) have collapsed, it is quite easy to turn to prostitution or criminal activities.

Further, Shelley argues that while the rise of prostitution among Russian women was partly due to an economic necessity, it was also due to the women’s rejection of socialist ideology in which prostitution was suppressed and its existence denied. The dawn of the new era had an idealistic picture of a prostitute, one reflecting the benefits of independence, foreign currency and the lure of the business world. In fact, at the end of the Soviet period, some surveys done in schools indicate that prostitution was possibly a favoured career choice among young women. (Shelley 2003, 235.) Thus, it is likely that certain impressionable young women were particularly easy prey for traffickers and procurers. In addition to the push factors for the Russian women to leave their country, also the situation in Finland was open for the increase of prostitution. It has been argued that during the recession in Finland in the 1990s, the moral values became more liberal and using the services of prostitutes was more acceptable than before. (Skaffari & Urponen 2004, 36. See also Lähteenmaa & Näre 1994.)

After the collapse of Soviet Union, the Russian citizens gained the right to independently search for a job abroad based in the 1993 laws “On entering and leaving Russia” and “On employment of the population” (Khodyreva 2004, 239). However, according to Khodyreva (2004), the official statistics of the

Russian migration services present only 10 per cent of all information on women's labour migration. Informally about 100 000 Russian women leave the country to work abroad annually and the majority of them leave as tourists. Their main motivation is to earn money and then return home. Khodyreva emphasises that this temporary labour migration is a survival tactic for Russian women. Most Russian women wishing to work abroad prefer simple work, about 2–7 per cent of these women do not deny the possibility to earn money by prostitution initially. According to the data of the Saint Petersburg Crisis Centre for Women, as many as one in five women willing to work abroad experiences human rights violations, ends up as a victim of trafficking or is exploited in employment. (Ibid., 241.)

Kauppinen (2000) notes that victims of organised human trafficking are rarely kidnapped from the streets. Instead, the majority of women leave their home countries voluntarily using the services of organisations that seem legal (e.g. travel agencies, model agencies, au pair agencies and employment agencies) but are in fact engaged in the trafficking business. (Ibid., 60–61.) Also an interviewed representative of the police and border guard sector argues that when people live in poor conditions, they are ready to leave their home country and even willing to take risks, because they want better living conditions. The interviewee also states that these people do not necessarily consider themselves as victims because what is lying ahead is usually better compared to living conditions in the source country. Similar factors were also mentioned by another interviewee:

It is easier [to recruit] if the victim is poor, lonely and unhappy. (...) Some of the victims are from broken homes, where alcoholism, violence and other problems have occurred. It is easier [for the trafficker] to offer a better life to someone in these conditions, but also easier [for the victim] to accept such an offer. (Representative of governmental organisation)

However, an interviewed researcher stated that there is also evidence that the Estonian and Russian women making money as prostitutes in Finland may have a relatively high level of education. In fact, in the former Soviet Union the women had equal access to higher education, but after the collapse they were unable to find work or lost their jobs (Shelley 2003, 233). One might also speculate whether women with higher education are more willing to go abroad and look for new opportunities to improve their quality of life. The interviewed procurer mentioned that some women who become involved in prostitution are young, restless and looking for adventure. Khodyreva points out that 70 per cent of Russian young women have never been abroad and therefore end up in prostitution or as trafficking victims just because they want to see Europe or the US (Khodyreva 2004, 241). The procurer explained that in the early 2000s the amount of money earned working full-time for a month in a store in Estonia, for example, could be made just by having sex with a few men in Finland. This may be considered a good opportunity by some, especially women with debts and single mothers in financial trouble.

Researcher Anne-Maria Marttila (2004) points out that political and economic instability is one of the main reasons for prostitutes to move (the feminisation of poverty) and this enables the recruitment of women and children into sex trade and human trafficking. Actors in the sex trade (e.g. procurers and human smugglers) benefit both from the distress of women and children and from the growing movement (physical and virtual) of people across borders. (Ibid., 26.) According to Khodyreva (2004, 245), especially the destruction of social-oriented state policies and social polarisation of gender promote this feminisation of poverty, thus entrapping unprivileged women in the local and international system of prostitution.

In addition, the glorification of the Western world and the willingness to try something new are mentioned as pull factors by the interviewed experts. A representative of a governmental organisation says that especially young people are looking for new experiences and are willing to take risks. According to this view, victims are tempted to believe what they are promised, and it is difficult to trust or to rely on someone (while the authorities try to claim that you have been cheated) in a strange country with a foreign language. Victims may also distrust the authorities due to the high level of corruption in their home country, for example. Skaffari and Urponen (2004, 42) note that young Russian women often dream of going abroad. Young women are promised jobs in beauty parlours or office jobs and a reasonable living. These women are easily persuaded to leave their home country.

Also, the situation of the Russians in Estonia is reflected in the Finnish prostitution field because the Estonian Russians have difficulties in finding jobs in Estonia. After Estonia's independence, the Russians who had arrived into the country during the Soviet era were regarded as immigrants who were required to apply for Estonian citizenship. While about 147,000 people have acquired Estonian citizenship, about 8 per cent of the Russian-speaking minority still remains stateless residents (Estonia Today: Citizenship 2009). A representative of the police and border guard sector mentions that Estonian students, too, may come to Finland to sell sexual services. One might think that the relatively poor economic situation of students, which is similar to the Russian minority's in Estonia, is thus reflected in the Finnish prostitution field.

Marttila points out that the living standard barrier between Finland and Russia is still one of the highest in the world (Marttila 2006, 34). Economic factors appear both as push and pull factors for border crossings. The prostitutes earn more money in the destination countries, and so do the traffickers, pimps and other organisers. On the other hand, the cheaper prices pull the clients to the source countries. (Marttila 2005b, 70–71.) This view is also supported by the interviewed Finnish experts and the analysis of court cases. It is often the economic conditions in one's own country that force women into prostitution. The data also reveals that people deem it possible to earn the same amount of money in a short period of time as a prostitute in Finland as in one's own country in a full-time job over a much longer period of time.

While the overall living conditions and the economic situation in the Baltic countries and in Russia have improved in the recent years, the economic recession has hit these countries hard. It remains to be seen whether this will have an effect on the prostitution scene in both local and international contexts. Some interviewed experts were keen to note that for example the changes in unemployment rates and business opportunities in these countries may be reflected in the flow of prostitutes into Finland. The interviewed experts explained that as the living standards improve in the long term in Estonia and Russia, prostitution from these countries to Finland decreases (impact of social and economic differences). Also an interviewed researcher mentions that Finnish prostitution is (and will be) influenced by Estonia's EU membership and the gradually diminishing income differences between Finland and Russia and the Baltic countries.

5.2 Recruiting the women: methods of recruitment

How are women recruited to come to Finland? Literature confirms that criminals are very clever in the ways they operate and recruit women (e.g. Kauppinen 2000; Brottsförebyggande rådet 2008; Forsman & Korsell 2008). The interviewed experts mentioned that the recruiter is often a woman (see also United Nations 2009a), maybe a friend or someone the victim can relate to. This was also confirmed by the analysis of court judgements. A representative of a governmental organisation maintains that usually at least the first persuader is acquainted with the victim, and friends are often involved. According to the interviews, the recruiter can also be a relative, an acquaintance or someone the woman can trust. More specifically, the recruiter is usually someone from the woman's peer group, someone she already knows, someone of her own age, and/or someone like her.

According to Skaffari and Urponen (2004), at least at the beginning of the 2000s the local female networks in Murmansk were responsible for recruiting new women into prostitution in Northern Finland. There were also local networks of Russian women operating in Western Lapland that arranged girlfriends and prostitutes for local men. Part of this operation may have been pandering-related, but mostly it was about networking, seeking new contacts. (Ibid., 43, 54.) There were also so-called Dating Club ads on local TV in Murmansk and there is reason to suspect that these clubs also organised prostitution abroad (Penttinen 2004, 241).

On the other hand, so-called field hands may be engaged in recruiting. The interviewed procurer explains that at the beginning of the 2000s the procurers sometimes paid "a little something" to the Estonians (mostly drug addicts or other young men) who recruited women to come to work as prostitutes in Finland. They spotted people in the streets and in bars and offered them the opportunity to work in Finland as prostitutes. Later in the interview, a payment

of 10–20 euros to people who found/escorted women from Estonia was mentioned; in a way, the procurers paid for the contact. The procurer also indicated that some women recruited their friends, charging them for the service of recruiting and introducing them to the right people.

In the Joensuu pandering case, the organisation had field hands in Tallinn and Petrozavodsk, who recruited and supplied women to Joensuu. For example, according to the court judgement, one woman heard about the possibility to earn money in the sex business from a woman in Petrozavodsk, while another woman was offered a sex job in Joensuu by a female friend and was given the address of a place in Joensuu. One woman came to Joensuu (arranged by a female recruiter) and on a later trip she contacted the main organiser herself (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 13–15.)

In the Red House case, the news about the “brothel” in Kotka spread around Vyborg and St. Petersburg and new women were found as the news travelled. New women were also recruited by the women who were already in the business. For example, one of the women was about to visit her sister in Finland when she was approached by a woman on the bus, who told her about the opportunity to sell sex in Finland. One of the main organisers had a shop in St. Petersburg through which Russian women were recruited to “work” in the brothel. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 47–56.)

Girls come to Finland from Ukraine among other countries. They work as prostitutes also in Russia. I think there’s an agency in Russia that supplies girls to Finland. The agency looks for girls in the streets, shops etc. The girls come to Finland of their own free will. One of the main organisers has a shop in St. Petersburg, and from there you can get a phone number you can call. (Prostitute in the Red House case, Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 55.)

According to a representative of the police and border guard sector, the information spreads among the persons active in the sex trade. Sometimes the recruiters also go directly to brothels to recruit. Another colleague confirms that quite often the women are already involved in the sex business and receive the information this way and from informal networks (relatives, friends, acquaintances). A researcher mentions that also former prostitutes or those currently engaged in prostitution recruit new potential prostitutes.

When looking at the methods of recruiting, it becomes clear that advertising in newspapers was an additional method of recruitment in the 1990s and at the beginning of the 2000s in Estonia and Russia. The interviewed procurer noted that “even ordinary girls who had never done sex work answered the advertisements about intimate work in Finland” in the Estonian *Kuldne Börs* “Yellow Trading Magazine” (the equivalent of the Finnish “Keltainen Pörssi”). They were young (18–19 years old), restless women, who were also recruiting their friends.

A representative of the police and border guard sector explains that the recruiters use different strategies in the recruitment. It seems that the recruiters

try to get the women interested by telling about a nice job and/or an easy way to earn money. However, according to this expert, methods of control and deception are also used when needed. In general, deception is used by telling untruthful “facts” about the job. These may be about the nature of the work, the earnings, or the working conditions.

For example, in the Finnish trafficking case, the recruitment was organised by an Estonian man who was in prison at the time, and two women who worked under his supervision. One of them recruited women in Estonia for prostitution and posted advertisements on a web page. She also acted as an intermediary between the main organiser and the women who operated under his supervision. Also the leader of the activity in Finland was recruiting. The women were mainly recruited in brothels (in Estonia), or via online chat, or acquaintances. (R6070/RVÄ/R/160352/05.)

An NGO worker concludes that there are three different ways to come to Finland (leading to prostitution): through acquaintances; marriage³⁴ or organised crime. However, even if the reason for entering Finland is organised crime there is no evidence of actual abductions. We did not find any reference to kidnappings in the court materials or experts interviews. In fact, the interviewed NGO worker notes that abducted women are a risk to criminal organisations because they are likely to try to escape. Many experts were of the opinion that criminal organisations have become more cautious, trying to avoid problems and risks. This may also be the reason for not taking away all the money from the women. In the next chapter the issue of consent is discussed in more detail.

5.3 The question of consent and use of deception in the recruitment phase

In general, it seems that the women recruited into Finland have often been involved in the sex business already. A representative of the police and border guard sector states that in the Finnish trafficking case, most of the women knew they would be engaged in prostitution in Finland. This was confirmed by a representative of a governmental organisation who claimed that the women had already been involved in the sex business, and they had learned from their peers about the possibility to make more money in Finland. Most of the women admitted that they were in Finland voluntarily (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006). However, one woman was told she would work in Finland as a nanny, and another was offered a job in an escort service. The woman who thought she was going to work as a nanny was a young (but over 18 years old) Estonian woman with a mental disability. She

³⁴ Especially Thai women who end up in Thai massage parlours come to Finland by marriage. The situation of Thai-women is discussed in chapter 10.2.

had become acquainted with the main organiser of the activity by chatting with him online and she also hoped to marry him. She did not know that this man was actually in prison. She was also threatened with a fine if she refused to travel to Finland. (R6070/RVÄ/R/160352/05.)

The question of consent becomes integral when deciding whether the offence is defined as (aggravated) pandering or human trafficking. A representative of the police and border guard sector argues that if a woman knows the nature of the (sex) activity in advance, it means that the case cannot be deemed as trafficking in human beings.

All traditional prostitution is definitely not human trafficking -related criminality. If an experienced prostitute comes from St. Petersburg to prostitute herself here, it's not human trafficking. It may include breaches of human rights, it is an unpleasant type of business and condemnable, and the clientele is condemnable and it involves pandering, but these are different things. (Representative of Police and Border Guard.)

Criticism towards this attitude was expressed in some of the interviews. According to an NGO worker, the question of consent is problematic. In fact, the question should be: have the women given their consent to be employed in the kind of conditions they end up? Voluntariness should be defined as a freedom to quit the "job", rather than just concentrating on the initial consent to prostitution. The focus should be on the actual conditions, whether they are acceptable. It is not about giving one's consent to prostitution, it should be about conditions, rules, how much one gets of her earnings and the possibility to quit prostitution (i.e. initial consent to prostitution does not equal consent to violence and threats).³⁵ Also Agustín (2007, 30) notes that knowing the nature of the sex work beforehand is a poor way of measuring its exploitativeness, since no one can know what working conditions are like in any future occupation.

Johanna Niemi-Kiesiläinen (2004, 460) notes that violence, as well as force, imposing fines, seizure of passport and restricting the freedom of movement, is something to which you cannot give your consent. For example, Roth (2007b, 431) states that in the first trafficking in human beings verdict in Finland the court put too much emphasis on the initial voluntariness of the women to sell sexual services rather than focusing on the circumstances in which the women were selling sexual services. Skaffari and Urponen (2004, 41) also note that an individual's decision is not necessarily voluntary, but influenced by economic

³⁵ According to the Palermo Protocol, "the consent of a victim of trafficking in persons (...) shall be irrelevant where any of the means set forth in subparagraph (a) have been used". The means refer to "threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person (United Nations 2000, 2). Consent cannot be used as a defence to absolve a person from criminal responsibility. (A child cannot give consent even if none of the means are used.) (United Nations 2009b, 14.)

and other necessities because of the lack of alternatives concerning one's livelihood.

In addition to the trafficking case mentioned above, different forms of deception have been used in another case, too. In the case of the Red House in Kotka, one woman was offered a well-paid job that did not involve dust, but the further details of the job would not be given until her arrival to the location. Only then did she realize that the "job" was prostitution. She ran away during the night and returned home to St. Petersburg. According to her witness statement, some time later she was approached by two men at her home, who told her that she would not see her child again if she did not pay back the debt created from her travelling and visa expenses plus the night in the brothel. She was afraid to contact the authorities, so she decided to return to Finland and become a prostitute in order to pay off her debts. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 49–51.)

Another woman saw a small advertisement in the local (St. Petersburg) newspaper. She called the number and promised to meet the recruiter with her friend in a café. The recruiter was a young woman (student) who told them about the daily expenses, the pay and what the job included (the details were correct). The woman did not have enough money to acquire a visa, so she gave her passport to the recruiter who promised to take care of the matter. This service was to be paid from the future earnings made in Finland. At another time, the same woman saw the contact information of two recruiters (a man and a woman) and promised to meet them in a car park near her home. The couple offered her a prostitution related job in Helsinki and she gave her passport to the man, who promised to get her a visa. They told her she would get her passport and visa in a shop in front of which a car for Helsinki was supposed to leave. The car did not go to Helsinki, but to Kotka. After this she travelled to Finland on her own using a regular bus route. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 51–54.)

A representative of police and border guard noted that it is very rare in Finland for anybody to be subjected to total control or being a "prisoner". According to this expert's view, it is better for the pandering organisation and its activity that everybody agrees to "co-operate" with each other, allowing the majority of the women to choose their working hours and places and if and when they want to quit. Another view is that the women employed under a procuring organisation are not aware of the working conditions or the amount of "work" they face in advance.

One NGO worker states that voluntary sex work does not exist at all; there is always an element of abuse, poverty, health problems or other similar issues in the background. The same interviewee mentions that very often selling sex leads to mental health problems and alcohol or drug problems. Women would choose another way of earning money if they had the choice. They also think that sex work may create other employment possibilities but in practice the perpetrators are involving them deeper and deeper into criminal activity (e.g. by threatening family members). According to this interviewee, the priorities of

the police are inappropriate as the police concentrates on the economic profits the criminals make (even if the women are often not allowed to keep all or part of the profits they make), and not on the abuse of the women.

5.4 Summary

The victims of human trafficking for sexual exploitation and pandering in Finland are mostly women from Estonia, Russia and possibly from other Baltic, Eastern European and the former Soviet Union countries. Social, political and economic factors make these women vulnerable to recruitment into prostitution and/or human trafficking. In particular poor circumstances and limited opportunities to support oneself in the home country are mentioned as push factors by the interviewed experts. The women are ready to take risks and find new ways to improve their quality of life and to support their families. This phenomenon is further influenced by globalisation and the growing movement across borders.

Many women are recruited by their peers, as they seem trustworthy. Some women have also answered newspaper advertisements or have been recruited by field hands working for criminal organisations. There is evidence that many foreign women who prostitute themselves in Finland have already been involved in the sex business in their home countries. Selling sex in Finland may seem like a great opportunity to earn a lot of money in a short period of time. However, the initial promises of large earnings and good conditions may prove to be false and the women find themselves in debt. There are a few cases in which the women have also been deceived about the nature of the work in Finland. They have been promised a job as a nanny, for example. The question of initial consent is a difficult issue for the Finnish authorities. Is a person who voluntarily comes to Finland to prostitute herself a trafficking victim (e.g. when her circumstances change and she is subjected to different forms of control and force)? Some experts emphasise that a person cannot consent to violations of her basic rights and that the voluntariness should be in fact defined as a freedom to quit prostitution at any point in time.

THE TRANSPORT PHASE

6. Transporting the women to Finland

This chapter focuses on the transportation phase of the trafficking chain. We describe the ways in which the transport is organised and identify the actors, places and arrangements relating to the way people are moved from one country to another.

We discuss Finland both as a transit country and a destination country. With the term transit country, we refer to countries through which (potential) victims of trafficking travel to the destination country where the sexual exploitation takes place.³⁶ For example, when Finland is the destination country for Russian or Estonian women, no transit countries are usually involved. However, when travelling from Latvia or Lithuania to Finland, Estonia may be used as a transit country. Similarly, Finland may be used as a transit country, when Russian women travel to Sweden and so on.

Geographically speaking, Finland shares land borders with Russia, Sweden and Norway and a sea border with Estonia. It is important to notice that, according to Finnish immigration regulations, Russians need a visa to cross the border to Finland. For the people living in the EU member countries and in the Schengen area, it is very easy to cross the borders at present. EU citizens (like Estonians) only need to report at the local police station if they are staying in Finland for longer than 3 months, but they cannot be registered if they do not have a job or they are not students etc.

Since the end of 2007, Estonia has been a Schengen country, and border control at the Finnish-Estonian border (at the port) no longer exists. Of the period covered in this study, Estonia was not a member of the European Union until 1 May 2004. However, the Estonian citizens have not needed visas for Finland since 1 May 1997 and travel between the Baltic countries and Finland has become much easier than before.

6.1 Finland as a transit country – the case of the Georgian women as an example

One of the most important examples of Finland as transit country is the case of the Georgian women from 2005. Along with this case human trafficking

³⁶ Exploitation has been often found to occur also during the transit – indeed, many “transit” countries are also “destination” countries in that also they are exploitation countries. In fact, there may be many “transit” and many “destination” countries in a trafficking chain.

became the centre of media attention in Finland and the eyes of many were opened.

In March 2005, the border guard at Vaalimaa (on the Finnish-Russian border) stopped a Georgian tourist bus carrying 48 Georgian women and four men (the organiser of the trip, an interpreter and two drivers). The men were apprehended and interrogated under suspicion of human trafficking. The men denied the trafficking charges. The women were transferred to a reception centre in Joutseno, but were not suspected of any crime. All of the women had valid travel documents. According to their own explanation, the women were on a tourist and shopping trip, however the small amounts of money they were carrying as well as the fact that they did not know what was the destination of their travel raised suspicions. According to the *Aliens Act*, the lack of money and providing untrue information are grounds to refuse entry into the country.

Just before this case became public, Helsingin Sanomat had published two articles (on 11 March 2005 and 16 March 2005) according to which the border guard had recently received information about Finland having been a transit country for hundreds of Georgian women who had travelled to European Union countries for prostitution in 2002–2004. Also in these cases, the travel documents were valid, but in November 2004, Greek authorities warned other EU countries that the same buses that entered the European Union at Vaalimaa, Finland, had left from Greece back to Georgia almost without any passengers. It was unclear where the passengers had disappeared, but at least some of them were suspected of illegal stay in the EU area, possibly as victims of the sex trade or human trafficking.

Finland decided to return the Georgian women on the basis of the Aliens Act, and one week after the bus was stopped in Vaalimaa, the women were flown back home. The women made an appeal to the Kouvola Administrative Court for the decision to be repealed and its implementation to be interrupted. The Finland-Georgia Association also made a complaint to the Parliamentary Ombudsman. According to the complaint, the officials of the border guard had treated the women with disgrace and labelled them as prostitutes. According to the women, their reputation had been stained and the experience was humiliating. In Georgia, they were expecting to be shamed and subjected to a loss of honour caused by being labelled as prostitutes.

The case of the Georgian women was also covered in the TV programme MOT by YLE (National Broadcasting Company) on 25 April 2005. The interviewed women explained that the purpose of their trip had been to buy goods and then re-sell them in Georgia. The trip had been organised by a Swedish travel agency and the risk of defection was minimised in several ways: mostly older women or women with families were accepted, the women had to show to Swedish consulate employees in Moscow that they had enough money to support themselves throughout the trip, and after the trip the women were supposed to report to the Swedish Honorary Consulate in Georgia. The alleged lack of money was not true, according to the women, as their hotels had been

paid in advance and they had given their money to the travel organiser for safe-keeping. (MOT manuscript 25 April 2005.)

In the police investigation, no evidence of human trafficking could be found. In June 2006, the Ombudsman concluded that the border guard had interrogated the women in an acceptable and correct manner, and the human dignity of the women had not been violated. Similarly, the Kouvola Administrative Court concluded that the passport control of Vaalimaa had acted correctly when they returned the women.

Even if no evidence of human trafficking could eventually be found, this case made the Finnish authorities admit that Finland is a transit and possibly also a destination country for human trafficking. The then Minister of Interior Kari Rajamäki made a statement in which he concluded that Finland might be a transit country – and to a lesser degree also a destination country – for several hundreds of trafficking victims who end up in prostitution and clandestine labour. Not everyone takes this view. Researcher Johan Bäckman (2006) has criticised the actions of the Finnish authorities in this situation. Bäckman argues that the Georgian women were stopped without reason because of a moral panic created by the Finnish authorities. The Georgian women fit the exaggerated profile of trafficking victims (i.a. they had not organised their own travel documents and were in denial about the risks of becoming victims) described in the first Finnish anti-trafficking Action Plan, which was released shortly after the Georgian women were returned to their home country. (Ibid., 265–267.) While this is quite a radical opinion on the matter, it demonstrates the problematic nature of this phenomenon: how to distinguish trafficking victims from tourists or illegal immigrants? This issue is discussed in the next chapter.

6.2 The problem of distinguishing between human trafficking, arrangement of illegal immigration and tourism

As the previously described case of the Georgian women shows, it is often very difficult to know what is going to happen to potential victims transiting through Finland to other destination countries. Differentiating between human trafficking and arrangement of illegal immigration is problematic especially from the point view of the border guard.

It may be seconds, during which the border guard needs to evaluate if this person is a victim of human trafficking and stop her/him. Also, if a person gets caught with false documents or suchlike, and we investigate further, we may be able recognise (apart from illegal immigration and document forgery in this case) if the person is in fact a victim of trafficking or in the process of becoming one. At this point, the person herself does not necessarily know what is going to happen to her in the destination country and understand that in a few months'

time she's going to become a victim of trafficking. It's difficult to intervene in these cases, unless the person is a minor, then it's easier. (Representative of police and border guard sector)

In practice, it may be very difficult to distinguish between trafficking and human smuggling. The victims of trafficking may first be smuggled migrants but then find themselves deceived, coerced or forced into an exploitative situation. "Smuggling can become trafficking, for example, when the smuggler "sells" the person and the accumulated debt, or deceives/coerces/forces the person to work off transportation costs under exploitative conditions." The travel conditions of the smuggled persons along the journey may also be so poor that it is difficult to believe that anyone would agree to them. (United Nations 2009b, 21–23.)

In general, the interviewed experts think that Finland is used both as a transit and a destination country for trafficking for sexual exploitation and forced labour. It is of course difficult to know what is going to happen to the victims of trafficking in the destination country, and whether they are going to be exploited in the sex business or as forced labour. It is overall not possible to find out much about what is going to happen in the future in the next countries.

The effects of expanding air traffic from Asia to Finland can be clearly detected. According to the interviewed experts, Finland is at present a transit country for at least Chinese citizens who are heading for other parts of Europe, such as the United Kingdom, France, Spain and Germany. Also Southern European countries (e.g. Italy) are potential destination countries for some people who travel via Finland. Many people from the Far East probably heading for the UK for the purpose of sexual exploitation travel via Finland. Overall, China and India are particularly often countries of origin when Finland is used as a transit country.

The Finnish authorities agree that one of the biggest challenges they face is to identify trafficking, given that in most cases the people have all the legal papers and travel documents required.

We are lacking the means to intervene in these transit cases and to stop the victimisation that takes place somewhere else later on. Also, large numbers of Russians travel through Finland and we know what their destinies will be. However, we are like the bad guys in this story, because we want to stop these people's journey. We may suspect that they will end up somewhere as slaves, they do however refuse to believe it themselves. (Representative of police and border guard sector)

It is particularly difficult to identify Russian victims of trafficking, as there are so many people crossing the eastern border.

Of course, one question is that if the Russian victims of trafficking transit through Finland to another country, then in most cases they do it with legal visa granted by a Finnish consulate. In practice, it's quite impossible to identify this or to intervene. If a person comes to a crossing point, and she/he has a legally applied visa for Finland and the

Schengen countries, we need to have serious suspicions to stop their trip. (Representative of police and border guard sector)

According to the Swedish sources, many trafficking victims and prostitutes from Estonia and Russia transit through Finland on their way to Sweden. Often the Russian women apply for a Finnish visa, which is apparently easier to get than a Swedish one. The women buy an arranged coach trip from Russia to Finland and then buy a cruise to Stockholm. Instead of returning back to Finland on the next ferry, they just stay in Sweden. Also the Estonian women use the ferries. The traffickers are well aware of the fact that border controls are minimal at the ports. (Forsman & Korsell 2008, 9, 59–60.)

In general, according to the interviewees, Finland's distant location, small size and cold climate protects it from becoming a major destination country for human trafficking. Also the lack of large ethnic communities in Finland may reduce the potential of human trafficking. Presently, it seems that Finland is more a transit than a destination country. In the next chapter, Finland is discussed mostly as a destination country and we focus on the routes that are used when travelling to Finland.

6.3 Travelling routes to Finland

According to the analysis of the court materials on pandering and human trafficking cases, there are three dominant routes to Finland: The women travel by ferry from Tallinn to Helsinki, they arrive from the St. Petersburg and Vyborg areas to Eastern and Southern Finland by bus or by train or they come from the Murmansk area to Northern Finland by car or by bus. Therefore, no transit countries are involved. However, the women from Lithuania and Latvia travel to Finland via Estonia. In the data there is evidence of a case in which a Russian woman travelled from the Netherlands to Finland by car.

According to Leskinen, there is some evidence that the procurers direct Estonian and Russian prostitutes to Finland through a third country, usually Sweden, Germany or the Netherlands. These routes have been chosen to mislead the authorities, who have noticed that certain women make several trips. (Leskinen 2003, 5–6.)

According to researcher Elina Penttinen, who interviewed local authorities in Northern Finland, in the early 2000s women from Murmansk were transported to Finland or further to Norway on Thursdays and picked up and brought back to Russia on Sundays. Sometimes they were also brought back to the border in private cars. The route from Murmansk went through the centre of Ivalo to the road leading up to Utsjoki and down to Rovaniemi. The buses heading north may have crossed the Norwegian border at Karigasniemi, Näätämö or Nuorgam. If the buses stayed in Finland, they headed south to Rovaniemi and Keminmaa, where the majority of their clients came from Sweden. Some buses were also spotted in Inari and Kaamanen. (Penttinen 2004, 230–232.)

The Finnish authorities insisted that most of these minibuses were heading for Norway. At the beginning of the 2000s about 60–70 women from Murmansk crossed the border at Rajajooseppi in Finland every Thursday. Some women possibly came from as far as Ukraine and Moldova. The authorities explained that it is easier to get a visa for Norway than Finland from Murmansk. Often the women came in minibuses, which carried eight women and a Russian driver, who usually withheld the women's passports and papers, kept them in his inside pocket and delivered the women to the destination (private homes, camping area etc.) for the weekend. (Ibid.) There is no information available on the current situation in the North, although some experts say that the activity has diminished to a great extent.

Other concrete examples of transport exist in the court materials. In the case of the Red House of Kotka, the organisers sent some of the women to the Finnish-Russian border in a car while others travelled with the organisers by car or by bus, and some travelled to Kotka independently. For example, one woman told that she travelled by car with three other women, and the transportation was offered by the criminal organisation. One woman travelled in a small bus with several other women, and the main organiser (woman) acted as the tour leader. Some of the women who travelled on the same bus were regular tourists. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002.)

At some point in time Finland may also have been used as a transit country for the Russian and Estonian prostitutes on their way to Norway and Spain, especially to Costa del Sol (Leskinen 2003, 5–6). Russia, too, is sometimes used as a transit country. Asian people travel e.g. via Russia (or via Mongolia and Russia) by train or by bus to Finland and further. However, due to the expansion of air traffic from Asia to Finland, travelling by air is becoming the most common connection from Asia. In these cases victims generally continue to other parts of Europe. For example, Chinese people have tried to travel to the United Kingdom via Finland. According to an NGO representative, it is possible that the victims do not even know themselves which route and via which countries they have travelled.

6.4 Travel arrangements

According to the authorities, the identified trafficking victims (i.e. those trafficked for forced labour) generally have legitimate documents and residence permits in Finland. The court data shows that most Russian women in prostitution acquire their visas independently or through small travel agencies and travel at their own expense. There is one case though, where the witnesses and the women themselves stated that a criminal organisation arranged visas for the women, who had to pay for these services, as well as the travel costs, from their future earnings in Finland. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002.)

The Russian prostitutes usually come to Finland a few times a year using a regular tourist visa (valid for 3 months). Some of them have lived in Finland for a long time and may have permanent residence permits. Their travel documents are usually legal, but there are ways to mislead the authorities. One interviewee mentioned a possible way to deceive the authorities.

But Russia has this peculiarity in their law that makes it fairly easy to change name, or identity. So if you get caught doing something criminal in Finland and it's recorded and your finger prints are taken etc. and you are returned at the border. Then you can just change your name and cross the border using totally new travel documents. (Representative of police and border guard sector)

Another example of the way the procurers or women may try to deceive the authorities is to forge stamps to their travel documents. In some procuring cases, a few Russian women have had forged stamps in their passports.

When you look at the passport and try to figure out how much time a woman has spent in Finland, it looks like she has spent a lot of time in Russia and only a couple of days in Finland. In the worst case we have had, the woman had spent two whole years in Finland. Only the stamps in her passports looked like she had been travelling back and forth. She had even arranged a new passport from the embassy, when she was, de facto, in Finland. (Representative of police and border guard sector)

In some cases the women have received invitations to Finland from their procurers. This makes it easier for the women to get visas. Some women have received invitations several times. For example, in the Joensuu pandering case, the main organiser invited five young Russian women to Finland, one of them four times. The procurers picked up the women at the border. (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005.) Invitation visas are commonly used. The Finnish procurers pick up the women from different locations, provide them with anonymous pre-paid mobile phones and accommodation, take care of transports and handle contacts making sure that the invitation visa regulations are strictly followed. (Leskinen 2003, 7.)

According to our data, in the majority of the pandering and aggravated pandering cases, most women travel to Finland independently³⁷. However, the women are sometimes picked up at the border by the procurers or other facilitators and escorted to private apartments where the actual provision of sexual services takes place.

According to the interviewed procurer, the women who come to prostitute themselves in Finland for the first time may need someone to pick them up and help them to find the right place. The women who have been in the area before do not need as much help. In the Finnish trafficking case, the mentally disabled woman came from her home town to Tallinn by herself after which she was transported to the Tallinn port. She travelled to Helsinki by ferry and was

³⁷ In some of the cases studied, no reference was made to the women's travel arrangements or they were mentioned only briefly without specific details.

picked up from the Helsinki port by an Estonian field hand. Although her travel was arranged, most women travel on their own directly from Estonia to Finland by ferry. (R6070/RVÄ/R/160352/05.)

According to a study on prostitution in Lapland, Eastern prostitution reached its peak in 2000–2002. In 2004 the phenomenon had reduced in size if not disappeared entirely. In the 1990s and the early 2000s the men i.a. invited the women straight to their homes, and the Russian women possibly had long-term relationships (different forms of payment and services were involved) with men from Northern Finland, Sweden or Norway. The local men were also sometimes persuaded to submit formal invitations for the women. However, the women did not always go and visit their inviters, but only stayed with them for one night, before continuing to other locations, such as the Kapernaum holiday camp. (Skaffari & Urponen 2004, 27, 48, 56–57.) It is unclear whether this activity still occurs in Northern Finland.

According to Skaffari and Urponen, the “transportation circles” in Murmansk were organised, but were not part of organised crime. The drivers got paid for the transport and they also worked as protectors of the women. (Ibid., 47–48.) Also Penttinen notes that some of the drivers were just ordinary local men, not part of an organised crime group (Penttinen 2004, 235). It must be noted, though, that working for such a group even indirectly is considered profiting from trafficking and prostitution and thus criminal.

When the women come to Lapland, their activity is usually planned in advance, and they do not have to advertise their services. The so-called “party package” is a service, where a local customer orders a Russian woman to his home. The price and time have been agreed on in advance, and the woman does not necessarily know anything else than the address where she is supposed to go. (Skaffari & Urponen 2004, 33.)

Also according to Swedish researcher Tage Alalehto (2002), the local police and researchers have observed that the Russian prostitutes from Murmansk know in advance where they are supposed to go and they are picked up by their customers at specific delivery sites, indicating that the business is planned and that the customers order their services in advance. The clients (Finnish and Swedish) know exactly what time to pick up their woman. This makes the police suspect that the clients have direct connection with the Russian drivers (men), although there is apparently no indication of direct links to Russian organised crime. However, the authorities assume that the women pay to get out of Russia, and there are examples of deported women turning up later in the Nordic countries using false passports that raise suspicions. (Alalehto 2002, 103–105.)

Leskinen (2003) maintains that the Finnish authorities have noticed that the same Finnish and Estonian, Estonian Russian or Russian pimps come to meet the prostitutes at the port of Helsinki time after time. These men have invited the women – who have Russian citizenship – from Estonia and promise to pay their living costs during their stay in Finland. Some of these men guarantee the stay of several young women at the same time. (Leskinen 2003, 5.)

6.5 The organisation behind the transport

There is little information concerning the organisation in the transport phase. According to a representative of the police and border guard sector, the whole logistics chain of transportation can be arranged by the criminal organisation. That way the chain is reliable and the risks can be minimized. Another option is to split the chain into small parts. In this scenario the people involved may not know that they are being used as a part of criminal activity.

According to one interviewee, the relationships between legal, semi-legal and illegal actors and businesses were rather interesting in the 1990s. Buses full of women were brought from Russia to Finland; the women were transported to motels in the middle of nowhere or other inconspicuous places, such as camping areas.

The authorities did not suspect anything, they were unable to see the big picture, to find out who had organised these trips, who had paid for them and for whom, where the documentation was, how the women learnt about the trip and why people, women, who had never been to Finland or abroad, suddenly wanted to make a weekend trip to a distant motel in Valkeala. (Researcher)

It is quite obvious that bus trips such as these were organised by different (semi-legal or criminal) actors for profit. Jyrkinen & Hearn (2008) note that bus trips to Finland were organised already in the early 1990s, and many of them were directed not only to sparsely populated areas but also to the Helsinki area and other large population centres (*ibid.*, 368–369). Bäckman (2006) notes that the activities in the motels (i.e. brothels) of Valkeala and Kotka were first brought to the attention of the general public in the TV document “Red Houses” in 1997 (*ibid.*, 255–256).

There is little information on how much benefit different travel agencies and transport companies may currently be making in the transport phase. It is clear that they do benefit from this, since many women travel on their own and make their own travel arrangements. Sometimes, however, the criminals (or someone in the network) travel with the victims to the destination or transit country.

The interviewed experts conclude that the organisers have become more careful than before and might avoid travelling together with the victims in order to avoid running into trouble at the borders. They might also employ a middleman who is in constant contact with both the victims and the organisers.

We have experienced not only in Finland but in other countries as well, that these people [victims and organisers] travel in small groups in which someone may have a connection to the organisers and a mobile phone. The idea is that this person is in contact with the organisers and knows how to continue with the rest if a member of the group gets caught. It looks like they’ve made a deal that if they get caught at the border for a fake passport or something, then they seek for asylum to make sure that they can stay in Finland. Or whichever country. After the situation eventually settles, the journey continues. Surely there is

someone organising this and giving advice, otherwise they would not be as smart as this. (Representative of governmental organisation)

Few concrete examples of organised transportation and travel were found in the court judgements analysed. In these cases, the women may have had to pay for the travel arrangements and travel documents in advance or have them deducted from their future earnings. The traffickers can then force the victims to prostitute themselves because they have already “created expenses” (because of travel arrangements, visa or other documents etc.) which have to be paid back. The traffickers may also threaten the women with a “fine” if they refuse to continue. For example, in the Finnish trafficking case the mentally disabled Estonian woman was told that if she refused to go to Finland she would have to pay a fine of 4000 Estonian kroons (approx. 260 euros) on the next day (R6070/RVÄ/R/160352/05).

6.6 Summary

Finland is a transit country for victims of trafficking in human beings. The expansion of air traffic from Asia is one of the more recent developments that is reflected in the transit cases. However, distinguishing between human trafficking, arrangement of illegal immigration and tourism is very difficult. The border guards may have to decide in seconds whether a person transiting Finland is a victim or a potential victim of trafficking. No one can really know what happens to that person in the destination country, and whether she is going to be exploited or not. The case of the Georgian women demonstrates this difficulty: the women were stopped at the Finnish border and later returned home, but the police concluded that no evidence of human trafficking could be secured.

Finland is also to some extent a destination country for human trafficking. The analysis of court materials shows three different routes to Finland. Women travel by ferry from Tallinn to Helsinki, they arrive from the St. Petersburg and Vyborg areas by bus or by train to Eastern and Southern Finland, or they come from the Murmansk area by car or by bus to Northern Finland. Most women travel independently and handle their own travel expenses. They also have legal documents and visas. On some occasions, their travel may have been organised by a criminal group, but little information on the organisation of transport exist. Only in a few of the largest-scale cases at the turn of the 21st century, the transport was handled by the pandering organisations themselves. This leaves a lot of room for speculation about the role of different legal and semi-legal actors, such as travel agencies etc. as benefactors of the organised sex business. In the next chapter, the criminal networks and their structure is discussed in detail.

THE PROCURING PHASE

The next chapters (7–11) focus on the procuring phase, that is, the phase within the trafficking chain taking place in the destination country (in this study Finland). We describe criminal organisations/networks involved in pandering and or human trafficking and the structure of these networks. Then we describe the different actors involved, the marketing and trading places, and the means of control used against the women. We also provide information on the prices of sexual services and on the police surveillance.

We have more information on this phase than any other phases. This is because it was easier to find evidence of activities taking place in the destination country than in the source countries or during transportation. However, the elements of human trafficking and pandering were not always easy to separate. It also has to be kept in mind that the aim of this study was not to give a general view of Finnish sex business but to focus on trafficking related sexual exploitation taking place in the context of organised crime.

We begin by providing information on the criminal networks and their structure (chapter 7). Then, in chapters 8–9, the most relevant actors operating in the procuring phase are presented. The actors have been divided into criminal (illegal) actors, legal and semi-legal actors and sex buyers. The role of the procured women and the victims of trafficking are not discussed as a separate actor group because the court materials do not contain much information about the women and their situation. Furthermore, in the interview material we only have secondary information on the women. Also, the focus in general is on organised crime and the criminal actors. However, the situation of the women is discussed in the context of control methods used against them (chapter 11), as well as later in reference to the victims of trafficking and the victim assistance system (chapter 12).

7. Criminal networks and their structure

In this chapter we provide information on criminal organisations and/or networks. We start by discussing the organised crime context in general. Then we present the structure and activities of the criminal groups and continue by providing information on the duration of the activities and the profits made. In addition to the activities of the criminals, we also discuss the activities of the police, and the police surveillance.

7.1 The organised crime context

Organised crime is difficult to define as a phenomenon. It is not always even clear what different people refer to as “organised crime”. It can be said, at least, that researchers do not have a common understanding of the concept (see e.g. von Lampe 2003).

Researcher Klaus von Lampe (2002; 2003) encourages the use of the term “criminal network” instead of “criminal group”. According to him, a network is a web of dyadic ties connecting two or more persons, whereas an organisation also consists of individuals, but is more than just a sum of its parts. Organisations include a certain degree of integration. In his network approach, von Lampe takes the relations between criminal actors as a point of reference and notes that the participants are connected through criminally exploitable ties. These ties form the criminal networks. Criminal networks can thus be defined as a set of people who are linked by criminally exploitable ties. (von Lampe 2003.)

As noted in chapter 3, there are relatively few studies on organised crime in Finland. According to Junninen (2006a; 2006b) organised crime groups as such do not even exist in Finland. Junninen sees the Finnish crime groups at most as semi-organised groups. As far as pandering criminality is concerned, Bäckman (2006) supports Junninen’s view, and considers the estimates about organised crime and pandering groups made by the police to be greatly exaggerated. Jari Leskinen (2003) from the National Bureau of Investigation has presented opposite views on pandering criminality. According to him, procuring activities in Finland were largely controlled by Estonian and Russian organised crime groups since the end of the 1990s. Lehti and Aromaa (2002) for their part maintain that most procurers are Finnish. It must be clarified though, that the estimations of Junninen, Leskinen, and Lehti and Aromaa are based on the situation in the 1990s and in the beginning of the 2000s, and for instance Junninen has studied particularly Finnish groups, not transnational crime groups. It seems that the situation has changed to some degree from all of the above-mentioned views.

Of the pandering cases analysed in this study, some were considered as pandering, some as aggravated pandering in court. The situation might also have varied between different perpetrators involved; within the same case their activities could have been considered as pandering or aggravated pandering or both. However, some cases were processed in court before the aggravated pandering and human trafficking legislation came into force in 2004. So, it is possible that some of the cases would have been interpreted as aggravated offences or human trafficking had they been brought to court after 2004.

Finally, it has to be pointed out that the fact that criminal activities are organised does not necessarily mean that the activities are part of organised crime. For instance, it is stated in the report of the Legal Affairs Committee of the Finnish Parliament in regards of aggravated pandering legislation that crimes can be committed in a well-planned and systematic way without being carried out by an organised crime group (see e.g. LaVM 4/2004). All these considerations in mind, we now move on to describe criminal networks involved in pandering criminality.

7.2 Criminal networks and their structure

The duration, size, structure, division of labour, and complexity of the criminal networks as well as their use of force and other methods of persuasion and control may vary in many ways. In general, the criminal networks in Finland are not very large and do not have a highly hierarchical structure. In the international context, criminal networks operating in Finland might be considered quite small. On the other hand, it can be speculated whether Finnish organised crime should be compared to traditional and highly organised international organised crime (i.e. the Italian mafia) at all.

However, according to the international as well as Finnish definitions of organised crime, as few as three persons acting in common understanding can form an organised crime group. In this study we have also taken into account the methods and ways criminals operate and treat the women they exploit, not only the number of persons involved. In the Finnish context, a group of 7–8 perpetrators, as in the first Finnish trafficking case, can be considered quite a large group. Also the court considered the activity of this group to be organised crime by its nature (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006; Judgement of Court of Appeal of Helsinki 722, R06/2317, 1.3.2007).

In general, the number of crime groups in Finland is not very high, especially in the sex business. In fact, organised crime has usually been linked to motorcycle gangs and drug crimes. Pandering offences have rarely been associated with organised crime groups (at least in court). On the other hand, the fact that criminal activities are organised does not necessarily mean that the group committing them is defined as an organised crime group in court or that many people have been involved in the activities.

However, according to Jyrkinen (2005, 43) organising prostitution is a common operation model of crime groups, both local and international. In Jyrkinen's (ibid., 44) opinion, organising prostitution is "an integral part of many crime groups, not because of the direct economic gains, but the possibilities to enter into power structures through blackmailing and corruption." Jyrkinen (2006, 95) maintains that organised crime and crime groups seek to get hold of other legal and illegal businesses by first utilising sex markets.

According to some of our interviewees, pandering criminality is often part of organised crime, and there is a lot of money involved. The experts explain that this is because the risks are small and the sentences lenient. Pandering criminality may also involve other crimes such as robberies and assaults against the prostitutes who are forced to operate under criminal networks. Several interviewees maintain that international structures are involved in the Finnish pandering business, typically Russian and Estonian criminal groups operating in some kind of collaboration with Finnish groups.

There are variable views about the independent or autonomous position of the Finnish criminals and their collaborators in such organisations. According to Mölsä (2009) the Russians and Estonians take care of the "important" tasks, such as the recruitment of the women and the collection of money. The role of the Finns is at the bottom of the hierarchy and they take care of the minor chores like transportation and renting the apartments. (Ibid., 245.) For example, in the Finnish trafficking case, the Finnish men were sentenced for aggravated pandering, whereas the Estonian men were sentenced for both aggravated pandering and aggravated trafficking in human beings (Judgement of Court of Appeal of Helsinki 722, R06/2317, 1.3.2007). This fact implies that the court assessed the activities of the Estonian men to be more severe and essential for the operations.

Some claim that more recently, the Russian organisers no longer need much support and help from the Finnish criminals, as they have themselves become sufficiently familiar with the local circumstances. Thus they are able to operate on their own, without significant Finnish accomplices.

In the procuring business in Finland, the organisers are Russians or Estonians (...) remaining probably in Russia/Estonia (...) and the field hands operating in Finland are Finnish, Russians living in Finland (...), and nowadays more often the latter since the Russians do not need Finnish helpers any more, or Estonians. (...) There are no entirely Finnish organised crime groups involved in the pandering business.
(Representative of the police and border guard sector)

However, according to Jyrkinen (2005) there is always a need for local linkages for transnational crime organisations to act in a certain country. Jyrkinen notes that international cross-border sex trade requires local contacts in order to organise the activities. The links with the local actors who recruit new women and who are familiar with the local markets are particularly important for the organisers of the sex trade (Jyrkinen 2006, 95). So, it is

probably useful for the criminal networks to have Finnish contacts who can, for example, rent apartments in their name. It is likely that a Finnish person who wants to rent an apartment for short periods of time is less suspect than a foreigner trying to accomplish the same thing.

In the previous quote, a representative of the police and border guard sector argued that no entirely Finnish organised crime groups are involved in the procuring activities in Finland. Some of the earlier studies support this view, some do not. For example according to Leskinen (2003), the organised pandering groups in the early 2000s had Estonian leaders. On the other hand, Bäckman (2006) sees the situation differently. According to him, no evidence can be found in support of the notion that procuring activities are largely organised and controlled from abroad. He argues that the operations seem to be mainly under the control of Finnish actors (or at least actors operating in Finland). Also Lehti and Aromaa (2002) present figures claiming that in most of the pandering cases the activity was carried out by Finns or Finns together with Estonians or Russians. However, these studies deal with the 1990s and the early 2000s.

Our data shows that in the trafficking and pandering cases, Estonian actors are often involved. In cases which took place in Eastern (and Northern) Finland, Russian actors have played a central role in the activities. Leskinen (2003) maintained at the beginning of the 2000s that the amount of Estonian procurers was higher than the amount of Russian procurers, and many of them lived in Finland. Leskinen argues that most of the Finnish procurers operated under the pandering leagues led from Estonia. (Ibid., 14.) Also according to media sources dealing with the recent cases, Estonian and Russian perpetrators have carried out the trafficking and procuring operations in Finland (e.g. the hotel pandering case, see chapter 10.2).

To demonstrate the organisation of a criminal pandering group, we use the Finnish trafficking case as an example. We try to describe the structure of the group and the way different tasks were divided among the different participants.

Case description

In the Finnish trafficking case, the activity was led by an Estonian man from an Estonian prison. Two women operated under his supervision in Estonia. Their job was to recruit and transport prostitutes in Estonia, as well as to receive the money from Finland and transfer it to different bank accounts and to the main organisers. In Finland, the activity was led by another Estonian man. He supervised the activities in Finland. His task was also to solve possible problems. The members of the organisation were mostly Estonian. Also two Finnish men were involved. In Finland, some of the members (who were so-called “security personnel” or field hands) worked as subordinates of the Estonian prisoner and other accomplices of the Estonian man who led the activity in Finland. The organisation operated mostly in Helsinki, but also in a few other towns in Southern Finland both in private apartments and in hotels. The organisation had about fifteen women engaged in prostitution under their supervision. (R6070/RVÄ/R/160352/05.)

According to the district court, the case was an international, organised activity where each defendant had their own tasks and roles. The operations had been systematically connected to the criminal operations. Each of the defendants had known that they operated as a part of criminal activity. The purpose of the activity was material profit. The foreign prostitutes had a subordinated position in relation to their procurers in Finland. (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006.)

Overall, the organisation of the group involved in the Finnish trafficking case can be divided into segments according to the roles of the different actors: one person in charge of the operation in Estonia, two people taking care of the practicalities in Estonia (two women as “secretaries” who received and transferred the cash and took care of the recruitment and travel arrangements), one leader of the activities in Finland, and other persons taking care of the practicalities in Finland (transporting the women, collecting the money from the women and delivering it, buying groceries for the women etc). (R6070/RVÄ/R/160352/05.) As mentioned in the case description, the activity was defined as international organised crime in the Finnish court. (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006.)

The next case description provides a further example of the structure of a criminal pandering group. This example clarifies the way the group works and the different actors involved.

Case description

In 2001–2002 there was a large Estonian based procuring organisation operating in the Helsinki area and in Turku (on the south-west coast of Finland). The organisation used a total of 30 apartments, usually operating in 6–8 apartments at the same time; there were 1–2 prostitutes in each apartment and each of the prostitutes had an average of 6–8 customers a day. The prostitutes charged 50 euros per customer, and a daily fee of 140 euros was collected from each apartment (it is unclear whether the fee was charged per woman or per apartment). The organisation also employed four telephone operators who answered the calls of customers and directed them to the prostitutes. It was estimated that the organisers gained a profit of 430,000 euros. All of the seven prosecuted persons were Estonians. According to the judgement, the whole operation was led from Estonia, possibly by someone called “Igor”. One of the main organisers of the operation in Finland testified that he had just been running the practical side of things, and was not a leader in any way. The two Estonian organisers had for example rented apartments, collected money from the women, transported the women and advertised the activity. The men were sentenced to imprisonment for two years for pandering, and the court stated that their actions were comparable to extortion and illegal influence. The sentences were confirmed by the Court of Appeal. The leader of the organisation in Estonia was never caught. (Judgement of District Court of Helsinki 02/7749, R02/5384, 12.7.2002; Judgement of Court of Appeal of Helsinki, 2204, R02/2510, 15.7.2003.)

In this case, the court concluded that the offenders knew that their actions were linked to an extensive procuring operation organised and led from abroad. The activity was defined to be systematic and committed deliberately by members of a group organised for serious offences. These points were given by the court as grounds for increasing the punishment. (Judgement of District Court of Helsinki 02/7749, R02/5384, 12.7.2002, 9.)

In this case, some severe means of control (i.e. the women were prevented from quitting the prostitution activity) were applied in order to maximise the

profits. Organised criminal networks are often by definition understood to resort to violence, threats and powerful control and coercion methods. As an example of the pandering organisations covered in this study, there is a case in which some witnesses were threatened in Russia, and the Armenian main organiser was killed in St. Petersburg before the trial (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002). The court material does not reveal who killed him or why.³⁸ Many further examples were cited on how the women were controlled by the organisers; these observations will be reported later (see chapter 11 on methods of controlling the women).

Sometimes the leaders of particular groups are never caught by the police, For example in the previously described Helsinki area pandering case, the leader of the organisation in Estonia was never caught. The main organisers in Finland stated that they did not know all the details, because they were just working for the big boss in Estonia. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002.) Some leaders may run the whole operation from prison (R6070/RVÄ/R/160352/05). An NGO worker notes that the middle level of the organisation usually gets caught. Also according to the police, it is common that persons in the “lower level” of the organisation know less than the leaders, which hampers the investigation process.

For example, in a pandering case in Turku one witness testified that he had heard “one of the main organisers talking about the Russian mafia based in Moscow that would start collecting protection money from foreign girls working in Turku”. According to the court materials, one of the men described himself to his girlfriend as a servant who was just collecting the money and sending it to St. Petersburg. (Judgement of District Court of Turku 01/3687, R01/2815, 19.12.2001, 24.)

Sometimes the organisation behind the pandering business remains hidden or the way the operation is organised remains unclear. For example, in the Kapernaum case as many as 70 women stayed at the holiday camp at the same time. It is unclear how they were recruited and by whom, whether there was a Russian organisation operating in Russia, and whether the main Finnish organisers were cooperating with other organisations. The media stated, quoting the Swedish police, that a highly organised Russian crime group was behind it all and that they supplied women from Murmansk to Northern Finland, Sweden and Norway. The Finnish court documents do not deal with this, so the truth behind the women and their condition remains unclear. (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006; Judgement of Court of Appeal of Rovaniemi 234, R06/412, 9.3.2007.)

³⁸ In this case, two members of the Supreme Court noted that the activity was well organised, international, exceptionally large-scale in the Finnish context and fulfilled the essential elements of organised crime (Judgement of Supreme Court 2005:17, R2003/517, 8.2.2005, 8–9).

7.3 Duration of the activity and the profit made

The duration of the criminal activity is not always very long but considerable variations were found in the data. In some cases, the operations lasted for a few months. In others, the activity was long term. In one case, the organisation operated for a total of 1,430 days (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 22). Also in the Kapernaum case, the activity continued for several years, as was also the case in the brothel activity in the Red House of Kotka, and in the Syvälampi/Bonanza brothels.

Based on court materials, it seems that most pandering groups, and in particular the women providing the sexual services, in fact operate on a full-time basis while they are in Finland. This is one of the ways the criminals try to maximise their profits. The members of the criminal groups may also be engaged in other criminal or legal activities at the same time, making them part-time actors from the perspective of a single criminal network.

Even though pandering organisations operate full-time, the women usually stay for short periods of time and are then moved to another place or replaced like in the case of Red House of Kotka. (The women may also visit their home country during their stay.) In Kotka there was an average of 14 women a day staying in the brothel, and their arrival there was highly organised. The main organisers, an Armenian man and a Russian woman, talked about the prostitutes and their earnings and qualities on the phone, as proven by the telephone surveillance³⁹. This showed that they were in regular contact with each other. They knew which woman was coming and when she was coming. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 76–84.) This implies that the organisers had specific schedules and plans in which they organised the women's arrival and departure and that the activity was in fact very systematic in its nature.

Regarding the profits gained by criminal networks, they vary to a great extent depending on the duration of the activity. Money and profit are often commented in the court materials as this is a feature of interest to the prosecution who typically request the confiscation of the criminal profits⁴⁰. In one case, the organisation operated for 1,430 days and gained a profit of 500,000 euros (10, 000 (“service event”) x 50 euros (the price for the service of half an hour)) (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 22). In another case, the three main organisers in Finland earned: 16,300 euros, 12,614 euros, and 26,237 euros per person. The media reported a

³⁹ A telephone connection of a suspect was tapped with the permission of the district court in the context of a suspected aggravated drug offence. In this context, also telephone surveillance material for the pandering investigation was gained as a “side product”. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 76.)

⁴⁰ “Profit” is treated as being equivalent to “criminal income”, not net profit. Thus, the figures relate to turnover rather than real profit. The costs of the criminal operations are often relatively high but they are not considered to be deductible.

profit of 430,000 euros. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002.) In a third case, the organisers gained a profit of over 1,3 million euro (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002; Judgement of Court of Appeal of Kouvola 372, R02/1066, 27.3.2003.)

In the Finnish trafficking case, the organisation had earned altogether more than 75,000 euros (R6070/RVÄ/R/160352/05). According to the district court, the criminal profit (i.e. proceeds of crime) was approximately 70,000 euros, although the prosecutor demanded over 130,000 euros (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006.) In general, relatively small amounts of criminal profits can be confiscated from the perpetrators. There may be elements of money laundering in these types of cases. The pandering groups get most of their profits in cash, and need therefore to move large amounts of cash across borders. At least in the case of the Red House, the court judgement stated that the organisers crossed the border with large amounts of cash (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002; Judgement of Court of Appeal of Kouvola 372, R02/1066, 27.3.2003).

According to a representative of the police and border guard sector, most of the money gained in the pandering business ends in the hands of the organisers who are, for example, in Russia. At least some of the money goes to Russia, Estonia etc., i.e. to the criminal organisation and their common treasuries in the home country. Risto Pullat (2003, 58) describes the common treasury in Estonia. The criminals pay a monthly “tax” to the treasury from their illegal income in order to guarantee their “rights” to operate in the illegal markets in Estonia (ibid.).

According to the interviewees, the percentage of the money going to the women themselves has been decreasing. Typically, one-third of the profit goes to the main organisers, another third goes to the procurers and other middlemen, and the final third goes to the prostitutes themselves. Those who run several types of criminal activities use the cash gained from procuring for other activities. However, the interviewed procurer argues that the expenses for such items as flats, clothes, food, and condoms are so high that in practice the pimps do not get very much. On the other hand, it can be questioned whether the procurers would have an interest to carry on if the profits were very small.

7.4 Other activities

There is not a lot of evidence of multi-criminality (i.e. committing several types of crime) in the data, but some references to small-scale alcohol smuggling and drugs were found. According to the interviewed procurer, some criminal organisations deal with narcotics, but that is kept separate from the procuring side. A representative of the police and border guard sector notes that in general, the organised criminal groups in Finland concentrate on other

types of crime such as e.g. drug trafficking, rather than human trafficking. As far as motor cycle gangs are concerned, Mölsä (2009) has noted that some of the gangs have run small-scale procuring and prostitution activities, but these are not comprised in the core activities of motorcycle gangs.

Leskinen (2003) maintains that the prostitution and narcotics businesses have been brought to Finland by the same Russian and Estonian criminal leaders. Hired procurers working for certain Estonian or Russian criminal leaders also smuggle and sell drugs in Finland. However, some of the procurers have refused to be involved in the narcotics business and they have not been forced to be involved. (Ibid., 12.) Leskinen also maintains that economic crime and money laundering are part of the pandering criminality organised by transnational organised crime. Also trafficking in illicit weapons, aggravated extortion, violence and drug crimes are included in the organised pandering activities. (Ibid., 15.)

In the cases we studied, the perpetrators have in some cases been prosecuted also for other crimes, such as robbery, extortion and assault (Judgement of District Court of Turku 01/3687, R01/2815, 19.12.2001). Also, in the Finnish trafficking case, at least one of the organisers was in prison during the time the activities took place, apparently he was sentenced for drug and/or property crimes. Sometimes the pandering offences have been discovered in drug offence investigations, for example.

Jyrkinen (2005, 201) describes that “organised crime activities are typically horizontally and vertically interrelated i.e. the same groups may run various legal and illegal businesses, and have an umbrella organisation under which there are lower level ‘grass-root’ organisations.” According to some of the interviewees, organised crime is (always) involved in human trafficking cases, but when it comes to related crimes, the profile of the perpetrators becomes vaguer. Then, there might be organised crime involved or these crimes might be organised by single actors or small groups. The activity is usually full-time if it is well organised. According to one interviewed researcher, criminal networks would not spread to Finland without having Finnish contacts.

To sum up, it seems that the groups covered in this study resemble networks (von Lampe 2003) more than very stable and coherent criminal organisations. The activity is, however, often well organised. In spite of the fact that the activities may be well-planned and systematically organised and the objective is to gain financial benefit, the activity is not necessarily very long-term or the division of tasks between the members is not particularly permanent (cf. e.g. Pullat 2003). Junninen (2006a, 2006b) for his part has stated that crime groups in Finland are semi-organised and not even close to real organised crime groups when compared internationally. It can be questioned, though, whether the crime taking place in Finland, and particularly as far as “new types of offences” (like human trafficking) are concerned, should be compared to traditional, international organised crime at all.

If we compare our results to earlier Finnish studies (Lehti & Aromaa 2002, Leskinen 2003, Junninen 2006, Bäckman 2006), the situation seems to be

slightly different compared to the 1990s and the early 2000s. However, in a sense it is not easy to make comparisons with the earlier studies as the focus has been slightly different. According to our data, as far as large-scale procuring and human trafficking organisations or networks are concerned, the main organisers are often Estonian and Russian. However, the situation is not like Leskinen (2003) described in the beginning of the 2000s. In the end of the first decade of the 2000s, Finland is not divided into “procuring regions” controlled by Estonian and Russian crime groups.

Police sources support the notion of the strong position of Russian and Baltic organised crime in procuring activities in Finland (e.g. Annual activity report of the National Bureau of Investigation 2005). Bäckman (2006), on the other hand, has claimed that pandering activities are mainly taken care of by Finns and are not led and organised from abroad. Lehti and Aromaa (2002), too, have noted that most procurers are Finns. Also Junninen (2006) reported large-scale pandering operations consisting of only 1–2 Finnish professional criminals. In our data, the large-scale pandering groups or networks did usually not consist of Finnish members only, and there were more people involved.

7.5 Police activities and precautions taken by the criminals

In this section, we discuss the role and methods of the police in the investigations of pandering and trafficking cases and their views on this. We also describe the way criminals take precautions to avoid the police surveillance.

Overall, pandering investigations require a lot of field work. Since 2004, the police have been allowed to use telecommunication surveillance when investigating aggravated pandering and trafficking in human beings. The police think that the statements of prostitutes and their clients are less important in the investigation of these cases than technical evidence such as telecommunication surveillance, their own investigation results and bookkeeping records etc. The police try to map the organisation and its operations as accurately as possible.

An investigation requires long-term surveillance. The police investigate who owns the apartments, who pays the electricity bill, and how the money moves. The police also keep an eye on the women on the Internet and their telephone numbers. The organisation often uses the same telephone numbers, but they also have new ones. The police also keep an eye on the traffic to Estonia and Russia. (Representative of police and border guard sector)

According to one interviewee Finland was some years ago divided into procuring spheres dominated by Russian and Estonian actors (see also Leskinen 2003). According to a representative of the police and border guard sector, different organisations were competing over prostitutes and also taking over women who worked for another organisation at the beginning of the

2000s. The aim of these criminals was to eliminate all independent prostitutes and Finnish procurers and to concentrate all activity under one organisation.

At first, we noticed that these girls were being robbed. We caught many of the perpetrators – most were foreign, mainly Estonians and Russians – but the robberies continued and we wondered what was going on. It then became clear that the pandering groups were competing over these girls. They wanted everyone working under the same criminal organisation, not independently. They also wanted that the Finnish procurers pay for the girls they were using, for example Estonian girls. So, they started interfering with the Finnish procurers' work and robbed the girls working for them, taking their money and mobile phones. (Representative of police and border guard sector)

The interviewed procurer gave an example of a town that was divided among Estonian and Russian gangs. Nobody was allowed to operate independently there, and the gangs had fights about their territories. The procurer explained that after the newspaper sex advertisement ban in 2004, a large part of the Russian and the Estonian groups disappeared. According to the police, these procuring groups have in the recent years been eliminated from the market by the police. A representative of the police and border guard sector claims that Finland is no longer a good place for the pandering business, because the police have worked efficiently, and the risk of getting caught is higher than in Sweden or Norway, for example. The policeman does not explain further on what basis the risk of getting caught is higher in Finland compared to the other Nordic countries. It must be noted that the police evaluate their own actions here and therefore may try to give an unrealistically positive picture of their operations.

However, the interviewed procurer, too, thinks that the police have done a good job catching procuring groups. On the other hand, the authorities admit that after one group is eliminated, another one is soon in the field, the criminal organisations just change their ways of operating. However, the current situation is better if compared to the beginning of the 2000s at least in the Helsinki area. According to the police, robberies and assaults are less common and in general, pandering criminality has decreased a little in Finland. However, the situation varies between different towns and regions in Finland. It is also possible that prostitution has become more hidden from the authorities, because it now takes place in private apartments rather than streets and restaurants.

As the pandering and trafficking investigations often have connections to other countries, the co-operation of different actors is important. According to the police, the co-operation with the Estonian police has been rather productive, especially in relation to the Finnish trafficking case. However, the Finnish authorities have had problems with the Russian authorities, and from their point of view, the co-operation is currently really unsatisfactory. There have been difficulties in getting responses to the judicial aid requests from the Russian authorities.

Awareness of police surveillance is of course affecting the pandering organisations in practice. Criminals take special precautions and have, for example, told the prostitutes not to keep any records of their clients, so that no evidence of their activities would exist. They also impose stricter rules. The interviewed procurer explains that sometimes the criminals are very much aware that their organisation is under surveillance. In the Joensuu pandering case, the women were told not to leave their apartments during the day (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 22–23).

There is also some evidence of moving the women between different towns and even different countries. For example in the big hotel pandering case, the women were touring different towns. They only stayed for a couple of days in any one place. This way, the criminals tried to avoid detection.

They came here, then they started in different towns and then mostly ended up here in [name of the town] or [name of the town], because their earnings were collected here. That always happens in the last place. And to delude the authorities, they only stayed a couple of days in the same place after which they moved on to the next town, so it was then considerably harder to investigate. Similarly, the phone cards and operators changed all the time and also the phone operators exchanged these with each other. They answered the calls for the girls who did not have language skills. (Representative of police and border guard sector)

According to the police, also telephone service providers were changed all the time. The same fact was also mentioned by an NGO representative. The interviewee explains that victims are circulated from one place to another, and also between different EU countries. This way, the risk of getting caught is smaller for the perpetrators.

In the Joensuu case, the prostitutes usually stayed in Joensuu for about two weeks before they headed back home. The women changed regularly. The woman answering the calls of sex buyers estimated that there were 10–100 prostitutes involved, and some of them were visiting Finland on 2–3 separate occasions. The criminals also tried to deceive the authorities who were following their cars by switching women between the cars at roadside stops and taking extra trips, so that the authorities would lose track of their movements. (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 14, 19, 23.) In the Finnish trafficking case some of the women were prostituting themselves apart from Helsinki also in other towns in Southern Finland. They also changed apartments many times while in Helsinki. At least some of the women also travelled every now and then to Estonia but returned back to Finland. (R6070/RVÄ/R/160352/05.) In the Red House of Kotka the prostitutes usually stayed for 4–5 days at any one time (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002).

8. Different actors engaged in procuring

Although many of the actors involved in human trafficking and pandering cases have already been mentioned and the criminal groups and networks have been presented, we are now providing a brief review of the different actors relevant for the procuring activities. We present information on the different actors and their roles. The criminal actors are described first, then the roles of so-called legal and semi-legal actors are discussed. All of these actors participate in different ways in procuring and trafficking.

In addition to the actual criminals, also other middlemen are necessary in order to organise and maintain the activities, and to make big profits. According to Jyrkinen (2005, 38), different actors and indirect profiteers are necessary in order to guarantee a smooth flow of the businesses. She also notes that “there are various direct and indirect profiteers of the sex trade, and the impacts of sex businesses are much wider than the impacts on those people who are personally involved in the sex trade” (ibid., 46). We have divided the actors into actual criminal actors, and legal and semi-legal actors. First the criminal actors are discussed.

8.1 Criminal actors

The criminal actors can be divided into main organisers, regional leaders, procurers or traffickers, recruiters, field hands or hired pimps and telephone operators. However, it is not simple, or even possible, to place the different actors into unambiguous groups. The role of the actors may vary inside a group or in the context of a certain case or between different cases. The groups are not always very coherent, and therefore the criminal network might, indeed, be a better and more descriptive concept to describe the groups than a criminal organisation.

The division of labour may also vary between different criminal actors, but in many cases it seems that people may have several different roles at the same time. Therefore, it must be noted that the categorisation is very fluid, and the same person may belong to different groups presented below. For the sake of clarity, in this report the term “procurer”/“trafficker” is used as a general category so that the term “procurer”/“trafficker” may refer to actors at different levels (such as leaders and field hands).

Main organisers and regional leaders

The most powerful criminal actors in our study are the main organisers and regional leaders who are responsible for running the procuring and trafficking operations in Finland. They can be placed into different categories depending on their role or position in the organisation. When it comes to pandering groups

operating in Finland, the main organisers are often Estonians or Russians. They often stay in their home countries and are the ones who profit most from the business. For example, in a pandering case that took place in the Helsinki area in the early 2000s, the actual leader of the criminal group stayed in Estonia (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002). However, the main organisers do not necessarily operate in the business in practice. They employ regional leaders to run the practical operations (for details on relations between different actors, see examples in chapter 7).

Field hands and hired pimps

In addition to the leaders, so-called field hands or hired pimps operate in the business and take care of different daily tasks. The regional leaders hire field hands who might be Finnish or not. Nowadays, according to an interviewed representative of the police and border guard sector, the Russian procuring organisations employ Russians who have lived in Finland for years and have families here, to run errands for them. In the early 2000s they used Finnish assistants, but they do not need the Finns anymore, because there are so many former Russians living in Finland. They rent apartments or hotel rooms, acquire the telephones, organise the transportation, and collect the money and deliver it to Russia. For instance, the Red House of Kotka employed several Finnish doormen and other semi-legal actors (see chapter 8.2 “Legal and semi-legal actors”). The Armenian man and the Russian woman who were in charge of the operation also rented the hotel in the name of their Finnish employee who was paid a fee for this service. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002; Judgement of Court of Appeal of Kouvola 372, R02/1066, 27.3.2003.)

According to Leskinen (2003), at the beginning of the 2000s, Finnish hired pimps or field hands were employed by the crime groups organising the activity. They were taking care of the routine matters such as providing accommodation, collecting the money from the women, placing advertisements in the newspapers and on the Internet, and transporting the prostitutes. They were in a central role in making things work. The “lower level” criminals, then, were operating under the control of an Estonian or Russian crime group and paid protection money to these organisations in order to guarantee the continuity of their own procuring business. According to Leskinen, the prostitution business in Finland was so highly organised that it was impossible for independent prostitutes or procurers to operate in the field.

In the Finnish trafficking case, the organisation was managed from Estonia. The field hands collected the money from the women, transported them, rented apartments and explained the rules to the women. Some of the field hands transported the organisation’s money to Estonia. The two Finnish field hands also placed the sex advertisements on the Internet. (R6070/RVÄ/R/160352/05.)

The interviewed procurer notes that some Finnish procurers who work for a foreign-based pandering group feel that they do not really belong to the

organisation. They see themselves as free-lancers or managers, who are in charge of practical matters, not as subordinates. For example, in the early 2000s both the Estonian and Russian groups hired Finnish procurers to find good locations for brothels and apartments in different towns. However, Finnish procurers may feel that the Estonians are easier to work with, because the Russians sometimes use harsher methods.

Sometimes the field hands are also involved in recruiting the women. Often the women are also recruited by their family or peers, or by someone they know, for instance someone engaged in the sex business (about women's involvement see chapter "the roles of the procured women". The recruitment process, as well as the role of recruiters is explained in more detail in chapter 5.

Relationships between the actors

It can be said that ethnic origin seems to play an important role in the pandering field and in the relationships between different actors involved. The perpetrators usually have the same nationality as their victims. According to the United Nations (2009a) report, the perpetrators are often nationals of the countries where the trafficking takes place. However, the situation is slightly different in Western and Central Europe (including Finland) where the role of foreign offenders is more significant. (Ibid., 45.) Our results support this view, contrary to e.g. results of Lehti and Aromaa (2002), according to whom the procurers are mostly Finnish citizens or at least persons having a residence permit and staying permanently in Finland. It should be remembered, though, that our data does not include all pandering cases, but only certain large-scale operations. This probably leads to a situation where the proportion of Estonian and Russian (or Estonian- and Russian-born) procurers is over-presented, when compared to the number of all procurers recorded by the police in Finland. It must also be noted that information of the people's nationality is not mentioned in the court materials as such. The nationality of the perpetrators can come up indirectly in the different sources (i.a. newspapers, court and police materials). It is worth mentioning that the Estonian and Russian actors might live in Finland and some of them even have Finnish nationality.

Sometimes the relationships within the pandering network are not just based on ethnic background or friendship, but on family ties. For example, in the Joensuu pandering case the two main organisers were cousins; one of them co-operated with the Estonian branch and the other one with the Russian branch, as they organised Estonian and Russian women to come to Joensuu to become engaged in prostitution (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005; Judgement of Court of Appeal of Eastern Finland 203, R05/830, 2.3.2006; Judgement of Supreme Court 2007:38, R2006/368, 23.4.2007.) In the Kapernaum case in Northern Finland, the Finnish men who were running the holiday camp were a father and his two sons, who rented the holiday camp from its owner (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006; Judgement of Court of Appeal of Rovaniemi 234, R06/412, 9.3.2007).

Apart from this information on the family connections in these two cases, our data do not contain very much detailed information on the relationships between the different actors. It is often unclear whether the offenders are friends, colleagues or accomplices before having started procuring activities together. However, the court material shows that some of the procurers and the women they procure have been in a relationship. For example, in the Finnish trafficking case, one of the prostitutes was dating one of the Finnish field hands. The district court assessed that this fact weakened the credibility of her statements, although she told that herself and her family were threatened with violence. The court decided that she was not forced to continue as a prostitute and her life was not restricted considerably because she was allowed to travel between Finland and Estonia freely. Also another Estonian prostitute was in a relationship with one of the pimps. (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006.)

Telephone operators

Also the so-called telephone operators are an essential part of organised pandering criminality. Telephone operators are women who answer the calls of the sex buyers and direct them to the prostitutes, either by giving them the exact address of the apartment or by directing the clients near the apartment and asking them to call again. When the client is near the apartment, he has to call the operator once more or the prostitute directly to receive the exact address. For example, one pandering group had four telephone operators who answered the clients' calls and directed them to the prostitutes' apartments. The operators were paid 4.2 euros per client. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002.)

According to Leskinen (2003) the telephone operator centres are highly organised and may even use tailor-made computer software in their activities. When a client calls, the operator makes an appointment for him and lets him know the street and house number. The client has to call the centre again when he is in front of the house to be given the exact number of the apartment. As the customer arrives to the apartment, the prostitute calls the operator to inform she is occupied, and the operator records the event. When the customer leaves, the prostitute calls the operator again to let her know that she is available again. All this shows in the bookkeeping, and the prostitute is charged accordingly at the end of the day. Some of the databases have records of the prostitutes' "working histories", clients and up-to-date financial data of the operation. (Ibid., 9–10.)

Some organisations or networks are not using telephone operators. Instead, the sex buyers call the women directly. The data do not contain exact information regarding this issue. However, if the women have their ads on the Internet, it is possible that their direct phone numbers are displayed in the ads.

The roles of the procured women

Occasionally, some of the prostitutes themselves are also involved in the criminal activities. Jyrkinen (2005, 43) states that men dominate the organised crime activities, but sometimes also the services of women are used in the recruitment of the women and girls into prostitution. Then, the role of these women is usually subordinated compared to the men; the women mainly play a role as partners of the perpetrators, if not as victims of organised crime. However, Jyrkinen also notes that the women can also play a crucial and active role if they are offered (e.g. due to their long history in prostitution) or obliged (e.g. due to debt bondage) to have a role in recruiting new women into the sex markets.

Also women have been sentenced for pandering and trafficking. Women are utilised in the pandering organisations e.g. in recruiting new prostitutes and taking care of and organising practical matters (see also Skaffari & Urponen 2004, 44), or coaching new women (see e.g. Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006). Women have also been sentenced for pandering when they have e.g. acted as telephone operators in the pandering organisations (see e.g. Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002).

In general, according to international estimates, females appear to play a considerable role in human trafficking cases (United Nations 2009a, 45). Women may advertise the possibilities of earning money by prostitution to their peers in the home countries (see chapter 5 on recruiting). The criminal organisers may also use women in “secretarial positions” to handle travel arrangements (like in the case of Red House of Kotka and the Finnish trafficking case), or to pay for the advertisements in the newspapers (like in the Joensuu case) or to perform other similar tasks. In the Finnish trafficking case, one of the Estonian prostitutes was also convicted for aiding and abetting in trafficking in human beings. She guided and advised the mentally disabled woman for prostitution. She had also accommodated the mentally disabled woman and answered her telephone because of her lacking language skills. (R6070/RVÄ/R/160352/05.) The women may also receive moral support from their peers. The interrogated women in the pandering cases have told about getting advice from other women in the same situation.

Regarding the prostitutes or former prostitutes taking part in the criminal activities (e.g. as procurers or recruiters), one might speculate whether these women are active participants or just victims of these activities. If a woman is forced to take part in the recruitment of new prostitutes, for example to pay back some of her debts, can she be regarded to be one of the procurers/recruiters among the others? The role of the woman may also vary in different phases of the trafficking chain, so that she may recruit others in the source country, but is a victim in the destination country, or the other way around. In addition, the role and the status of the victim may vary depending on the time and the country. In one country the woman may be regarded as one of the defendants in the trial, whereas in another country she may be seen as a

victim. A woman convicted for aiding and abetting in trafficking in human beings in the destination country may be seen as a victim in her home country. It is also important to note that while advising “newcomers” may be seen in court as aiding and abetting in pandering or trafficking in persons, from another perspective this may also be seen as helping or even protecting the new women from the procurers.

8.2 Legal and semi-legal actors

In addition to the criminals and organisers also other actors might be involved in the trafficking and pandering activities. We use the term “legal or semi-legal” actors, which refers to persons who are deliberately or unknowingly involved in or who facilitate the criminal activities but are not the main organisers of criminal activities. They can be e.g. hotel or restaurant owners or staff, taxi drivers, landlords, owners or employees of letting or travel agencies. The legal and semi-legal actors may facilitate the activities and benefit from the sex business in many ways. Researcher Anne-Maria Marttila (2006) notes that in addition to procurers, brothel and sex bar owners, also taxi drivers, hotel bar and restaurant owners and staff, and ferry companies etc. benefit from the business (ibid., 34). The sex industry in more general terms (including e.g. pornographic and adult entertainment magazines and movies) may benefit indirectly from the illegal sex business. The roles of different legal and semi-legal actors are described next.

Property owners and letting agencies

Several legal or semi-legal actors may benefit from procuring and the profits made from prostitution directly or indirectly. For example, hotel and apartment owners may gain large profits in the form of rent they get from leasing their establishments for criminal activities. In the case of the Red House of Kotka, the owner of the hotel (a local lawyer) denied that he was aware of the large-scale procuring taking place in his property, but he was found guilty of pandering by the Supreme Court. He had gained a criminal profit of 870,696 Finnish marks (approx. 146,440 euros) from renting the place. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002; Judgement of Court of Appeal of Kouvola 372, R02/1066, 27.3.2003; Judgement of Supreme Court 2005:17, R2003/517, 8.2.2005.) Quite similarly, the owner of the Kapernaum holiday camp denied that he was aware of the procuring taking place in his property, but he was found guilty of pandering by the court. He gained a criminal profit of 22,500 euros. (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006; Judgement of Court of Appeal of Rovaniemi 234, R06/412, 9.3.2007.) In both cases, the procuring was common knowledge in the area.

According to an interviewed researcher, on a smaller scale, some landlords might not know what is going on in their apartments because the procurers use

middlemen, but naturally the middlemen know what is actually going on. The interviewed procurer states that if procurers rent apartments themselves and the landlords know what is going on, they might want some sort of commission for renting their place for this kind of business.

Furthermore, according to a representative of the police and border guard sector, the pandering organisations sometimes use letting agencies. These agencies are usually aware that their apartments are used for prostitution which becomes obvious as they charge higher (double) rents from the prostitutes. For example, one firm might have 30–40 apartments, plus 10 apartments for prostitutes that are not included in the formal bookkeeping. In the case of Thai massage parlours, the landlords are aware of the side business. An interviewed researcher notes that the same goes for housing corporations and other firms that let apartments; they probably suspect that something unusual goes on, but they ask no questions provided that they receive their rent every month and have no further trouble.

Hotel and restaurant staff

Also hotel and restaurant staff members may benefit from the procuring activities. For example, the staff of restaurants and hotels might not be involved directly, but they get profit from tips etc. for tip-offs when the customers enquire about the right locations for sex services (for more information on prostitution taking place in restaurants and hotels, see chapter 10.2).

In the case of the Red House of Kotka, several doormen were sentenced to fines, because they had been collecting a kind of an entrance fee from the customers, and they clearly knew that the hotel was in fact a brothel (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002; Judgement of Court of Appeal of Kouvola 372, R02/1066, 27.3.2003). These places may also employ caretakers who are aware of the procuring.

Travel agencies, bus companies and taxi drivers

According to an interviewed researcher, businesses such as travel agencies and bus companies benefit from sex tourism and procuring activities, too. “They [these companies] must know what is going on when a large group of Finnish men goes on a trip e.g. to Sortavala or Tallinn”. The same may apply to ferry companies as well.

Also taxi drivers may profit from the procuring business. They may often act as intermediaries between the sex buyers and the prostitutes. It became evident from YLE’s A-Tuubi programme “Behind the Bawdy House” on brothels in Tallinn, that some Estonian taxi drivers are paid a percentage when they drive customers to the brothels (A-Tuubi 21.2.2008). To many sex tourists looking for commercial sex services in Tallinn, the taxi drivers may be an essential information source. In addition to getting a percentage fee for their services

from the brothels and sex bars, it is likely that the drivers get extra compensation for their services in the form of generous tips from the sex buyers.

It has been noted also in the Swedish studies on human trafficking and prostitution that taxi drivers are often involved in the local sex business. They act as middlemen and drive the customers to the prostitutes or vice versa, for which they may be compensated financially or with free sex, for example. The taxi drivers may also disseminate business cards of strip clubs to their customers. (Brottsförebyggande rådet 2008, 146–148; Forsman & Korsell 2008, 68–69.)

However, it seems that the situation is a bit different in Finland. The role of taxi drivers did not come up in many of the expert interviews and even then it was usually mentioned in relation to sex tourism abroad. Few concrete examples exist on the role of taxi drivers in the court materials. In the Kapernaum case, the taxi drivers had been taking the customers to the holiday camp for years and they knew about the prostitution (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006; Judgement of Court of Appeal of Rovaniemi 234, R06/412, 9.3.2007).

A taxi driver was also involved in the case of Syvälampi brothel. Syvälampi was a motel in Suomusjärvi (in Southern Finland) that functioned as a brothel where Baltic and Russian women provided sexual services in 2002–2004 and then again in 2006. During the trial, a local man who worked as a taxi driver was prosecuted for aggravated pandering, while the prosecution's secondary charge was aiding and abetting in aggravated pandering. The man had driven sex buyers and prostitutes to the brothel, and he had also made sure that the prostitutes had gotten inside the motel at night time and driven them to other towns in the area where they had sold sexual services. The prosecuted man had also helped with the maintenance of the motel and had keys to the place. (Judgement of District Court of Salo 07/302, R07/141, 18.4.2007, 8.)

According to the man's defence, a taxi driver cannot refuse to drive a customer on principle, and he could not ask the customers what they were going to do upon arrival and whether they were prostitutes or not. Of course, the prostitutes have a right to use taxi services like any other customer. Due to the fact that the man could speak Russian, he ended up driving many of the Russian women around and got to know many of the people staying in the motel. It was his duty as "a countryside taxi man" to make sure that the women would get inside on cold winter nights. Likewise, it is normal in the countryside that the local taxi driver has keys to people's houses or has their bank cards, as it is all "part of the service"! (Ibid., 21–22, 67–68.)

In the end, the pandering charges against the local taxi driver were dropped by the Salo district court. The court came to the conclusion, that although some of the man's activities were not part of his job as a taxi driver, he did not take part in the procuring organisation. Driving the women and customers to the brothel and running other small errands did not meet the criteria of the pandering offence. (Ibid., 69–71.) This shows that differentiating between "legal activity"

and “criminal activity” may be quite difficult. While a person may benefit from procuring and prostitution in his job e.g. as a taxi driver, proving that it is criminal in the legal sense is quite challenging, and hard evidence is difficult to come by.

8.3 Authority involvement and corruption

The court material and experts interviews provide some evidence of possible clandestine behaviour of the authorities or criminals trying to influence them. The authorities may use the prostitution services themselves, or the criminals try to bargain with the authorities and offer “compensation” for their cooperation. For example in the case of the Red House of Kotka, the main organiser told the border guards that they would get free sex if they came to the brothel (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 75). According to a representative of the police and border guard sector, one prostitute who also procured other women as a side business, offered the policemen as much sex as they wanted for free in an interrogation situation. On the other hand, the interviewed criminal procurer had heard about a policeman who had gone to a prostitute wearing his uniform, not in the line of duty, but for sex.

In a recent pandering/trafficking case, two policemen were suspected of buying sexual services from the Estonian woman who was a subject of pandering. According to Helsingin Sanomat, the charges against one of the policemen were dropped by the prosecutor, since the Estonian woman was unable to identify him from a line-up. The charges against the second policeman were still under consideration, as, according to the Estonian woman, he bore a resemblance to one of her client. (Helsingin Sanomat 27.2.2009.) According to our contacts, in the end the prosecutor decided not to prosecute the policemen because the woman could not identify them with certainty. Interestingly, a third policeman from the National Bureau of Investigation had called the woman during his summer holiday because “her odd advertisement” (Helsingin Sanomat 19.12.2008). Also another case of a policeman from Turku, who had been found guilty of buying sexual services from a minor, has been reported in the media quite recently. This man resigned from his office after the case was disclosed. (Nelonen 18.12.2008.)

In the Kapernaum case the local police clearly knew what was going on in the area, but the police were allegedly uncertain about whether the activity was procuring or not, because it was claimed that the women only sold sex outside the holiday camp (for more on this topic, see chapter 10.2). The police kept the place under surveillance for years, and it was common knowledge that you could buy sexual services there. Men came to take women from the camp to their homes, but some women were also selling sex inside the area. (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006.)

Then there is of course the case of the Valkeala brothel, which is not actually part of our data as such, because the case is from the 1990s. However, this case provides a fascinating example on the role of the legal and semi-legal actors in the prostitution and brothel business as such. In the case of the Valkeala brothel, a high ranking police officer as well as several other members of the executive board of the local bank were charged for pandering. According to the prosecutor, the men had knowingly continued to let the local motel (which was owned by the bank) even though they knew that the Russian women provided prostitution services on the premises. Not only had the police been informed of the situation early on, but the case had also been widely discussed in the media and the subject of prostitution had come up in the executive board meetings. (Judgement of District Court of Kouvola 633, R98/389, 16.12.1998.)

The prosecuted men defended their actions by claiming that they assumed that the local police had the situation in control. Apparently the police had had difficulties in finding evidence of the pandering activity, as prostitution as such was not illegal. They had also raided the motel but could not find any evidence of crime. The executive board had discussed the situation and concluded that as long as the police could not solve the issue neither could they. The men also argued that a large proportion of the people staying at the motel had been regular tourists. The charges against the men were dropped by the Kouvola District Court. (Ibid., 1–9, 14–17.)

In the same case, also an assistant director of a Russian travel agency and an office manager of a Finnish company that rented the Valkeala motel and handled the matters related to the hotel service in Finland were charged for pandering. According to the prosecution's charges, these two companies organised bus trips to the Valkeala motel twice a week on Mondays and Thursdays in 1995–1997. The Thursday trips were sold to women only and they were much more expensive than the Monday trips. This had resulted in that on Thursdays at least one bus had arrived in Valkeala full of young women who had been practicing prostitution openly at the motel. The Finnish company had handled the hotel reservations and sent the hotel confirmations to the consulate in St. Petersburg for the visa applications. Both the accused men denied these allegations. The court concluded that while prostitution related activities had taken place, the men had not been active in the matter themselves and could not be held directly responsible for this. Therefore the charges were dismissed. (Ibid., 3–5, 10–11, 19–21.)

Both examples demonstrate clearly that while different legal and semi-legal actors may benefit from prostitution and pandering, proving this in court is difficult. The underlying connections and relationships to the actual criminal activity remain mostly hidden. It is clear that the role of legal and semi-legal actors may be important for the practicalities of the pandering business and that their help is very useful to criminals. Whether the legal and semi-legal actors know about the criminal side of things is another issue, as is how much they do or want to know. This relationship between the criminals and the legal actors may be an interesting subject for further study.

9. Sex buyers

The role of the sex buyers in the procuring phase is discussed in this chapter. Not only do they have a role as clients buying sexual services from prostitutes, they might also be in contact with phone operators, field hands or procurers and spread further information on the women online and in different (male) networks.

9.1. Characteristics of sex buyers

Many researchers have noted that the sex buyers have had a fairly invisible role in prostitution related debate and research until recently (e.g. Keeler & Jyrkinen 1999; Marttila 2004; 2005a; Sanders 2008). The same phenomenon applies to the authorities who have focused their efforts in controlling the women in prostitution and left their customers out of the picture. This is true especially in a historical perspective (e.g. Häkkinen 1995; Järvinen 1990; 1993).

According to the most recent FINSEX (2008) survey on Finns' sex lives, 17 per cent of Finnish men have purchased sex at some time during their lives. The corresponding figures were 18 per cent at the end of the 1990s and 10 per cent at the beginning of the 1990s. It seems that the demand for prostitution may be decreasing slightly because percentage of men who have bought sex decreased especially among young and middle-aged men.⁴¹ According to the survey results, half of the experiences of commercial sex had taken place abroad with a foreign woman. In the cases where sex had been purchased in Finland, half of the women were foreign. Approximately 3 per cent of Finnish men had purchased sexual services within the past year. One-third of these men were single, and the rest were in a relationship. In 75 per cent of the cases the woman, from whom the sexual services were purchased, was foreign. (Kontula O. 2008, 261–263.) According to the most recent Gender Equality Barometer 2008, over half of men think that buying sexual services from a prostitute is acceptable, while only about one third of women find this kind of behaviour acceptable (Nieminen 2008, 26).

Based on our findings, sex buyers come from different social classes and different age groups; some are well-educated, have good wages and are living in a steady relationship or are married. A representative of the police and border guard sector explains that most customers want to buy sexual services during their lunch hour, before going to work, or right after work, and after major public holidays. All the interviewed experts agree that the Internet makes it easier for the customers to remain anonymous; they do not have to go and

⁴¹ This may have effect in the future, as it seems that the younger generations have less experience in the buying of sex than the older generations.

look for women on the streets or other public places, they can just make a telephone call for an appointment.

The court materials show that also informal male networks are an important medium for potential sex buyers. For example, according to the witness statements made in the Kapernaum case, the news about the Kapernaum holiday camp and the prostitutes offering their services travelled a 600 kilometre radius through the grapevine. The witnesses stated that the customers were usually “local alcoholised middle-aged men, who could not get Finnish women”. There were also Swedish men among the customers. Some men came to Kapernaum to take women to their homes for the weekend or even for a whole week. One witness said that there were also men of high social status among the customers when the place gained publicity, men who were, for example, priests, doctors, judges and policemen, indicating that the publicity (rather than the male networks or local hearsay) could have been the information source for these customers. (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006, 14–20.)

One of the main reasons for the success of the Kapernaum holiday camp was its location. There were no other settlements near the area, it was cheap (both staying there and the price of sex) and close to the Swedish border. The prostitution business first started in Kapernaum in 2000. The police closed down the place in the autumn of that year, but it was re-opened in 2001. There were also other “delivery sites” in Finnish Lapland for Russian women, who were not going to Kapernaum, for example in Simo. (Skaffari & Urponen 2004, 27–28.)

Furthermore, the existence of the brothel Red House in Kotka was common knowledge in the area. One witness called it “the most well-known building in Finland, even the parliament house coming second”. The brothel had customers from a very large area. According to the witness statements, especially during the “Kotka Sea Festival”, men were queuing up to the Red House. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 67.) Jyrkinen explains that this kind of information spreads as sex buyers feel the need to share their commercial sex experiences with other men in their safe homosocial networks – both online and in real life. When the sex buyers talk about prostitution and write about their experiences, they get to re-live the sexual situation and reinforce homosociality and male bonding with like-minded men. (Jyrkinen 2005, 44, 92, 103; see also Tallberg 2003.)

The sex buyers may also travel abroad to buy sex services, thus playing a role in sex tourism. The Finnish men travel especially to Estonia and Russia/(Vyborg) to purchase sex services. According to Marttila, sex tourism especially to Russia, the Baltic countries and the Far East is an essential part of the Finnish sex buyers’ discourse (Marttila 2004, 26; 2006, 34). For example, the so-called “Gentlemen’s Club” organises sex trips to Estonia, and the club members also get discounts of sex services in many brothels in Tallinn. (Marttila 2004, 30; 2005b, 75).

There's a certain appeal in buying sex abroad. It's obvious because so many travel abroad for sex tourism purposes. They want something exotic, a new supply [of prostitutes], a desire for change. They want to change prostitutes. Of course there are also those who always visit the same prostitute. This is more the case of those who always use Finnish prostitutes. It's not even possible with foreign prostitutes, because the majority only spend a short period of time in the country. (Researcher)

Keeler and Jyrkinen (2002, 33–36) argue that not just the need for something exotic but also racism plays a role in sex tourism and the women's nationality and/or race may be an issue of salience for the sex buyers.

9.2 The law on sex purchases and the demand for prostitution

From the sex buyer's perspective, the new law that prohibits the buying of sex from a subject of pandering or a victim of trafficking in human beings (Chapter 20 § 8 of the Penal Code) is quite complicated. The interviewed experts think that it is unclear whether the customers are able to identify the victims, or whether they even care about this aspect. The customers do not even necessarily know about the law.

An ordinary customer can not know who is a victim of trafficking or who is being procured. These days the girls even say [in their ads] online that they work independently and are not victims of human trafficking. (Representative of police and border guard sector)

As seen from the quote above, the new law has had an impact on the strategies the prostitutes and procurers use in their online ads. It is quite interesting that women sometimes declare in their ad that they are not victims of human trafficking.

According to an interviewed researcher, the fact remains that many feel that customers should recognise pandering if they paid any attention to the environment where the activity takes place, to the behaviour of the prostitute and the way they contacted them in the first place (e.g. by using a telephone operator). Another researcher is more sceptical about this issue:

It's quite naive to think that the sex buyer would ask e.g. in fluent Russian, "Are you by any chance a trafficking victim, what are your circumstances? Oh, you're not? That's fine then, so how much is it..?" Or, "Say, how could I help you?" It's pretty absurd. (Researcher)

The Finnish trafficking case was raised as an example by one of the interviewees: did the clients of the mentally disabled woman not notice that anything was wrong with her, did they not care, and should they have noticed? According to the newspapers and pre-trial investigation materials, at least some of the customers discussed their "experiences" with the woman who "had a few screws loose" on the Internet. A researcher explains that some sex buyers care about the conditions in which the prostitute is in, while others do not:

It matters to some sex buyers that the sex worker operates independently. Some think it's only sensible that there are middlemen involved (everyone benefits). Those who think it matters [that women are independent and have no procurers] only "use" Finnish prostitutes. (...) In general, it seems that the sex buyers take the chance that in our Eastern neighbour countries procuring and even human trafficking might be involved. Everyone [sex buyers] thinks that human trafficking is a very marginal phenomenon. Even those, who admit the possibility of human trafficking taking place in Finland, think it as a very rare and marginal phenomenon. (Researcher)

The same researcher argues that one of the greatest challenges for the authorities is how to make the customers open their eyes and realise that organised crime is involved in prostitution. Marttila points out that in the public discourse "prostitutes and/or trafficked women are often perceived as illegal immigrants and criminals rather than victims or women trying to earn a living" (Marttila 2005a, 37). This may not encourage sex buyers to question the issue whether the woman from whom they are buying sexual services is doing it out of her free will or if there is a criminal network behind the woman.

A representative of the police and border guard sector argues that the demand for prostitution seems to be rather high in Finland at the moment. Newspaper stories have also indicated that the demand for prostitution is in fact exceeding the supply. This may encourage sex buyers to look for prostitution services abroad unless the demand for prostitution decreases, or the supply increases.

Example of media debate

In October 2007 Helsingin Sanomat published three different articles concerning prostitution. The first article described how a large pandering organisation had been caught by the police (Helsingin Sanomat 18.10.2007). The second article discussed the fact that sex business is increasingly concentrating on the Internet (Helsingin Sanomat 25.10.2007a). The third article was a piece of investigative journalism: a journalist of Helsingin Sanomat had placed an advertisement looking for partners on a well-known sex-date forum using the alias of Sexy-Marika. "She" got a total of 122 calls within 24 hours from men of all kinds of backgrounds interested in commercial sex services. The article concluded that at the moment the demand for commercial sex in Finland is higher than the supply, and that women offering such services can choose their clients. (Helsingin Sanomat 25.10.2007b.)

These articles inspired a very lively debate on the Helsingin Sanomat public forum, discussing prostitution and the reasons why men buy sexual services in the first place, and sex, adultery, relationships and ultimately the equality between men and women. Some debaters explained that having sex was their right as human beings and some men had to resort to buying sex because they were unable to get company otherwise, especially men who were old and ugly, handicapped or inexperienced. (Some men were bitter because women could get sex for free and choose their partners from a wide selection, whereas men were surrounded by frigid feminists and other unappealing women.) The men also accused feminists of moralising about the issue of sexuality and made reference to the research that showed that prostitutes are not victims and choose to engage in such work of their own free will and enjoy doing it.

The women talked about the importance of relationships and love and women's rights as opposed to cold commercial sex, and criminal activities such as pandering and violence that afflict prostitution, as well as the poor conditions that force foreign prostitutes to come to Finland. The discussion boiled down to the question whether buying sex should be criminalised or whether prostitution should in fact be legalised as has been done in the Netherlands.

Some of the interviewed experts think that the demand for prostitution could be decreased by legislation and restrictions of the market. Also the changes in people's attitudes would be one way to decrease prostitution and the demand for human trafficking, making it unacceptable to pay for such services. A total criminalisation of the buying of sex (like in Sweden) is considered to be a potentially effective way to influence the behaviour of sex buyers "as most Finns are law-abiding citizens". However, an interviewed researcher noted that some people may just ignore the law.

Some people are probably so remorseless that nothing helps. Some have said that they keep doing this [buying sex] even if it's criminalised, no matter what. In these kinds of situations the only way to deal with these people is to put them behind locked doors. But there are also people whose actions this [criminalisation] will affect.
(Researcher)

Moreover, another researcher points out that in order for the law to be effective, it should be also enforced by the authorities. This has not been the case with the current law, as no clients have been sentenced so far.⁴²

I'm somewhat sceptical about decreasing the demand [for prostitution] by law. Of course, it's one way and likely to have [positive] long-term effects, but the short-term effects... unless the law is policed effectively... aren't influential. (Researcher)

An interviewed researcher notes that it is also quite clear that most of the customers are against the criminalisation of buying sex, and do not respect the Public Order Act. Moreover, many of the interviewed experts agree that the current paragraph (Chapter 20 § 8 of the Penal Code) on exploiting a person who is a subject of sex trade is unsuccessful. Several experts from different fields mention that the paragraph is written unclearly and is difficult to apply.

I've considered it as more of a moral rule trying to make it clear to the Finnish people that everything is not for sale. (...) I don't think the paragraph works, it will probably be either removed or then everything will be criminalised, both buying and selling [of sex]. Then we'll have no problem getting cases to hold in court. For now, all the fines [of sex buyers] have been dismissed in court, when a person has been fined, he's appealed and then the cases have been dismissed. (...) The Public Order Act prohibits buying and selling [of sex] in a public place, so we've fined several persons accordingly, but the charges have been dismissed because they've been considered not to be disturbing the peace. (Representative of police and border guard sector)

⁴² The situation has changed during the study, see next sub-chapter ("Recent changes").

According to the police, investigating sex buyers is currently not considered to be a police priority. The interviewee thought that obtaining sufficient evidence of the sex buyers' actions is difficult and time-consuming and would waste valuable police resources.

The whole investigation would suffocate if we would start investigating the clients. For example, the telecommunication information shows as many as tens of thousands of calls from all over Finland. And if we would interrogate and fine them, they would come one by one, with their lawyers and deny the whole thing. Then you should show the sex buyer or at least a picture of him to the girl, and by that time all of the girls have already returned to Russia or Estonia. (Representative of police and border guard sector)

In the original data, there were no convictions of clients for exploitation of a person who is a subject of sex trade (i.e. buying sex from a subject of pandering or a victim of trafficking in human beings). There is however, an interesting example in the court materials in the case of the Syvälampi brothel. While raiding the brothel in 2006, the police apprehended six male customers who were investigated for exploitation of a person who is a subject of the sex trade. The charges were dropped in court because a mere presence in a brothel was not considered to be sufficient evidence of buying sex. (Judgement of District Court of Salo 07/302, R07/141, 18.4.2007.)

One customer who had been caught hiding under a prostitute's bed was also found not guilty because it could not be proven that he was aware that the prostitute was a subject of pandering. The accused man said in his witness statement that he went to Syvälampi out of curiosity to have a cup of coffee. Three or four women and some male customers had been sitting at the bar. One woman asked him to go to the grocery store with her and he had agreed. After they returned from the store, the man had helped the woman to take the groceries into her room. While in the room, he had heard a loud noise, got scared and hidden under the bed. The man explained that at no point had he or the woman talked about commercial sex acts. However, the man did admit that it was a "public secret" that sexual services could be bought in the motel. The court concluded that while the man's story was unconvincing in some parts, it could not be shown that he knew of the pandering. (Ibid., 79–81.)

9.3 Recent changes

The situation regarding fines given to sex buyers seems to have changed after the collection of the original data were collected in 2007. As of the autumn of 2008 and the spring and autumn of 2009, there are now 36 convictions of sex buyers. Also one fine for buying sex has been ordered in 2007. In the autumn of 2008, there was a new human trafficking case in the Helsinki District Court where two Estonian men were accused of human trafficking. Two sex buyers were accused of exploitation of a person who is a subject of sex trade and two other men were accused of an attempt of such an offence as part of the human

trafficking trial. Two of the sex buyers told in court that they had asked about the woman's age and at least one of them had asked whether she was selling sex voluntarily. Three out of the four sex buyers noticed that something was wrong and all noted that the woman was shy and inexperienced. On 28 November, 2008, the charges for human trafficking were dropped and the Estonian men were sentenced for pandering⁴³. Two of the sex buyers were sentenced to fines in Helsinki District Court for buying sex from a person who was a subject of pandering. In the court judgement, the sex buyers' knowledge of the woman's situation was commented as follows:

The advertisement was on a sex date website and the defendants were aware of the commercial sex aspect. It becomes clear from the advertisement that the sex provider is Estonian. During the phone contact they [sex buyers] must have concluded that the complainant could not speak Finnish. It is a well-known fact that sex sellers coming from the Baltic countries and Russia are almost without exception subjects of pandering. (Judgement of District Court of Helsinki 08/11690, R08/10613, 28.11.2008, 12.)

The court concluded that the shyness and inexperience of the complainant and her aversion to sex that one of the buyers noticed, should have made the defendants realise or at least suspect that she was a subject of pandering. The charges against the two sex buyers for attempted buying were dismissed. The court reasoned that the men had stopped to proceed as soon as they had noticed that "the complainant did not do sex work voluntarily". Due to this, their actions could not even be interpreted as an attempt and thus the charges were dropped. (Ibid.)

In the spring of 2009, a further 21 sex buyers were accused of exploitation of a person who is a subject of sex trade in this same case or an attempt of such an offence. The court decided to drop the charges against two men (one case of attempt and one case of exploitation) and sentenced the rest of the men (19) to fines (these included 4 sentences on attempt)⁴⁴. The charges were dropped in two cases where the complainant claimed that the man had not been her customer or she had refused to provide services for him. Unlike in the first trial, some of the sex buyers who had not had sex with the complainant according to their statement (e.g. because the price she had asked for was too high) were found guilty of an attempt. (Judgement of the District Court of Helsinki 09/2480, R08/11681, 17.3.2009.) It seems that the case law regarding this offence is still in an interpretation phase, especially regarding attempts and whether the buyers can be sentenced to fines if they stop the activity when realising that the woman is a subject of sex trade. If the buyer is going to get fined anyway (if he gets caught), is there any reason beyond the ethical one to stop when he notices that something is wrong?

⁴³ The judgement is still not legally valid, as it proceeded to the court of appeal.

⁴⁴ The judgement is not yet legally valid as some of the men have appealed about the fines. The case is proceeding to the court of appeal.

The same judgement states that none of the convicted persons denied the first contact with the Estonian woman, but they claimed that they did not know she was a subject of pandering. Some of the defendants had asked about her age and whether she was acting independently, but according to the court “It is clear that due to fear of losing the customer, the complainant could not reveal that she was a subject of sex trade, and therefore the customers must have drawn their own conclusions from other facts and the overall circumstances.” (Ibid., 10–11.) Later in the summer of 2009, yet another 15 men were sentenced for exploitation of a person who is a subject of sex trade, while the charges against one man were dropped. In the last related trial in September 2009, one person was accused, but the charges against him were dropped. (Judgement of the District Court of Helsinki 09/5721, R09/2217, 23.6.2009; Judgement of the District Court of Helsinki 09/8089, R09/2217, 7.9.2009; Kanerva 2009, 7–8.)

As regards the interviewed policeman’s comments on the low value of telecommunication information when investigating sex buyers (see sub-chapter “Police activities and precautions of the criminals” in chapter 7.5), it becomes clear from this case that the buyers were originally identified through their calls to the Estonian woman. According to media reports, more than a hundred men have been heard by the police about these contacts. The Estonian woman identified some of the customers from pictures and line-ups, but as the court concludes: “The complainant had had in a short period of time dozens of men as her clients she did not know before. On average, they were together for 30 minutes. It is clear that the complainant cannot remember details of each event or what she did with each client.” (Ibid., 11–12.) Therefore, the telecommunication surveillance data and hearings of the sex buyers themselves are of great importance in the investigations.

In conclusion, while many experts including the police consider the law on sex purchases to be problematic and rarely applied, there has been a recent change in this. In a short period of time, 36 sex buyers have been fined in the same case. Regarding the police, it will be interesting to see whether this investigation of the sex buyers represents a more permanent policy change or is just a single case where also the clients have been targeted by the police.

10. Marketing and trading places

Marketing and trading places of prostitution and procuring activities are discussed in this chapter. According to the analysis, marketing and trading places can be divided into three categories: marketing places with advertisements (e.g. Internet), trading places where the agreement about the sexual “service” is reached (e.g. restaurant, street, by telephone), and trading places where the sexual “service” is provided (e.g. hotel or apartment). The data do not indicate whether the clients pay the prostitute in the restaurant or in the street when the agreement is made, or if they do not pay until later in the apartment or hotel room.

10.1 Marketing

First the marketing methods of prostitution are discussed. Until 2004, it was common to advertise commercial sexual services in the newspapers (e.g. Laukkanen 2000; Keeler & Jyrkinen 2002). Due to an amendment of the law concerning pandering (§ 9 of chapter 20 of the Penal Code in 2004), publishing contact information of another person offering sexual services was made illegal. The court data show that newspaper advertising was the dominant marketing method in the early 2000s in the investigated pandering cases. For example, in a pandering case in Joensuu, regular advertisements offering “day coffee sessions” were placed in the local newspaper. The advertisements were paid by the main organiser and his assistants using false names. (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 15–17.)

In some pandering cases, in particular Iltalehti (one of the two nationally available tabloids) and Helsingin Sanomat (the largest daily newspaper) were popular advertisement channels.

There was a time, when sex advertising was all... there was something like a spread and a half or more of sex ads in Helsingin Sanomat. So the newspapers made considerable profits from the advertising.
(Researcher)

Keeler and Jyrkinen (2002) examined two one-week samples of prostitution ads in Helsingin Sanomat in 2001 and 2002 and found approximately 100 prostitution ads in the newspaper per sample day (*ibid.*, 35). According to the interviewed procurer, the ban of sex advertisements in 2004 “killed” a lot of business. Before this, it was easy for the customers “just to buy a newspaper and call the girls whenever they wanted”, and there was also “a wide range of girls available”. Also the prices were quite cheap (300 Finnish marks/ 50 euros).

Nowadays it is all on the Internet and one has to have an Internet connection at home. If one wants to check advertisements in secret without raising the wife's suspicions, it has to be done at work or on a public connection. (...) Also the prices are high. (...) Basically everything has to be planned in advance (...) These days you cannot just buy the paper and look at the ads, if you suddenly feel like you want to have sex. (Procurer)

Currently, the Internet is a major marketing venue for sex. Jyrkinen (2005) maintains that advertising on the Internet has many benefits as online sex ads reach an enormous audience immediately and also make it possible to target very specific groups (ibid., 28). Nowadays the Internet is the most important medium for prostitution ads in Finland. Sites such as the "Secretary Academy" are popular Internet portals where people offering sexual services place their advertisements. The service offered by the Secretary Academy is illegal according to the Finnish Penal Code, but because the portal's servers are abroad, it is impossible for the Finnish authorities to shut down the website. According to the interviewees, also "Seksitreffit" (sex date) and "Kontakti" (contact) have advertisements of commercial sex services. The commercial services may be advertised in many indirect ways, as these websites claim that they do not publish prostitution ads. Besides ads, sites like the Secretary Academy have forums where the sex buyers can share their experiences of commercial sex and give each other tips, advice and recommendations (see also chapter 9.1 on sex buyers). This may also be considered informal marketing. Jyrkinen (2005, 80) notes that the anonymity of the transactions on the Internet opens wide possibilities for the free exchange of information on these issues.

There are several dozens of (Finnish) escort ads in the Secretary Academy site on any given day. The same portal also has ads from several other European countries. It is impossible to estimate how many of the people advertising there are prostituting themselves on a full-time basis. The interviewed procurer estimated that only about 20 women working full-time have advertisements there. The procurer also maintained that all the others advertising on the site are only offering prostitution services on a part-time basis; they are Finnish women, or students, foreigners or Russians who live in Finland.

In the recent pandering and trafficking cases, the marketing has mostly taken place on the Internet. In the Finnish trafficking case, the prostitution ads were placed on the Secretary Academy web page by some Finnish and Estonian field hands and "secretaries" (R6070/RVÄ/R/160352/05). In a more recent case, sex services were advertised on the Seksitreffit website (Judgement of District Court of Helsinki 08/11690, R08/10613, 28.11.2008). According to the interviewed researcher, sex advertisements can also be found on the pages of the TV text service.⁴⁵ This is also confirmed by Jyrkinen (2005) who explains

⁴⁵ In a recent internal human trafficking case in Kotka the sex services were advertised on text television (Judgement of District Court of Kotka 08/1655, R08/1069, 9.12.2008).

that the “teletext” together with mobile phones plays an important role in advertising and the search for relationships, which include sex and commercial sex encounters. There are forums for personal advertisements on the TV text service, which may also include indirect prostitution ads. (Ibid., 90–91.)

10.2 Trading Places

Apartments and locations

After the first contact has been made, and initial agreement about the sexual service is reached (e.g. in a restaurant, in the street, by telephone), the actual trading usually takes place at a different venue. The Finnish and Estonian prostitutes provide sex services mostly in private apartments. Some prostitutes (mainly Finnish and Russians) also come to the client’s home or hotel room.

Street prostitution has decreased in recent years probably due to the Public Order Act (criminalisation of buying and selling sexual services in a public place). However, some known (prostitution) streets at least in Helsinki might still exist. Also prostitution in restaurants has decreased from the early 2000s.

A representative of the police and border guard sector and an NGO worker agree that restaurant prostitution is mainly in the hands of Russians, however the actual sexual service is then provided in an apartment. In Helsinki restaurants like Alcatraz, Soho and Gentlemen’s club are mentioned as known locations where you can meet prostitutes. A representative of the police and border guard sector points out that restaurant prostitution is not very profitable due to the limited opening hours and that women working in restaurants are usually having regular clients.

Usually the foreign procured women provide sexual services in private apartments where they are also living during their stay in Finland. The organisation may operate in several apartments at the same time. For example, in one pandering case in the Helsinki area, the criminal organisation used a total of 30 private apartments, but operated in 6–8 apartments at any one time, with 1–2 prostitutes in each apartment providing sexual services to clients. The activity was advertised in the newspapers. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002.)

The main organisers in Finland or their field hands rent or sub-let apartments. Sometimes the organisers use fake names and sometimes their own names. For example, in one case a procurer was living on social welfare, so the rent of the apartment where sexual services were provided was paid by the social services. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002; Helsingin Sanomat 13.12.2003.) The interviewed procurer explains that some procurers may own the apartments where the sexual services are provided.

The location is a central factor when establishing a successful pandering operation. According to the interviewed procurer, places close to big freeways and their intersections are particularly good locations when it comes to

prostitution business. This is because people from a large area have easy access to them.

After leaving work, you can go there, buy sex and then go home without your wife noticing anything suspicious. (...) The best locations are apartment buildings with eight floors and elevators, as there is a lot of traffic in the building and the neighbours do not know where someone is going after the elevator doors close. It is best if the apartment building is not located in the nicest areas, in worse neighbourhoods there are usually drunks and other noises and disturbances anyway, so the clients do not draw too much attention, and they feel safe. (...) The girls usually stay very quiet in the apartments, the only noise comes from the door closing. It is quite possible that the neighbours have no idea of what's going on next door. (Procurer)

On the other hand, the interviewed procurer maintains that a location near the city centre may also be ideal for establishing a pandering business. A lot of people circulate in the area, so it is very convenient for many sex buyers, but it is also more difficult to hide.

Hotels

Sexual services may also be provided in hotels. For example, a large pandering organisation was caught by the police in the autumn of 2007. The group had been operating in 19 different towns in Finland in 2005–2007 and had approximately 5–8 women providing sexual services at the same time. The organisation employed telephone operators who answered the calls of customers and directed them to the available women. The women used hotels as their trading places, and they had to pay 300–500 euros a day to the organisation and an additional 10–20 euros per customer to the telephone operator, plus travelling expenses. Some women ran into debt, but there was no evidence of violence or extortion. The women knew that the conditions of the activity were rather poor before coming to Finland. A total of 150 women were procured by the organisation. It was part of a large Russian organised crime group, and a man in Russia was in charge of the operation, with three local leaders in Finland taking care of the everyday business. The organisation made a profit of 70,000–100,000 euros per month in 2007. (Helsingin Sanomat 19.10.2007.)

In this hotel-based pandering group case, the newspapers claimed that some hotels did not inform the police about the prostitution, but just asked the person to leave and moved her belongings outside. A representative of the police and border guard sector was aware of a hotel with many prostitutes and men coming and going, to which staff did not pay attention or just did not care about it. There are also small hotels that have no reception, where one can just use a code to get inside. In such places, staff can hardly observe anything unusual. However, the police have recently cooperated with the security

personnel of some hotels that aim to improve the training of their staff and also make other improvements.

Different size hotels have different strategies when it comes to the issue of hotel security and surveillance. While big hotels might have highly developed surveillance systems and protocols, small hotels rely more on their staff than security cameras and electronic locks. In case of suspected prostitution, the staff might first check the CCTV security tapes for further evidence and then call the police. The hotel representatives we interviewed said that their hotels have adopted zero tolerance concerning prostitution because their reputation is ultimately at stake, but that it is also a delicate matter because the client is entitled to privacy and cannot be under surveillance 24 hours a day. If the client of the hotel has several guests per day, it might arouse suspicion, but each case is unique and must be handled discreetly. The guests of the hotel clients usually contact the hotel reception, but it is impossible to monitor everything; the client might arrive together with a guest, or she/he might take a key card for possible guests in advance and so on. The hotels try to develop new and better security strategies, but ultimately it is “the experienced staff that can make a difference” when it comes to issues such as prostitution and organised crime.

Also apartment hotels may be used by the pandering groups. One interviewee stated that the staff in these places knows what goes on when they see the same women coming and going. By police standards, the hotels may be guilty of pandering, but they have received rather small sentences or the charges have been dismissed in court. Authorities feel that it is difficult to obtain evidence that the companies actually know about the prostitution.

Brothels

Brothels are illegal in Finland. However, only some years ago a few motels functioned as well-known brothels (the motels Bonanza and Syvälampi, the motel in Valkeala and the Red House of Kotka). Some women ended up selling sexual services in these brothels in Southern Finland.

Case Description

In 1999–2002 a motel called Bonanza functioned as a brothel in Riihimäki. The women selling sexual services there were young women from the Baltic countries and Russia. After the motel burnt down in 2002, the operation was moved to motel Syvälampi in Suomensjärvi. Many staff members and prostitutes were the same as in Motel Bonanza. In Motel Syvälampi the brothel operated between 2002–2004 and then again in 2006, when the motel was raided by the police. The main organiser was a Finnish man who lived in Spain at the time of the trial. He was sentenced to imprisonment for two years for aggravated pandering. (Judgement of District Court of Salo 07/302, R07/141, 18.4.2007.)

Presently the term brothel is more commonly used to refer to private apartments where a few women are providing sexual services at the same time. It is, however, interesting that many restaurants and motels providing sexual services have been able to function for a very long time, despite the fact that

what goes on in them is common knowledge. In some places it seems that the police have turned a blind eye to the situation, which becomes clear from the following excerpts:

In the late spring of 2000 (..) the police had received calls that a lot of Russian women were hanging about in Kapernaum, as were men. When the police went to the holiday camp, they found 60–70 Russian women and some Finnish men talking with each other. The witness had visited Kapernaum relatively often during the summer, since the police suspected that prostitution, in other words selling of sex, took place there. By selling sex, the witness meant that Russian women provided sexual services in the holiday camp. After the year 2000, for example in 2001, the witness had visited the place several times a month or inspected it monthly to find out whether sex activity was taking place within the camp. The police had also deported Russian women based on the Aliens Act. Almost everybody in Kapernaum knew who the witness was, so nothing happened while he was there. However, the men picked up women and went somewhere else. The police did not have the right to search private quarters, and therefore the inspection remained only general in nature. (Police in the Kapernaum case, Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006, 18.)

The police were aware why the men picked up the women from Kapernaum, but was it illegal at the time? Generally all women had been involved in the sex trade. [The knowledge of] the sex activity was based on follow ups, awareness and movements, and also on statements by the men who had come to pick up the women. When the men were interrogated in the police raids, the matter had come up. Mainly the crowd [the Russian women] was for sale. (Police in the Kapernaum case, Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006, 19.)

The comment on whether the activity was criminal or not refers to the interpretation of the pandering offence in cases where the men would pick up the women from Kapernaum and the sex acts took place outside the holiday camp. Apparently the police interpreted that it was not pandering as long as sex was not provided within the premises of the holiday camp, and therefore the local police did not shut the camp down earlier. It becomes evident from the judgement and witness statements, however, that sex acts also took place inside of the holiday camp area. As many as 70 women were present at Kapernaum at the same time, staying in cabins and in the barn. Some provided sexual services in the cabins and there was also a “quick-fuck room” at the back of the barn. Obviously, also the entrance fee that the men were asked to pay to enter the holiday camp area as the activity grew more professional is a clear indication of pandering occurring. (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006, 16, 21.)

The Thai massage parlours

In August 2007, Helsingin Sanomat published an article about Thai massage parlours in Helsinki. A team of seven journalists tested over 30 Thai massage parlours and discovered that in all of them the client was offered sexual services (“hand job”, oral sex, intercourse) for an extra charge (Helsingin Sanomat 26.8.2007a). There was also an article that discussed the situation of the Thai women and whether they were subjects of pandering or possibly even victims of human trafficking, but the police stated that they did not have the resources for extensive investigations, and an NGO worker claimed that police raids would only worsen the women’s situation (Helsingin Sanomat 26.8.2007b). These articles caused a heated public debate. On the Helsingin Sanomat public Internet forum some participants were opposed to Thai massage parlours, while others accused the newspaper of damaging the reputation of Thai women and defended them. After reading the articles, the Minister of Interior Anne Holmlund demanded that the police should make a special investigative report about the situation.

The special report on Thai massage parlours was published in October 2007. According to the report, there are approximately 200 Thai massage parlours in Finland, and their number is increasing. They are usually quite small, sometimes just the owner, or 1–2 employees. Most of the employees have permanent residence permits in Finland and they can move freely between massage parlours, so they are not held there against their will. The women are aware that as a part of their job they are also offering sexual services, but it is up to them if they agree to offer such services. Some women do not get paid at all for massage services, meaning that they get their whole income from charging extra for sexual services. (Ministry of Interior, 9.10.2007.)

There is some evidence that the same person might own Thai massage parlours in different cities. The police suspected cases of false accounting and tax fraud as well as cases of pandering in this business. They also suggested that the terms of employment need to be subject to further investigation. All in all, as the Thai massage parlours have not caused disturbances of peace or other security related problems, they have been left alone for the time being. Finally, it was suggested in the report that a project involving several different ministries and authorities should be established to promote further understanding of the situation of Thai women and their integration in Finland as well as the exposure of the criminal activities taking place in Thai massage parlours. (Ibid.)

There was also a court case in Jyväskylä in which a Finnish man and a Thai woman had been running two Thai massage parlours in Jyväskylä and Varkaus. They were prosecuted, among other charges, for aggravated pandering and illegal use of foreign labour. The couple employed women who offered sexual services as “an extra service” for an average of 90 euros per customer. The two parlours had a total of 1,800 appointments and it was estimated that the owners had made a profit of approximately 150,000 euros from their business. However, the charges against the man were dismissed by the Jyväskylä District

Court, and the woman received a suspended sentence of five months for pandering, because she pleaded guilty and stated she knew about the extra services offered by her employees. During the trial it was revealed that the Thai women working in the parlours had offered sexual services to their customers independently and that they were allowed to keep that payment because it was their sole source of income. The women had acted as self-employed entrepreneurs in this regard, as they were not paid any salary. The women had also been travelling from one parlour to another freely. (Judgement of District Court of Jyväskylä 07/257, R07/13, 7.2.2007.)

The interviewed experts disagree on whether pandering takes place in the Thai massage parlours. In fact, there are several views on the possible crimes occurring in Thai massage parlours. Some of the authorities feel that the essential elements of pandering or human trafficking offences are not fulfilled, because the customers pay for the massage to the owner of the parlour, and make a separate arrangement with the person providing the massaging service; they pay the woman directly, and she gets to keep the whole payment.

It's like this, when you go to a Thai massage place, you go through a sort of general area first and pay for the massage to the madam [owner]. Then you go behind the door or curtain into the little booth with the girl, you make a new deal with the girl. If she sells sexual services, and there is no middleman involved i.e. she gets to keep the money, then it's not pandering. (Representative of police and border guard sector)

This interpretation can to some extent be compared to the situation in the Kapernaum holiday camp. In the light of old pandering legislation, the local police interpreted that the prostitution activity in Kapernaum did not involve pandering as long as the women were picked up from the camp, and they provided the sexual services outside the holiday camp area. Similarly, the activity taking place in (sex) restaurants can be called into question. Also the issue of whether the Thai massage parlours are public places has been raised. Obviously if the Thai massage parlours were to be considered as public places, it would be illegal to buy or sell sex within the premises according to the Public Order Act. The police could fine both the clients and the masseuses.

However, the interviewed procurer suspects that behind the Thai massage parlours there is a criminal organisation that is highly organised and strictly controlled. The procurer stated that the organisation has given the women strict orders not to talk to the police and told them to deny that they are actually being procured. Also an NGO worker maintains that procuring and organised crime are present in the Thai massage business.

The interviewed experts agree that many of the Thai women have come to Finland in the first place because they have married a Finnish man. Then, they have been directed to work in the massage parlours or they have started working there after getting divorced. The women usually live in Finland permanently, and only very few women hold simple tourist visas. Working in

the massage parlour is partly a social matter; the women can speak their own language and be among friends.

It's likely that most [Thai women] end up more or less due to circumstances [to work in Thai massage parlours]. There really isn't anything else they could do in Finland. And this is a kind of an easy option for them as they can be among their country-women and have the language skills needed in that small community. (Representative of police and border guard sector)

An NGO worker explains that some Thai women might have been in the sex business already earlier (in Thailand), but their recruitment is not necessarily organised. However, prostitution is not what the women are primarily looking for in Finland. When asked about the consequences of the newspaper article and the subsequent special report on Thai massage parlours, the interviewed NGO workers agree that they might have negative effects on the situation of the Thai women.

The practical effects include the fact that they [the Thai women] have less clients, they earn less money and they live from hand to mouth, in that way... In practice this means that they can't pay their rent and taxes and they have to borrow money from the black market. (NGO worker)

In conclusion, all the experts agree that sexual services are being provided in Thai massage parlours all over Finland. However, there are different opinions on the extent to which organised crime might be involved in the business. The experts also have different views on whether the women are being procured or not. Since the authorities think that the women are selling sexual services on a voluntary basis and as "an extra service", according to them the essential elements of human trafficking are not met. However, it might be asked whether already the fact that offering sexual services is "a part of their job" is questionable.

10.3 Prices of the sexual services

In our data, there is some information regarding the money involved in the human trafficking and pandering business. The prices of the sexual services vary at different times and across different actors. For example, in the Red House of Kotka case, the women charged 300 Finnish marks (50 euros) for sex and they had to pay a daily fee of 1,000 Finnish marks (approx. 170 euros) to cover the cost of their stay in the Red House. (The then regular price of a standard hotel room in Kotka was 50–70 euros.) Several women ran into debt during their stay in the brothel, because the daily fee was high and they did not have enough clients. They had to return to the brothel to pay their debts. (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002.)

In the pandering case in Turku in the early 2000s, the prostitutes charged 400 Finnish marks (approx. 67 euros) per client for 30 minutes and they had to pay

a daily fee of 700 Finnish marks (approx. 120 euros) to the organisers. The women paid different amounts of “protection money” to the organisers in order to be able to carry on prostituting themselves (average about 200 Finnish marks/day, approx. 34 euros). For one woman, this amounted to a total of 34,050 Finnish marks (approx. 5,700 euros), for another, to a total of 10,860 Finnish marks (approx. 1,800 euros), for a third one 300 Finnish marks (50 euros). (Judgement of District Court of Turku 01/3687, R01/2815, 19.12.2001.)

Other examples of the prices are from the Joensuu pandering case: oral sex was 40 euros, service for 30 minutes 50 euros, service for an hour 80 euros and the whole night 100–150 euros. There were usually two women prostituting themselves in Joensuu at the same time. (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 22.) Furthermore, in the pandering case in the Helsinki area in the early 2000s, the prostitutes had approximately 6–8 clients a day and they charged 50 euros per client. They had to pay a daily fee of 140 euros per apartment to the organisers. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002.) In the case of the Red House, the male customers had to pay 5–30 Finnish marks (1–5 euros) to the doormen to gain access to the “hotel” (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002) and in the Kapernaum case, the male customers had to pay 20 euros to enter the holiday camp (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006).

In the interviews, there are several references to the prices. During the time of our data collection, according to a researcher, the Finnish women charged approximately 100 euros per 30 minutes, and Estonian and Russian women 80 euros per 30 minutes. The interviewed procurer states that with good language and verbal skills they can earn up to 100 euros. According to the interviewees the daily fee for the organisation varies between 300 and 500 euros and the operator fee is between 10–15 euros per client. Sometimes the women also have to pay their own travel and hotel expenses.

In the restaurant prostitution, the earnings are smaller due to the limited opening hours. On the other hand, the fees are higher. According to the representative of the police and border guard sector, however, the prostitutes operating in restaurants, too, need apartments where to provide the sexual services, and from time to time the police make it difficult for the known Russian field hands to rent apartments.

Overall, the prices of commercial sex services have increased since the early 2000s. In the Finnish trafficking case, a customer had to pay 80 euros/ 30 minutes and 120–140 euros/ hour for sex, or for example 120 euros/30 minutes and 200 euros/hour for anal sex and 500 euros for “group services”. The women had to pay half of the money to the procurers, plus 200 euros per week. However, at least in one case, the fee of one woman was raised to 500 euros. The money was usually collected from the women by the field hand every evening. (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006; R6070/RVÄ/R/160352/05.)

The effect of the recent economic crisis on the prices is unknown, but they may be on the decrease as the sex buyers have less money to spend and the women may have to compete over customers. At least this is what has been happening in some European countries according to media reports. Now, as has become obvious in this chapter, money is a relevant issue when discussing the means of control that the procurers impose on the women. In the next chapter, we analyse these control methods in more detail.

11. Methods of controlling the women

In this chapter, we describe the way procured women and trafficking victims are controlled by criminals. Traffickers and procurers use different kind of methods first to persuade the women into prostitution and then to keep them in prostitution. Methods of control include e.g. financial control (different fees, fines and debt bondage), rules and restrictions, and other means of physical and psychological control (such as threats, violence).

It seems that there are not many indications of total “prison-like” conditions (such as being locked up in an apartment 24 hours a day) regarding the prostitutes in Finland. According to a representative of the police and border guard sector, the prostitutes are not usually subordinated to total control in Finland, their passports are not taken from them and they are not locked up in apartments. Nevertheless, the analysed court data shows that the traffickers and procurers are using different methods of controlling the women, and also harsh methods are applied. However, according to a representative of the police and border guard sector, the type and degree of control also vary inside the business. Some women are controlled more while others are free to do what they want.

In general, the court data demonstrates that the women have to follow certain rules in the trafficking and pandering cases. If the women do not comply with the rules, they may be sanctioned by different methods. An interviewed NGO worker explains that the perpetrators take advantage of the vulnerable position of the victims, and the victims have to obey the rules and conditions set by the organisation. Jaana Kauppinen (2000, 61) explains that the victims’ lacking language skills, as well as insufficient knowledge about their legal rights in the destination country help the perpetrators in controlling the victims. Kauppinen mentions that debts, threats, intimidation and confiscation of passport and earnings are the methods used by the traffickers to control the women. She adds that all of these are violations of fundamental rights.

On the other hand, Kontula (2005) has explained that prostitutes are often well educated and have good language skills. According to her, it is relatively easy to sever the procuring relationship if problems occur also because the women’s home country is very near. (Ibid., 40.) Our data shows, however, that many of the procured women have difficulties in leaving prostitution and are prevented to do so by their procurers.

11.1 Financial control

Financial control is a typical way of controlling the women and forcing them to continue in prostitution. The prices of sexual services, as well as the percentage the women can keep for themselves of the sum earned, vary in different organisations and over time. It is typical that the women have to pay a

daily/weekly or a percentage fee to the procurers and organisers of the procuring activity. The daily fee is a certain amount of money that the women have to pay to the organisers every day. The amount is decided by the organisers. The percentage fee refers to a certain proportion of the price paid by the client. The percentage fee can be as high as 60 per cent of the money the woman receives from the client.

Sometimes the women have to pay both a percentage fee per customer and a daily (or a weekly) fee to the procurers and traffickers. It is not unusual that the women have to pay all the fees even if they do not have enough clients to be able to pay all the required fees. In addition to the daily and percentage fees, in some cases the women also have to pay an operator fee i.e. a certain amount of money per client to the telephone operator. According to the interviews, the proportion of the money the women can keep themselves has decreased during the past years.

Earlier it was about one-third of the money that went to the girl, and one-third to the organisation operating here in Finland. They had all kinds of assistants, money collectors and so on, persons who took care of the daily tasks. So they had one-third. And then, one-third went to the [main] organisers staying in Estonia. But the girls' proportion has decreased all the time. (Representative of police and border guard sector)

As mentioned before, the daily or percentage fees per customer might be so high that the women are not able to pay all the fees to the organisation if they do not have enough clients. This leads to a so-called debt bondage situation. The organisers of the procuring activity decide what amount and what proportion of the income the women have to pay them. Often, it does not matter whether the women are able to earn that much or not. If they are not able to pay the required amount of money to the organisers, they become indebted to the organisation. The women are not allowed to quit prostitution because they have this debt, and this way they are tied to prostitution. Sometimes those who are in debt are allowed to go to their home country, but they have to come back and pay their debts. Also, the family of the victim may be used as a guarantee of the debt (see chapter "Violence and threats").

An NGO worker explains that the women may be deceived about their income. They may be told that their earnings will be much higher than they are in reality. One interviewee told about a hypothetical situation where a woman has been promised that it is easy to earn a certain amount of money. In practice, if she does not have a certain amount of clients per day, she is not able to pay the daily fees.

The daily fee is about 300–350 euros. If you don't have enough clients... I mean they have been deceived about the income. A woman has been promised for instance 600 euros per day. It is way too much. If they think, okay, they will earn 600 euros, it means about 300 euros for themselves and 300 euros for the [pandering] group. And 20 euros per client [to the phone operator] (...) But one day you don't have any clients, and that means you can't give that 300 euros per day. Then you

have to get 600 euros on the next day, so that you can pay the debt from the day before... And then you also have a debt to the operator. It's quite easy to run into debt. (NGO worker)

The fees can also vary and the organisers might decide to raise the fees suddenly. In addition to the fees to the organisation, the women may be made to pay fines for different reasons, for instance if they do not obey the rules set by the procurers (see chapter 11.2). For example, according to the interviewed procurer, if the women go out to party and have their purses and mobile phones stolen, it takes as much as five days to get things back in order. Their little trip may end up costing 1000 euros; the field hands need to pay for a new ad, the apartment is empty, the phones have been lost. The women have to pay for these extra costs, and they get fined.

According to the police, in some cases the women also have to pay their own travel expenses and hotel bills in addition to daily and operator fees. For example, one interviewee told about the activities of a procuring organisation operating at hotels:

The fees were quite high, a daily fee around 400–450 euros and then the fee for the operator, plus usually also the travel and hotel expenses. Some of them [women] run into debt. For example, they didn't have enough clients during the summertime in a small town. So, they were in debt which had to be paid on the next "trip" [to Finland]. (Representative of police and border guard sector)

In addition to the fees and fines the women have to pay to the organisers during the procuring and prostitution activities, it is also possible that the women are indebted to the organisation before the prostitution activities start. In the Finnish trafficking case, two of the women were deceived regarding the nature of the activity. When the truth came out they were told that they had already caused "expenses" which they will have to pay back. Both of the women were forced to stay and one of them was told that she would be fined, if she refuses to "work" for the organisation. (R6070/RVÄ/R/160352/05.)

Furthermore, if a woman stops selling sex, she may have to pay compensation for the "loss of income" to the organisation.

They also have to compensate the loss of income to the criminals, which they would have made if the woman had continued selling sex. So in the worst scenario, the woman is in a kind of debt-bondage situation for the rest of her life. (NGO worker)

Sometimes the women do not get any of the money they are paid by the sex buyers. The interviewed procurer told about a woman who worked for a Russian organisation for two years during which time the Russians took all of her earnings "to keep them safe". When the woman asked for her money, she was given a return ticket to St. Petersburg and told that she would get no money. She just returned home empty-handed. Also, in the Finnish trafficking case, the organisation took all the money the mentally disabled woman had "earned" by prostitution (altogether 9,000 euros) (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006; R6070/RVÄ/R/160352/05).

11.2 Limits and rules

Another way of controlling the women is to restrict their freedom of movement and to set certain limits and rules. For instance “working hours” are a way to rule and control the women. According to researcher Mika Junninen, the procured women normally work 12 hours a day and they have a maximum of 15 clients per day, normally 5–10. The efficiency is maximised if two women share an apartment. (Junninen 2006a, 80.)

If you have an apartment set up with one prostitute, the income from the first three clients of the day covers just the daily expenses (rent, ads, phone etc.) (...) the fourth makes you a little profit, the fifth doubles the profit and so on, (...) and you make a real profit if there are at least 6–8 clients. (...) Women who have over ten clients per day are really good workers. (Procurer)

For example in the Finnish trafficking case, the mentally disabled woman had to have 3–15 (on the average 5–6) clients per day during her stay in Finland, although she did not get to keep any of the money she received from the clients (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006; R6070/RVÄ/R/160352/05).

There are several concrete examples of the different rules imposed on the women in the court data. In the Joensuu pandering case, the women were advised not to leave the apartment during daytime and not to make a lot of noise, so that they would not draw the attention of the neighbours or the authorities. They were also forbidden personal use of the mobile phones they were given. The money was collected from them every day. They were also advised how to deal with the police and what to say if they were interrogated. The women were also advised not to write down anything about the number of clients, so there would be no evidence. In the same case, the organisers brought groceries and other commodities to the women so that they did not need to leave the apartment but could focus on their clients (of course, this was done also in order to minimise their external contacts and external visibility, and opportunities to escape). (Judgement of District Court of Joensuu 05/874, R05/430, 18.5.2005, 22–24.) Junninen (2006, 81) has noted that the women are also told to behave nicely and treat the clients well, so that the sex buyers will use their services again.

In the Finnish trafficking case, certain rules were set for the women. Their “working hours” were at least from 8 am to 10 pm. Usually, the women had a “contract” for 1–2 weeks, and they were not allowed to give up prostitution without agreement. According to the rules, the women had to stay in their apartment, and they had to report to the field hands or the leaders of the activity in advance if they wanted to go out. The rules were not to be discussed. If the women broke the rules, they had to pay a fine. (R6070/RVÄ/R/160352/05.)

There are also other examples where the women’s physical freedom was restricted. In the Kapernaum case, the holiday camp area was fenced and there

was a gate. It was explained in the court judgement that this was done to prevent sex buyers from coming in during the night and causing disturbances. According to the accused and other male witnesses, the Russian women were allowed to leave the area if they wished, but there are no statements made by the prostitutes concerning this matter. It was usual that clients took the women to their homes for the weekend or even longer periods of time. Accordingly, the women were free to leave the holiday camp at least in the company of a client. The vast distances in the North set definite limitations to the women's ability to escape difficult situations. (Judgement of District Court of Kemi-Tornio 06/261, R05/798, 16.3.2006, 12–20; Judgement of Court of Appeal of Rovaniemi 234, R06/412, 9.3.2007.)

Skaffari and Urponen (2004) mention a so-called “party package” service that was available in Northern Finland. A local customer could order a Russian woman in advance to his home. The price and time have been agreed on in advance by a third party, which means that the “delivered” woman did not necessarily know anything about the client. (Ibid., 33.) This may also be interpreted as a way to control the woman who is totally dependent on the person handling her transportation, and on the sex buyer, in whose home she is staying. Should anything happen, she would be all alone, being removed from her normal circumstances.

Also according to Penttinen (2004), the local police in Northern Finland have noted that some of the Russian women in the North may have been controlled physically by the procurers. Also some of the sex buyers have been subjected to control, because they have been expected to continue as clients; if not, some have had to pay for not being involved. Penttinen notes that the local police do not want to interfere with prostitution that goes on in private homes and tracking the women and securing evidence about organised prostitution is challenging. According to Penttinen, the Finnish consulate in Murmansk is aware of the problem, but they have had difficulties in distinguishing the prostitutes from tourists, since “the women coming to prostitute [themselves] look like regular middle-aged women”. (Ibid., 233–234.)

An NGO worker maintains that the freedom of movement of the foreign prostitutes might be limited, as well as their communication with their family and friends. According to Leskinen (2003) limiting the freedom of movement and seizure of prostitutes' passports were fairly common among Russian and Baltic procurers in the early 2000s. Restricting the freedom of movement meant that the pimps guaranteed that the prostitutes work for the agreed period by locking them up in the combined working and living premises. However, Leskinen emphasises that the procurers do not recruit anyone against their own will and the women are aware what they will be doing in Finland. In spite of the fact that the prostitutes have come to Finland voluntarily the rules are strict, and non-compliance is punished for instance with fines. (Ibid., 3.)

The women are also controlled in more subtle ways. If, for example, a telephone operator handles the communication with the sex buyers, the procured women have no way of screening their customers in advance. Teela

Sanders (2005), who interviewed sex workers in the UK, describes different precautionary measures the women take to avoid trouble with the sex buyers. Screening the customers in multiple ways is one of the most important methods. The women, for example, analyse the clients' phone calls very carefully and try to assess their attitude and character and whether they are trustworthy and genuine. Likewise, contacts through e-mail are analysed carefully to determine whether the client is reliable and can be seen face-to-face. (Ibid., 57–92.)

Also Anna Kontula (2008) describes how the independent Finnish sex workers try to minimise the risks by screening their customers in advance. Most women rely on their instinct and try to assess from the customer's voice and tone on the phone whether he is reliable enough. Some women might, for example, avoid answering calls from anonymous numbers. Others do not accept foreign men as their customers. The sex workers also have a mutual warning system to avoid unwanted customers. (Ibid., 189–193.)

The telephone operators are also used to keep track of the number of clients the women have, thus controlling the amount of money the women make and preventing them from giving false information on their earnings. Another way of monitoring the women is related to the use of telephones and particularly of mobile phones. This became evident especially in the Finnish trafficking case. Some of the procurers called the women all the time. Even the main organiser, who was in prison when the procuring activities took place in Finland, phoned the women several times every day. Presumably he wanted to "monitor" the women and find out what they were doing and how many clients they had had. Also Jyrkinen (2005, 90) has noticed the increased use of mobile phones to supervise the prostitutes.

11.3 Violence and threats

Violence and threats are the most serious means of control that the criminals used against the procured women. A case of particular interest in this context is the pandering case in Turku in which the criminals resorted to exceptionally harsh methods in dealing with both the procured and independent prostitutes.

Case description

In 2000–2001, a procuring organisation was operating in Turku. It was part of a larger Russian crime organisation. The main organisers were two Russian born men who tried to gain control of the local sex business. The prostitutes were mainly Russian women. They offered sexual services in private apartments rented by the organisers. The prostitutes charged 400 FIM (approx. 65 euros) per client for half an hour and they had to pay a daily fee of 700 FIM (approx. 115 euros) to the organisers. When the men noticed that some Russian prostitutes who were carrying out prostitution activity independently were advertising their services in the papers, the criminals called them and organised a meeting where they threatened the women and forced them to pay protection money if they wanted to continue in prostitution. The men also robbed and assaulted two prostitutes gaining access to their apartments by pretending to be clients. (Judgement of District Court of Turku 01/3687, R01/2815, 19.12.2001.)

The criminals also slapped one independently working woman and forced her to make a call to St. Petersburg. She was told that she must pay 200 FIM (approx. 34 euros) per day to the organisation. In total she paid over 34,000 FIM (5,700 euros) to the organisation. The criminals also abused the women and told one prostitute that she would end up in a wheel chair if she refused to pay. The men tried to blackmail one woman who worked as a strip tease dancer to pay them 50 FIM (approx. 8.5 euros) a day, but she refused. The men were sentenced to imprisonment for 2 years and 10 months and 2 years and 4 months, for extortion, pandering, and assault, among others. (Ibid.)

Some interviewees made reference to the high prevalence of violence against prostitutes. A representative of the police and border guard sector says that the prostitutes tolerate violence for a long time before they try to get help. Sometimes it is even falsely believed that when a woman consents to prostitute herself she also consents to be treated violently.

We have started to put too much emphasis on the fact that they know that they come to prostitute themselves. I think we have started to follow blindly this type... definition of prostitution. Prostitution is always about violence. So then we think that when they agree to prostitution, they agree to violence as well. Then we turn a blind eye to the fact that these are things that you cannot agree to, give your consent to. (NGO worker)

An NGO worker explains that since according to the Aliens Act, a foreigner can be returned back to their home country if there are strong grounds to suspect that she/he is selling sexual services, foreign prostitutes do not contact the police so easily any more in the case of violence, assaults or robberies. However, a representative of the police and border guard sector says they would notice if the prostitutes were under strict control and “if there was violence in the prostitution field, or someone was threatened, we would hear about it quickly”.

The interviewed procurer also tells that in the early 2000s, some prostitutes were robbed because they were an easy target; they had a lot of cash on them and they were afraid to contact the authorities. Also the police maintain that the women are robbed because they may have a lot of cash in their apartments. In any case, this is currently unusual, claims a representative of the police and border guard sector.

Kontula (2008) indicates that the risk of violence is recognised by the prostitutes and they take precautionary measures to avoid dangerous clients. New circumstances, such as changed legislation (e.g. Public Order Act and criminalisation of selling of sex in public places) may increase the risk of violence, as the women have to take on new ways of operating. For example, choosing clients is more difficult as the women cannot see the man in person before they accept the client. (Ibid., 191–192.) On the other hand, such laws may also have positive effects for example in decreasing the demand for prostitution. It is unclear, at least to some degree, how often the prostitutes face violence committed by the procurers, and how often there is violence by the clients. In any case, this study focuses on the violence against the women and the means of control used by the procurers and traffickers.

According to Leskinen (2003), the coercion methods of the procurers follow certain patterns; independent prostitutes are pressed to leave the area or start working for the procurer, if necessary the prostitute may even be kidnapped and transported to another town to provide sex services. (Ibid., 8.) Such harsher methods were also used in a pandering case taking place in the Helsinki area in 2001–2002.

Case description

In 2001–2002 there was a large Estonian based procuring organisation operating in the Helsinki area and Turku. There was evidence that the procuring organisation threatened and extorted some of the prostitutes, especially prostitutes who tried to work independently; they were forced to pay their “debts” by working for the organisation.

One prostitute who wanted to quit because she had found a job, was threatened with breaking her legs if she stopped prostituting herself. She was then escorted to the Tallinn port from where she took a ferry to Helsinki. In Helsinki she was picked up by the main organiser in Finland, who then took her to an apartment in Pitäjänmäki (in a suburb). She was given a mobile phone and told that she would be called when a client was coming. The same man collected almost all of her earnings every day. One prostitute was ordered to move from Turku to Helsinki and then almost all of her earnings were collected because besides the normal daily fee, she also had to pay for her debts accumulated in Turku. A few months later she returned to Turku on her own, but after two weeks, one of the main organisers came to her flat and threatened to take her back to Estonia and force her to prostitute herself in a brothel, if she did not return and work for the organisation. In Helsinki she was handed over to a woman. The woman with whom she shared the flat was pregnant and returned to Estonia.

Furthermore, one independent prostitute was approached by two men who told her that she owed them 15,000 or 20,000 FIM (approx. 2,500 euros or approx. 3,400 euros), because she had not had their permission to work. She was taken to another apartment where she was told that she had to pay them 700 FIM (approx. 120 euros) a day plus pay back her debts to the organisation until the debt would be settled. The men had collected almost all of her earnings every day, and when she told one of the main organisers that she wanted to quit, she was threatened. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002.)

This group was considered to be an organised crime group by court and this fact was used as grounds for increasing the punishment. When the punishments were decided upon it was taken into account that the offenders had pressured the women, or at least they were aware of the pressure. They had also made the women pay “debts” and “fines”. The court concluded that these activities were comparable to extortion. (Judgement of District court of Helsinki 02/7749, R02/5384, 12.7.2002, 9.) It is likely, or at least possible, that the activities of this group would have been considered as aggravated pandering if the legislation in question had already been in force at the time of the trial.

In addition to the violence and threats against the women themselves, sometimes their families are subjected to threat. An interviewee maintains that procurers do not generally want any disturbances in their business, but if a prostitute wants to quit, they might sometimes threaten her or her family directly or indirectly.

(...) if someone wants to quit or starts being difficult, it depends on the situation, but basically they [criminals] may use tough measures to get her back on track, they threaten their family or imply that they or their family are in trouble and that the situation will end badly.. Yet, on a

general level, these kinds of market disturbances are not what they [criminals] want. (Representative of the police and border guard sector)

The role of fear is essential in these cases. For example, in the case of the Red House of Kotka, one woman testified that she was threatened that she would never see her daughter again if she did not pay her debt (Judgement of the District Court of Kotka 1260, R02/763, 9.9.2002, 50). For the procurers, threats against the women's family are probably an effective way to make the women remain in prostitution. A representative of the police and border guard sector explains that this is why some women are scared to quit prostitution.

Of course it's bad if the family is also threatened and not just yourself, of course that has an effect. (Representative of the police and border guard sector)

Also in the court data, there are examples of these kinds of threats.

Case description

In the Finnish trafficking case, the women were threatened with force if they did not obey the rules, or if the traffickers suspected that the women did not give the full amount of the money they had earned, or if the traffickers were not satisfied with the amount of clients. (R6070/RVÄ/R/160352/05.) At least the mentally disabled woman was threatened and told that if she refuses to go to Finland, she would have to pay her "debt". She was also deceived, not only about the income, but about the nature of the activity. The promised child care job turned out to be prostitution in Finland. The Estonian woman was too scared to quit prostitution because she was threatened on the telephone by the Estonian who ran the operation from prison. At the end of her stay in Finland, she was finally trying to get help to leave Finland and her "job" as a prostitute. She was so scared that she did not try to get help earlier. (Judgement of the District Court of Helsinki 06/6857, R06/5204, 20.7.2006.)

11.4 Summary of the procuring phase

In general, the criminal networks in Finland are not very large and do not have a highly hierarchical structure. Furthermore, the duration of the activity, the division of labour, and the complexity of the criminal networks as well as their use of force and other methods of persuasion and control may vary in many ways.

In the pandering criminality, the criminal networks often consist of both foreign (typically Russian or Estonian actors) and Finnish actors. According to some of our interviewees, pandering criminality is often part of organised crime, and there is a lot of money involved. The experts explain that this is due to the fact that the risks are small and the sentences lenient. There are variable views about the independent or autonomous position of the Finnish criminals and their collaborators in such organisations. Some claim that the Russian organisers no longer need much support and help from the Finnish criminals, as they have themselves become acclimatised in the area, while others emphasise the importance of local linkages in establishing a successful pandering operation.

Many actors are involved in the different stages of the trafficking process. In addition to criminal actors, also different legal and semi-legal actors and sex buyers take part in the activities that maintain the exploitative situation. Within each of these groups, several sub-categories exist. For example, criminal actors can be divided into main organisers, regional leaders, procurers or traffickers, recruiters, field hands or hired pimps and telephone operators. However, it is not simple, or even possible, to place the different actors into unambiguous groups. The role of the actors may vary inside a group or in the context of a certain case or between different cases.

The same applies to legal and semi-legal actors. The term refers to persons who are deliberately or unknowingly somehow involved in or who facilitate the criminal activities but are not the main organisers of criminal activities as such. The legal and semi-legal actors can include e.g. hotel or restaurant owners or staff, taxi drivers, landlords, owners or employees of letting or travel agencies. This group of actors benefit from the sex business in many ways.

Sex buyers also have an integral role in the chain. Not only do they have a role as clients buying sexual services from prostitutes, they might also be in contact with telephone operators, field hands or procurers and spread further information on the women online and in different (male) networks. Different services are catered to the specific needs of the sex buyers, who come from different social classes and different age groups and ultimately maintain the demand for commercial sex services.

Sexual services are marketed and traded in different places and arenas. These can be divided into three categories: marketing places with advertisements (e.g. Internet), trading places where the agreement about the sexual “service” is reached (e.g. restaurant, street, by telephone), and trading places where the sexual “service” is provided (e.g. hotel or apartment).

Currently, the Internet is a major marketing venue for sex. Before 2004, sex was advertised mainly in the newspapers, but due to an amendment of the law concerning pandering (Penal Code 20:9), publishing contact information of another person offering sexual services was made illegal.

After a contact has been made, and initial agreement about the sexual service is reached (e.g. in a restaurant, street, by telephone), the actual trading usually takes place at a different venue. The Finnish and Estonian prostitutes provide sex services mostly in private apartments. Some prostitutes (mainly Finnish and Russians) also come to the client’s home or hotel room. Sexual services may also be sold in Thai massage parlours.

The prices of commercial sex services have increased since the early 2000s. According to interviewed experts, the Finnish women charge approximately 100 euros per 30 minutes, and Estonian and Russian women 80 euros per 30 minutes. The effect of the recent economic crisis on the prices is unknown, but they may be on the decrease as the sex buyers have less money to spend and the women may have to compete for clients. At least this is what has been happening in some European countries, according to media reporting.

Money is also a relevant issue when discussing the means of control the procurers impose on the women when they initially persuade them into prostitution and then in order to prevent them from quitting prostitution. Methods of control include e.g. financial control (different fees, fines and debt bondage), rules and restrictions, and other means of physical and psychological control (i.a. threats, violence). Particularly financial control is an essential way of controlling the women and forcing them to continue in prostitution. It is typical that the women have to pay a daily/weekly fee or a percentage fee to the procurers and organisers of the procuring activity. It is not unusual that the women have to pay all the fees even if they do not have “enough” clients to pay all the required fees, which then leads to a debt bondage situation. The women are not allowed to quit prostitution because they are in debt to the organisation, and thus they are tied to prostitution. They may also be ordered to pay different fines for breaking “rules” or cover expenses they have already caused (e.g. travel expenses) or losses they would cause in the future by quitting prostitution or otherwise.

Another way of controlling the women is to restrict their freedom of movement and to set certain limits and rules. The women may do long hours and they may be advised not to leave the apartment and not to draw any attention on themselves in any way. The women may not have any means to select their clients and their communications with the outside world (such as family and friends) may be under supervision or restricted. Also physical and psychological means of control may be used. These comprise especially threats of physical violence and psychological pressure. In addition to the violence and threats against the women themselves, sometimes the threats are directed against their families.

12. Views on victim services and trafficking legislation

In this chapter, we discuss the interviewees' opinions and views on the victims and take a look at the services offered to them within the context of the Finnish trafficking victim support system. We will also briefly describe the interviewees' opinions on the current trafficking-related legislation. It must be noted that these issues were not the main concern of this study but they came up in the interviews. Therefore, we decided to present some relevant points made by the interviewees related to the current human trafficking situation and some problematic issues in Finland. However, this is not a comprehensive review of the matter.

12.1 Victims

In general, there is not much concrete information in our data as to what happens to the trafficking victims after they have been identified and the court cases have been concluded. The pre-trial investigation materials indicate that the first identified trafficking victim (the mentally disabled Estonian woman) had been depressed and had to interrupt her studies because of the traumas caused by the trafficking. (R6070/RVÄ/R/160352/05; Roth 2007b.) As far as is known, she was not a client in the Finnish support system set up for trafficking victims. It is unclear what has happened to the other women from the case. The interviewed representative of the police and border guard sector maintains that the women have returned to Estonia and/or are still engaged in prostitution either in Finland or in Estonia. It is also possible that some of the women are clients of the trafficking victim support services in their home country.

A representative of the police and border guard sector explains that in general, prostitutes often continue to operate after the pandering group is caught.

Once you become a prostitute it is difficult to get out of it. They have learned to work that way and earn their incomes that way, and from this, it is difficult to return to so-called normal life. (Representative of police and border guard sector)

The police also mention high incomes as the reason why the women do not leave the business. An NGO worker explains that it is difficult to get out because the criminal organisations try to involve the women into the activity. The women are not able to engage in any other work. The perpetrators threaten the families. The women themselves are also ashamed, and they cannot find help easily. Prostitution is also connected with mental health problems and

drug addiction⁴⁶. The women also have parents and/or children in their home country, so they are possibly sending money home. Also other explanations are offered:

The abuse [prostitution] may have paralyzed the woman, and she is no longer able to do any other kind of work. She does not know that she has the right to receive help and she is too frightened to ask for help. She also thinks that she is partially at fault because she has given her “consent”. (NGO worker)

The interviewees say that victims often blame themselves. An NGO worker maintains that it is also possible that victims do not necessarily identify themselves as victims or at least they do not want to admit the fact to themselves. In addition, the victims are not necessarily aware of the legislation and their rights. A researcher mentions that the victims may want to maintain a positive self-image and prefer to see themselves as independent actors.

Admitting that you are a victim might make you feel that you’ve failed as a person. In many cultures, the concept of honour is so powerful that you may consider yourself as a person without honour. It can be extremely hard for the person. (NGO worker)

Another NGO worker argues that the victims might be afraid to contact the authorities because they are scared of being labelled as prostitutes (and at risk of being returned to their home country). In many societies, women labelled as prostitutes may be excluded from their communities and families (e.g. the case of the Georgian women, see chapter 6.) In addition, it is likely that the women do not trust the authorities as they have bad experiences or they think that the authorities are not trustworthy. The police themselves claim that they try to make the prostitutes trust them through field work, so that the women can contact them if they are in trouble, have been assaulted or robbed. The police say they spend a lot of time in the field to gather information about the situation and the people in prostitution. The situation may, however, vary in different parts of country and it is likely that the police are not able to do a lot of fieldwork concerning prostitution.

Furthermore, several interviewees mention the risk of repeated victimisation. In the data, there is no clear evidence about the final destination of the women. According to an NGO worker, only very few victims stay in the country where the trafficking/pandering has taken place and pass through the support system, or are identified as victims at all.

⁴⁶ There is not much information on drug use among prostitutes in Finland. According to Kontula (2005), drug dependencies are connected at least partly to prostitution. Some drug addicts pay their drugs with money earned in prostitution. Kontula also points out that amphetamine use is common among Estonian professional prostitutes. (Ibid., 44.) According to the interviewed procurer, the procurers consider drug addicts and alcohol users to be bad “employees”. Their addictions cause a lot trouble; also, they do not work as hard or as long as “regular” prostitutes.

It is possible that even if you are once victimised you may be willing to take the risk again because you are convinced that the bad things can not happen again. (Representative of the police and border guard sector)

An NGO worker explains that the victims who are clients in the support system often stay in the destination country. However, this is not always the case:

Apparently there are cases in Italy where the trafficking victims, who have been issued residence permits, have been found as victims of trafficking with legal residence permits in, say, Norway. In this way, the system reproduces trafficking victims who are even easier [for the criminal organisations] to exploit because they have legal residence permits. (NGO worker)

The NGO worker also mentions that, if the trafficking victim is returned without any support to her/his native country, and she/he is still in debt to the criminal organisation, it might be a case of pure good luck to escape the criminal organisation. The interviewees conclude that most of the victims who are never identified as victims by the authorities end up where the perpetrators want them or return home at some point. Giving more resources to the police, also in training them to identify the potential victims, and financing victim services, are suggested as possible solutions to this problem. Also outreach work by NGOs should be supported financially. The NGO worker reminds that this is recognised in government platforms, but concrete action is still missing.

12.2 Victim services

The official support system for victims of trafficking was established in 2006 in the Joutseno and Oulu reception centres, and it is run by government officials. Trafficking victims may also be granted a reflection period and a residence permit if their stay in Finland is considered to be justified because of pre-trial investigation or court proceedings, and provided that they sever all contacts to the traffickers and agree to assist the authorities in the criminal investigation (see chapter 3).

There have been very few victims within the support system so far and most of them have been victims of forced labour exploitation rather than sexual exploitation. It seems that the authorities responsible for the trafficking victims' support system have decided to maintain a low threshold when accepting people into the system. Thus, also victims of crimes resembling human trafficking may be accepted as clients into the system. A representative of the police and border guard sector explains that this policy was introduced because of the lack of trafficking victims. Because the authorities did not want the system to remain idle, they decided to accept victims of crimes resembling human trafficking such as aggravated arrangement of illegal immigration and work discrimination resembling usury.

The decision to accept a person as a client into the victim support system is made by the director of the reception centre. However, a multi-professional evaluation team helps the director in making this decision.

The director makes the decision of accepting a person as a client into the support system and releasing the person from the system. It's pretty difficult. But then the "trafficking round table" came up with the idea of creating a multi-professional assessment group to help the director in making these decisions. The assessment group comprises representatives from the police and border guard, experts in social issues and health services and then a representative from the Finnish Immigration Service was added. (...) The group assesses the new cases and decides whether they meet the relevant criteria. (...) The group also evaluates the level of services needed; the police handles the assessment of security issues and risks, the need for, say, appropriate accommodation. If the security risk is high, then the victim should stay in a safehouse in a secret location. So, there are options from normal housing to reception centres and housing in secret safehouses. (Representative of governmental organisation)

This system was also criticised by some interviewees. An NGO worker complains that in the end the decision to accept a person as a client into the system is up to one single person.

Of course one may wonder whether it is okay that only one person is responsible for making such a decision [accepting a victim as a client of the support system]. I don't consider it as a big problem, since the threshold for accessing the system is much lower than getting a victim's residence permit, for example. (NGO worker)

Overall, most of the interviewed government authority representatives seem to be satisfied with the quality of the system so far. Several interviewees think that the assessment group is a good idea, and they have positive experiences of the support system and of the way it works. People may be clients in the system before they have been granted victims' residence permits, as the authorities want to make the system flexible. This is not just based on the policies of the authorities but on the law.

I mean it's [the support system] intended for trafficking victims and suspected victims, so in the long run there shouldn't be any other people (...) victims of crimes who were victims of other offences than human trafficking. But these things should be handled with skill, because you can't just suddenly kick a person out of the system. So if you've initially been a suspected victim of trafficking, they should... I'm pretty sure they've handled these smartly and found good solutions to these matters in the assistance system and also in terms of residence permits. (Representative of governmental organisation)

The reception centres try to offer multiple services for the trafficking victims. These include social, psychological and medical services, interpreter's services and other services in the victim's native tongue, language courses and other courses. An NGO worker emphasises the victims' right to have these services in their own native language. This may also make it easier for the victim to talk

about her/his experiences. The same interviewee also explains that if the victims are not aware of their rights, they might never be able to explain how they have been exploited. The authorities try to treat the victims with the delicacy their traumas may require:

It's not good for the victim to be interviewed by many persons [experts, authorities] at the same time and there shouldn't be that many interviews to begin with. The victim's brain is not a computer and her story changes, and the more you interview her, the more you manipulate her in a way. In the end, the story is not her own, because each interviewer has added something to the story. Also, if the victim is traumatised, it is not good that she needs to tell these things over and over again. (Representative of governmental organisation)

Also some more critical views on the support system were expressed in the interviews. An NGO worker argues that the current victim service system only serves the authorities' interests and crime investigation, not the protection of the victim or the victim's rights.

I don't want to belittle the support system for the victims of human trafficking and their work, but the starting point is clearly wrong. The objective of the support system should be both to solve the crime and to help the victims. As far as the residence permit system is concerned, the aspect of victim assistance does not come true at all. (NGO worker)

In general, the NGOs have criticised the inflexibility of the official support system and the exaggerated emphasis on the role of the authorities. At the moment the NGOs have to assess the client's (potential trafficking victim) need for services without knowing what services the victim can receive in reality. The NGOs also can not charge for the services they have provided before the victim is officially admitted into the assistance system. The NGOs can not necessarily ensure the continuation of the victim's customership, which may have a negative impact on the potential victim's psychological welfare. Also the arrangement that the official support system is established within the context of reception centres has been called into question by many. (Pro-tukipiste 2008.)

An interviewed NGO worker criticises other issues connected with the support system:

From the victim's point of view, the [trafficking] victim support systems might be organised in such a way that the victim has no idea of what's going on. The service may even resemble the trafficking situation in a way. You're not allowed to go outside, you live in a place with 24/7 surveillance, you live in one particular room for a long time with nothing to do, no job etc. Emotionally the situation might be exactly the same as if you'd be at the mercy of traffickers. (NGO worker)

This is an interesting point; it is as if the trafficking victim is transferred from one form of control or surveillance to another. On the other hand, an interviewed researcher argues that naturally the victim needs protection against

the traffickers. Also, the requirement of severing all ties to traffickers as a prerequisite for the victim's residence permit is criticised by an NGO worker.

Apparently keeping in contact with the traffickers is an integral part of the recuperation process, so it is not reasonable to expect this [cutting ties to the traffickers] from the victims. (...) It can be hard for the victim not to keep in contact, because her family, for example, may be held as a guarantee for their debt. Getting out of the system cannot happen in an instance (NGO worker)

The NGO workers also remind that the victims outside the assistance system should be guaranteed certain services, such as medical and psychological services and support that many of these people need. Also questions regarding the residence permits and reflection periods were raised in the interviews. An NGO worker describes potential problems with residence permits as the borderline between human trafficking and crimes resembling human trafficking is artificial (and is reflected in the residence permit issue).

Although the interviewed authorities mention that reflection period issues are handled on a case by case basis and the whole system is intended to be flexible, some potential problems related to the granting of a reflection period to victims of trafficking are mentioned by an NGO worker.

There are legal protection problems with the reflection period issues. The issue can be decided upon only once, and the decision is made by local police or border guard and there is no way to appeal if the decision is negative, a formal decision [on paper] is not even given. (...) Only if a person is granted a reflection period, you will get the written decision, otherwise nothing exists on paper. So if a victim comes forth and says to the police or border guard, "I'm a trafficking victim" and the authorities do not believe this person, the victim has a hard time gaining a reflection period. At least the threshold of being accepted as a client in the support system is lower, that's good. (NGO worker)

On the other hand, a representative of the governmental organisation argues that the deportation of a person requires a formal written decision that can be appealed against. This means that the principle of legal protection applies.

The interviewees also comment on the lack of a witness protection programme in Finland. Many experts considered this to be to be a disgrace. They thought that a witness protection programme should be developed systematically so that the victims of human trafficking and other witnesses could receive protection services. The victims' right to legal aid is also raised as a problematic issue by an NGO worker:

If the victim is in the grey area, i.e. has not contacted the authorities, the victim's legal aid might be compromised. This means that if the victim does not have a Finnish residence permit and has no grounds for staying in Finland, the current law on legal aid makes it difficult to interpret (...)it [the residence permit] cannot be granted in this kind of situation. (NGO worker)

12.3 Trafficking legislation

In this section we discuss the interviewees' opinions and views on the current trafficking-related legislation in Finland. Several interviewed experts mention problems in the law and the way it is applied by courts.

If the current human trafficking legislation remains unchanged, we will not have trafficking cases in Finland in the future. Of course, the exception proves the rule! (Representative of the police and border guard sector)

One of the problems of legislation is the connection between trafficking and pandering. The essential elements of the offences are partially overlapping and the police find pandering easier to prove. A representative of the police and border guard sector explains that working under pressure and the use of force are elements of aggravated pandering. Also sanctions given for breaking the rules fulfil the essential elements of an aggravated pandering offence.

It's really difficult to get sufficient evidence [of human trafficking] and the situation is reflected in the police field work... the police are accustomed to investigating certain cases as pandering because that particular law has existed for a long time. We need something to wake up the police and see that some cases they are accustomed to consider as aggravated pandering are actually human trafficking. (Representative of governmental organisation)

However, it has to be noted that aggravated pandering was actually criminalised at the same time as human trafficking in 2004.

According to a representative of the police and border guard sector, the police also feel that it does not make sense to try to push these cases to court as trafficking cases because the trafficking cases do not proceed well in court.

We've tried to get these cases to court as trafficking cases, but unsuccessfully. The prosecutor at the latest has changed the names of the offences [to aggravated pandering], also in remand trials the court has changed the offence label. Like in the [Finnish] trafficking case, we had several people imprisoned for trafficking, but "some experienced judge" already changed some of the offences to aggravated pandering. (Representative of police and border guard sector)

It seems that the different authorities criticise each other of the fact that trafficking cases do not appear in or proceed to court. The prosecutors maintain that it is not their fault that the cases do not proceed. Getting sufficient evidence of trafficking in human beings is the main problem.

Also a representative of a governmental organisation agrees that getting sufficient evidence of trafficking is difficult. As there are currently only two trafficking verdicts, and only the most obvious cases are considered as trafficking, it is no wonder that the police hesitate to take cases to court as

trafficking cases. This is unfortunate, because this attitude prevents new trafficking cases in the future, too.

However, the problem is the fact that although it does not necessarily make a difference to the police whether the perpetrator is sentenced for (aggravated) pandering or for trafficking in human beings, this is a central issue for the victim. From the victim's point of view, the difference between trafficking and pandering offences is essential, as the subject of pandering is a witness but the trafficking victim is a plaintiff during the trial. This is also relevant for the victim in terms of getting victim support and receiving support services, as well as the possibility of getting a residence permit.

Researcher Venla Roth has assessed Finland's first human trafficking sentence and its consequences with regard to identifying victims of human trafficking in the future. According to Roth (2007a; 2007b), the issue of identifying and recognising victims of human trafficking is also related to the way in which the court practice develops with regard to the relationship between human trafficking and so-called crimes resembling human trafficking (aggravated pandering, work discrimination resembling usury, arrangement of illegal immigration).

Concluding from the first Finnish trafficking in human beings sentence, it would seem that only the very obvious cases are interpreted to meet the evidence criteria required by the courts as to who is defined as a trafficking victim. In this case, the offenders were sentenced for trafficking because the exploited Estonian woman was mentally disabled. Concerning the other women, the offenders were only concluded to be guilty of aggravated pandering. The dependence relationship of the other women to the offenders was not considered to be strong enough to meet the criteria of trafficking in human beings. The court emphasised the significance of the fact that the women had become engaged in prostitution on a voluntary basis, and of the fact that they had earned money from their prostitution (unlike the mentally disabled woman from whom all the money had been taken); this argument was given more weight than the fact that the women's freedom of movement had been restricted, and at least part of the women had been threatened with violence, and breaking the rules was punished with fines. (Roth 2007a; 2007b.)

According to Roth, the court in other words gave decisive weight to the alleged initial consent. Not even the fact that one of the women was not allowed to quit was taken into account in order to change the pandering label into trafficking in human beings. The consequence of such court interpretations may be that victims of human trafficking are not going to be recognised and identified in the future either, and they are then not coming into the realm of support and help mechanisms. (Ibid.)

An NGO worker sums up some points regarding legislation and victim support that should be developed further:

In addition to the[new] legislation (...) and a witness protection programme, the residence permit issue should be handled and possibly

the penal code should be amended in such a way that crimes like human trafficking could be taken into account. The victims should have better chances for impartial legal aid and they should have the right to different support services. Then the budget for outreach work should be given as promised in the government platform. These are some issues (...) These current systems should be more victim-friendly. That is important, since at the moment the systems are only serving the authorities' interests (...) the authorities are not obliged in any way to serve the victims' interests, nor are they advised to do so. (NGO worker)

Also, the need for and a lack of a national co-ordinator/rapporteur was raised in some of the interviews. All experts agreed that it would be important to establish such a position in Finland as international experiences on national rapporteurs and their work are very positive.

Getting a national rapporteur would be very important. We don't have such an actor at the moment. (...) We need concrete actions, someone to keep watch on the trafficking situation, anti-trafficking efforts and to co-operate with international actors. (NGO worker)

While this report was written it was decided that the Ombudsman for Minorities will be appointed as the national rapporteur on trafficking in human beings in Finland. The law amendment to facilitate this appointment was approved by the Parliament in December 2008. The Ombudsman for Minorities is an independent authority with access to all information on human trafficking (Ministry of Interior 2008b, 23; see also HE 193/2008).

13. Summary and conclusions

This study was about trafficking in human beings for sexual exploitation and its linkages with organised crime in Finland in the 2000s. So far, there have been only a few trafficking in human beings verdicts and around twenty police (or border guard) investigations related to human trafficking in Finland. This does not necessarily mean that trafficking is a rare phenomenon in Finland. Human trafficking is relatively hidden by its nature. This, among other problems, makes studying the subject relatively complicated. Also, the sensitivity of the subject, ethical issues, problems related to identifying the victims, challenges related to establishing contact with the persons involved in trafficking, as well as security issues, make research on the topic challenging. In addition, the terminology regarding trafficking issues and related phenomena is both ambiguous and unclear.

Although the number of detected trafficking cases is low, also relatively serious pandering cases have emerged during the 2000s. Some of the cases might have been considered as (or at least resembled) human trafficking if trafficking in human beings had been criminalised before 2004. For the purposes of our project, it was relevant and justified to include also pandering cases into the study. In addition to “actual” human trafficking cases (defined as such in court), we also wanted to examine cases resembling human trafficking for sexual exploitation. In these cases, the activity was not necessarily identified as human trafficking during the police investigations or in court, or they took place before the criminalisation of human trafficking, and were defined in practice as pandering. The criteria for selecting the cases were the structure of the criminal organisation and the duration and volume of the criminal activity, the use of threat, force and violence against the procured women, preventing the women to give up prostitution, and the women’s potential debt to the organisation. In other words, cases resembling human trafficking were selected.

As a consequence of our data selection criteria, organisations or networks controlled by Russian and Estonian criminals play a central role in the study. The frame of reference was organised crime. Due to this frame, and the fact that all pandering cases do not resemble human trafficking, small-scale pandering cases (e.g. short-term and involving only 1–2 procurers) were excluded from the data.

In the course of the analysis it was not always simple to distinguish between elements of human trafficking and pandering. It was not possible to adhere only to questions concerning human trafficking. On the other hand, a clear distinction of human trafficking from pandering would not even have been plausible in the context of this study, because the same cases may include both trafficking and pandering. It is not always clear which elements should be interpreted as indications of trafficking and which ones of pandering. Legislation on trafficking in human beings and pandering is also partially

overlapping, and sometimes suspected trafficking is eventually regarded as pandering in court. After the first Finnish trafficking in human beings court verdict, criticism has been expressed towards the court's interpretation of the trafficking in human beings legislation (see Roth 2007b).

The data of the study (18 interviews, 8 court judgements, police investigation material concerning one case, and media reports as a background material) is relatively small, particularly regarding the court cases. On one hand, not very many human trafficking or large-scale pandering cases that have proceeded to court exist in the 2000s in Finland. On the other hand, the purpose of this study was to describe the Finnish trafficking situation and aspects of organised or serious crime related to trafficking. The objective was not to map out the phenomenon quantitatively. The statistical information used in this study is mainly provided as a background for understanding the current trends in the field. The purpose of the study was to create a concise picture of the contents, nature and features of trafficking in persons and related crimes. This was thought to be a fruitful method of study in a country like Finland where the number of known trafficking cases is low. However, it would be important that in the future, also quantitative studies were made to estimate the volume of hidden criminality involved. It has also to be remembered that we studied only one side of the trafficking phenomenon (prostitution-related trafficking). Human trafficking as a whole is a much broader phenomenon, and it would also be important to examine other aspects of human trafficking in the future.

13.1 Summary of the main findings

The purpose of this study was to find out what the “human trafficking chain” looks like in the first decade of the 21st century in Finland – starting from the recruitment of victims in the source country, via the transit and transport phase, and finally to the procuring in the destination country – and how the activity is organised.

The women recruited to prostitution in Finland come mainly from Russia and Estonia, but also from other Baltic or Eastern European countries and Thailand (in the case of Thai massage parlours). Women are often recruited by someone from their peer group, by friends or acquaintances. They may also be recruited by so-called field hands who are working for criminal organisations. The procured women have often been involved in the sex business before and sometimes they are recruited in brothels, e.g. in Tallinn, by other prostitutes or by former prostitutes. Other recruitment methods are advertisements in the Internet or in the newspapers. The common push factors leading to victimisation are poverty, economic inequalities, lack of alternatives and the (low) status of women in society. On the other hand, the glorification of the Western lifestyle is a pull factor for some, especially for young people who are looking for adventure and new experiences. However, the core pull factor is the perceived chance to earn money.

Often the women travel to Finland independently, and their travel documents are usually legal. They arrive directly from Estonia by ferry and from Russia by train or bus, and in these cases no transit countries are involved. Finland is also a transit country for people heading for other parts of Europe. In fact, it seems that at the moment Finland is more of a transit than a destination country. However, in transit cases it is difficult to identify whether a case is related to human trafficking or not. It is almost impossible to know where the potential victims are heading and for what purpose.

In general the criminal networks involved in the pandering business in Finland are not very large and do not have a highly hierarchical structure. Also the division of labour, the duration of the activity, and the complexity of the criminal networks as well as their use of force and other methods of persuasion and control may vary in many ways. However, the activity is often well-planned and organised, and the perpetrators use different kinds of control measures to keep the women in prostitution.

In the pandering criminality, the criminal networks often consist of both foreign (typically Russian or Estonian actors) and Finnish actors. Some of the actors operate in Finland and some e.g. in Estonia or Russia. It seems that there are no entirely Finnish organised criminal groups involved in the large-scale pandering business (however, there are small-scale pandering operations organised by 1–2 Finns). According to some of our interviewees, pandering criminality is often part of organised crime, and there is a lot of money involved.

There are different kinds of views regarding the independent or autonomous position of the Finnish criminals and their collaborators in such networks. Some claim that the Russian organisers no longer need much support and help from the Finnish criminals, as they have themselves become acclimatised in the area, while others emphasise the importance of local linkages in establishing a successful pandering operation. Experts agree that most of the money ends up with the organisers, often in Russia or Estonia. The percentage of the money going to the women themselves has been decreasing. The activity is planned, the crimes are serious and the objective is financial benefit. Pandering criminality is claimed to be relatively cost-effective: the profits are considerable, but the risks are low (the risk of getting caught is low and the sentences are lenient). It is probable that the same is true of trafficking in human beings. However, it is possible that human trafficking cases might sometimes be small-scaled in terms of the number of criminal actors, victims and the level of planning of the activity. For example, in a human trafficking case dealt with by the Helsinki district court in November 2008, only one victim and two perpetrators were involved (as far as is known).⁴⁷

⁴⁷ On 28th November 2008, the Helsinki District Court dropped charges for human trafficking and sentenced the two Estonian perpetrators for pandering to 10 months of conditional imprisonment. The case has, however, proceeded to the court of appeal and the decision has not yet been made.

Sometimes pandering criminality also involves other crimes such as robberies and assaults against the prostitutes who are forced to operate under criminal groups. However, according to the police, several large procuring groups have been eliminated from the market. On the other hand, the authorities admit that after one group is eliminated, another one is soon in the field, as they just change their ways of operating. In any case, the police claim that the situation has improved as compared to the early 2000s, and also robberies and assaults against the prostitutes are less common than earlier. In general, based on official authority statistics, pandering criminality has decreased a little in Finland, at least in the Helsinki area. On the other hand, the proportion of hidden criminality is almost impossible to estimate. Furthermore, according to media sources, some (large-scale) pandering operations have emerged recently, and it is possible that the situation will be changing again in the near future.

Many actors are involved in the different stages of the trafficking process. In addition to criminal actors, also different legal and semi-legal actors and sex buyers take part in the activities that make up the exploitative situation. Within each of these groups, several sub-categories exist. Criminal actors for instance can be divided into main organisers, regional leaders, procurers or traffickers, recruiters, field hands or hired pimps, and telephone operators. However, it is not simple, or even possible, to place the different actors into distinct groups. The role of the actors may vary inside a network or in the context of a certain case or between different cases. For example leadership statuses and other roles develop within the group, and profits are divided depending on the status of the individual person within the organisation. In some criminal networks, each member has their specific role (to collect money, to deliver the money abroad etc.). On the other hand, it is also typical that members are responsible for several kinds of tasks at the same time and the division of tasks is not very specialised.

The same applies to legal and semi-legal actors. The term refers to persons who are somehow involved in or who facilitate the criminal activities but are not the main organisers of the criminal activities. The legal and semi-legal actors may comprise e.g. hotel or restaurant owners and staff, taxi drivers, landlords, owners and employees of letting or travel agencies. Additionally the sex buyers have an integral role in the chain. They are responsible for the demand and buying of sexual services from prostitutes, but they may also be in contact with the telephone operators, field hands or procurers, and disseminate further information on the women online and in different (male) networks. The sex buyers come from different social classes and different age groups.

Sexual services are marketed and traded in different places and arenas. These can be divided into three categories: marketing places with advertisements (e.g. Internet), trading places where the agreement about the sexual “service” is reached (e.g. restaurant, street, by telephone), and trading places where the sexual “service” is provided (e.g. hotel or apartment). The Internet is a major marketing venue for sex nowadays. Before 2004, sex was advertised mostly in the newspapers, but due to an amendment of the law concerning pandering

(Penal Code 20:9), publishing contact information of another person offering sexual services was made illegal. Therefore, sex advertising may not be as visible as in the early 2000s.

After a contact has been made, and initial agreement about the sexual service is reached (e.g. in a restaurant, street, by telephone), the actual trading usually takes place at a different venue. The Finnish and Estonian prostitutes provide sex services mostly in private apartments. Some prostitutes (mainly Finnish and Russians) also come to the client's home or hotel room. Sexual services may also be sold in Thai massage parlours. At the moment, there is no evidence of actual brothels (i.e. in a sense as in countries that have legalised prostitution) existing in Finland. Also street prostitution has decreased in recent years (at least partly due to the criminalisation of selling and buying of sexual services in a public place). Also restaurant prostitution is taking place, but it is not very common. The restaurant prostitution is mainly in the hands of Russian prostitutes.

The prices of commercial sex services have increased since the early 2000s. According to the interviewed experts, the Finnish women charge approximately 100 euros per 30 minutes, and Estonian and Russian women 80 euros per 30 minutes.⁴⁸ Money is also a relevant issue when discussing the means of control the procurers impose on the women. These include e.g. financial control (different fees, fines and debt bondage), rules and restrictions, and other means of physical and psychological control (e.g. threats, violence).

Financial control particularly is an essential way of controlling the women and forcing them to continue in prostitution. It is typical that the women have to pay a daily/weekly or a percentage fee to the procurers. It is not unusual that the women have to pay all the required fees even if they do not have "enough" customers to be able to do it. This then leads to a debt bondage situation where the women are not allowed to quit prostitution because they are in debt to the organisation, and are thus tied to prostitution. The women may also be forced to pay different fines for breaking the "rules" set by the procurers or pay back the expenses they have already caused (e.g. travel expenses), or even the future loss they cause e.g. by quitting prostitution.

Another way of controlling the women is to restrict their freedom of movement and to set different kinds of rules. The women may do long hours and they may be advised not to leave the apartment and not to draw any attention on themselves in any way. They may not have any means to select their clients, and their communications with the outside world (such as family and friends) may be monitored or severely restricted. Also psychological or physical means of control may be used. These include especially threats of physical violence and psychological pressure. In addition to the violence and threats against the women themselves, sometimes the threats are directed against their families.

⁴⁸ The prices may have changed after our data collection.

Regarding the victims of trafficking and what happens to them afterwards, there is little direct information in our data. Some of the women return to their home country, while others continue in the prostitution business. Relatively few victims of trafficking for sexual exploitation have been admitted into the official support system established in 2006. Authorities themselves think that the system has a low threshold and have good experiences, while NGOs have criticised the inflexibility of the system and the exaggerated emphasis on the role of the authorities

13.2 Conclusions and discussion

To conclude, there are not many indications of total “prison-like” conditions regarding the prostitutes operating under criminal networks in Finland, but there is evidence of serious human rights violations regarding e.g. the circumstances and conditions in which the women are exploited and are living. The traffickers and procurers apply several means of control. For example strict rules, fines, large percentages of the earnings going to the organisation, debt bondage, force, threats and lack of the right to choose the clients, and when to give up prostitution are common for procured women operating under large-scale pandering networks.

The criminal groups covered in this study were not always very coherent, and therefore “criminal network” (cf. von Lampe 2003) might, indeed, be a better and more characteristic concept to describe the groups than the concept of a criminal organisation. However, the activity was often well organised and relatively large-scale (at least if the profits made and the harsh methods used against the women are taken into account). Although the activity do not always fulfil the required elements of organised crime defined in national law (or the aspect is not even considered in court) or in international agreements, the offences committed are often serious. Eventually, the main focus should not even be on the question whether the perpetrators have been members of organised crime groups or not, but in the crimes they have committed, the ways in which they have acted and in the violations the victims have suffered.

Trafficking in human beings and pandering are not always committed in the context of organised crime. Recently, there have been serious trafficking and (aggravated) pandering cases in which only a few, or even 1–2 perpetrators and only one woman/victim have been involved. Thus, the activity can be serious regardless of the number of persons involved and of the duration of the activity.

A special feature of the prostitution-related activities in Finland is the fact that many of the persons involved originate from the adjacent regions, mainly from the Eastern and Southern neighbouring countries. Further, it must be kept in mind that human trafficking and prostitution are not the same issue. On the other hand, the victims of trafficking do not always need to be foreigners, as has mostly been the case in Finland. All sex business in Finland does not

include human trafficking, but often at least some criminal activities such as pandering, tax offences etc. take place.

It is difficult to say what is going to happen in the future and how the human trafficking situation is going to develop. Human trafficking does exist in Finland, even if not many cases have emerged until now. The interpretation of the legislation on trafficking in human beings and the distinction between the legislation on pandering and trafficking in human beings is still unclear, and some parts of the current legislation are considered to be problematic. Potential trafficking cases are neither identified, investigated nor prosecuted as trafficking in human beings offences. Some authorities believe that with the current legislation, Finland will not have human trafficking in the future either, although it is evident that large pandering cases will appear also in the future.

Also identifying victims has proven to be very challenging. Potential victims are not identified, treated as victims by the authorities nor referred to victim services or the victim support system. It might be very harmful for potential trafficking victims if they are not identified or considered as victims. Finland's first trafficking in human beings verdict (as well as some pandering verdicts) showed that women selling sex are in a weak and subordinated position in relation to their traffickers and procurers, and that very harsh methods used by traffickers and procurers are part of this reality.

So far, most of the victims accepted into the victim support system have been victims of labour exploitation, not victims of sexual exploitation or prostitution-related trafficking. Of the few trafficking cases that have proceeded to court, most have been prostitution-related. One might ask why there have not been almost any victims of sexual exploitation/prostitution in the official victim support system.

In Finland, most of the persons convicted of trafficking in human beings and large-scale pandering cases have been male. However, sometimes also women have an active role in participating or aiding and abetting in trafficking and procuring activities. The role of the women is not very straightforward and clear. For example, prostitutes participating in the recruitment of new prostitutes and potential victims can themselves be seen as procurers or as victims, depending on the situation. If a woman is, for instance, forced to take part in the recruitment of new prostitutes to pay back some of her debts, can she be seen as one of the criminals among the others or should she be seen as a victim of the criminal activity? Furthermore, while advising "newcomers" may be seen as aiding and abetting in pandering or trafficking in persons in court, from another standpoint it may also be seen as helping the newcomers or even protecting the new women from the procurers.

Internationally, it has been found that the recruiters and traffickers are often women. On the other hand, it has also been noted that those who most often get caught by the police are so-called lower level actors, not the main traffickers or the leaders of the activity. Therefore, it might be the women in lower levels who get caught and punished for their actions, while the men in the higher levels are never caught. In any case, it would be important to catch and convict

the main organisers and profiteers of the activity, not only the “lower level” criminals.

One issue that could be raised is the definition of human trafficking. Apparently, it is not clear what the term means in different contexts and what people refer to when they use the term. There are legal definitions and for example the UN definition (see United Nations 2000) that are widely referred to. However, the phenomenon on the whole might, indeed, be broader than just a legal concept. The same applies to organised crime. Who can determine what is “human trafficking”? Should only the cases defined as trafficking in court be accepted as trafficking? From a sociological perspective, the phenomenon is broader (than just an offence), and the boundaries between human trafficking and different forms of exploitation are often difficult to specify clearly. A person may be exploited in many ways that resemble trafficking but these activities may not be considered to be trafficking in the legal sense. The definitions as well as the boundaries between different forms of exploitation should be analysed and discussed further.

As the trafficking situation develops in the future and the number of detected trafficking cases is probably increasing, it would be important to do more research on the nature of human trafficking, the volume and profile of the problem and its consequences using both qualitative and quantitative methods. A more precise picture both of victims and perpetrators and their ways of operating would be very important for a better understanding of the needs of victims and to develop new crime prevention methods. It is possible that in the future, the potential trafficking victims will more often stay in Finland and not only transit through Finland.

Also, the relationship between the criminals and the legal actors may be an interesting subject for further study. In addition, the recruitment of women into prostitution (and human trafficking) warrants further study particularly from the perspective of crime prevention. Unfortunately, the official data sources provide little information on this particular aspect. We encourage the authorities to pay attention to this element in their investigations and to raise these issues in court and police interrogations. However, a deeper study of recruitment would require a qualitative research project where the women themselves would be given a chance to speak out and be interviewed about their experiences.

While many experts including the police consider the law on sex purchases to be problematic and rarely applied, there has been a recent change in this. In a short period of time in 2008–2009, 36 sex buyers have been fined in the same case. This can be seen in a very positive light, but at the same time another problem has occurred: the sex buyers may not be as keen as before to make statements about the circumstances and the vulnerable situation of the woman from whom they have bought sexual services, because of their fear of punishment. This kind of information on the victims’ circumstances is essential when the courts try to decide whether a case is pandering or human trafficking. Therefore, we think that it is very important to monitor the legislative

discussion and decision-making related to these issues. Sex buyers are also a particularly important group with regard to prevention. They should be educated and made aware of the realities of human trafficking, so that they could pay more attention to certain signs that trafficked women often display, and realise that things are not always what they seem to be.

The changes in the global economy are often directly or indirectly reflected in prostitution and in the trafficking situation. These effects should be followed carefully. While in 2007 the experts were optimistic that due to the good economical situation in Estonia, prostitution in the country and to Finland would decrease, the recent economic crisis around the world has changed this conclusion. It is likely that people in difficult economic conditions try to improve their situation, and may thus become easy prey for traffickers. On the other hand, media sources say that the prices of sex may be on the decrease, as sex buyers have less money to spend. In addition, the women may have to compete over the fewer customers, and it is likely that their circumstances might have become even worse than before. What happens to those women who have to return home empty-handed or victimised, is unclear. Ultimately, the consequences of the economic changes and fluctuations are very complex and varied, and should never be over-simplified. This would be a very important and interesting subject for a further study.

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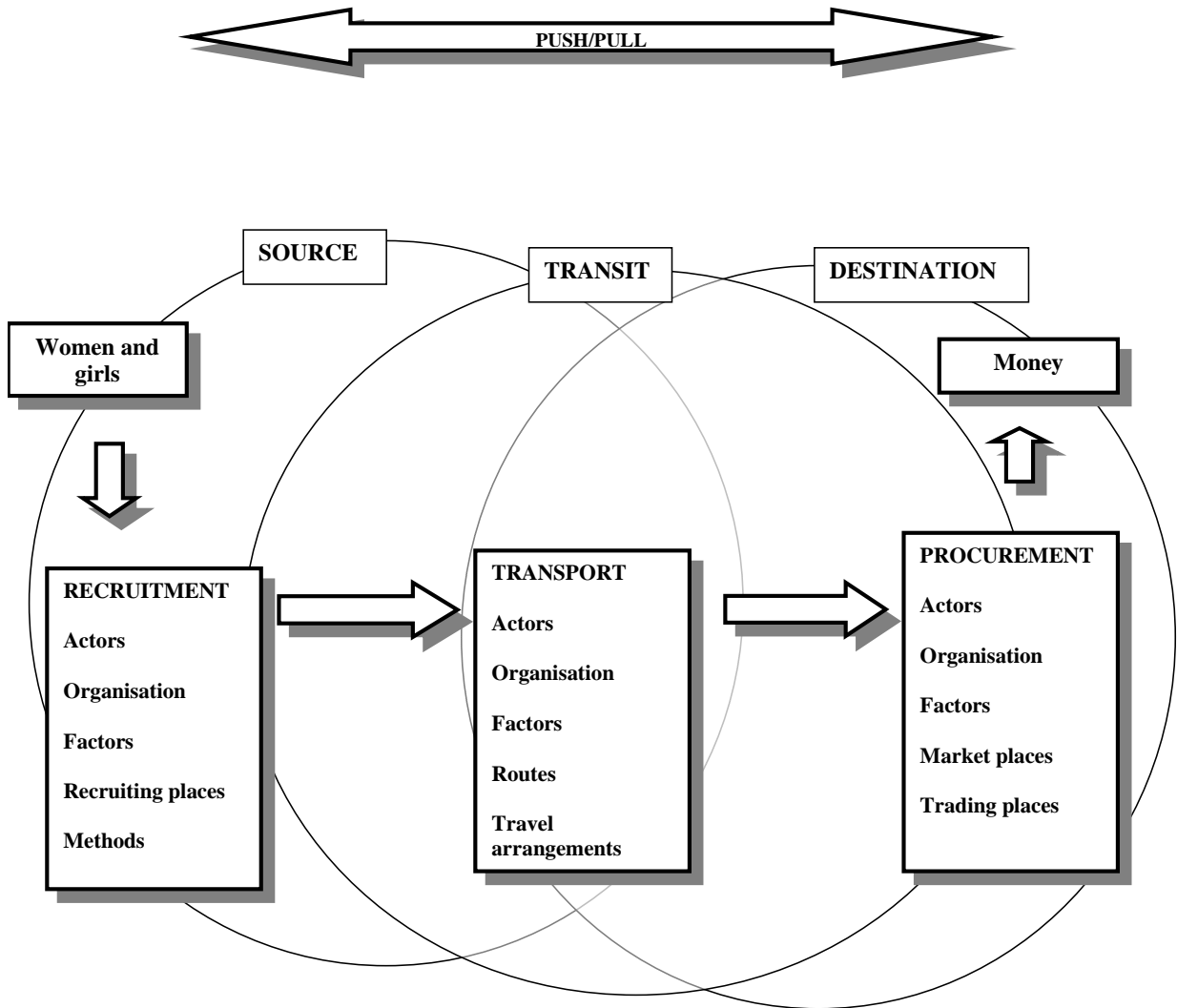
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Appendix

Appendix 1. Analytical model (Brå 2007; see also Brottsförebyggande rådet 2008, 17).



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